



VICTORIAN
ombudsman

INVESTIGATION REPORT

**Support when children are
sexually abused at school**

The Department of Education's response to
abuse in a Victorian primary school

February 2025

Warning: This report discusses child sexual assault and may be distressing to some readers. If you need support, you can contact the following services.

Children, young adults, parents and teachers can contact:

- Kids Helpline – 1800 55 1800
- Bravehearts – 1800 272 831

Adult survivors can contact:

- Blue Knot Foundation – 1300 657 380

**Published by order, or under the authority, of the Parliament of Victoria
February 2025**

Accessibility

If you would like to receive this publication in an alternative format, please call 9613 6222, using the National Relay Service on 133 677 if required, or email vocomms@ombudsman.vic.gov.au.

**The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria.
This respect is extended to their Elders past and present. We acknowledge their sovereignty was never ceded.**

Letter to the Legislative Council and the Legislative Assembly

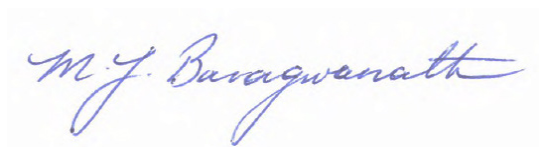
To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament my investigation report *Support when children are sexually abused at school: The Department of Education's response to abuse in a Victorian primary school*.

A handwritten signature in blue ink that reads "M. J. Baragwanath". The signature is written in a cursive style with a large, stylized initial "M".

Marlo Baragwanath

Ombudsman

13 February 2025

Contents

Summary	4	Changes made by the Department	45
What we investigated	4	Conduct and Integrity Division	46
Why it matters	4	Sexual Harm Response Unit	47
What we found	4	Impact of the changes	47
How the Department responded	5	Outcomes for the children	52
What needs to change	6	First child	52
Background	7	Second child	53
Why we investigated	9	Conclusions	55
Procedural fairness	12	Opinion	57
Context	12	Recommendations	58
Response to the eyewitness report of suspected child abuse	17	Appendix 1: Our investigation	59
School not provided accurate advice or sufficient support by the Department	22	Authority to investigate	59
First child's parents not informed about the eyewitness report or interview	26	How we investigated	59
First child interviewed without appropriate expertise or support	28		
Response to the disclosures of abuse by two children	29		
First child and their family not provided ongoing support	33		
Second child and their family not contacted or provided any support	37		
Other potential victims not considered	39		
Information provided to parents not adequate	40		
No internal review of the Department's response	43		

Summary



I am trying to move on which has proven harder than expected ... I didn't think it would make me cry for weeks and hate myself for months ... but it does ... I feel broken and used. I feel like I don't deserve happiness or love ...

First child discloser

What we investigated

We received complaints about how the Department of Education ('the Department') and a Victorian government primary school ('the School') responded to allegations of the sexual abuse of two children by a teacher.

Some years ago, a staff eyewitness alleged they saw the teacher inappropriately touching one of the children in the playground. The School interviewed the child and spoke with police but did not inform the parents. The School and the Department determined there was 'no substance' to the allegation. Police agreed.

Three years later, the child involved disclosed that the teacher had abused them for several years. A second child then disclosed abuse by the same teacher.

We investigated the actions taken in response to the staff eyewitness report and child disclosures and whether these met the expectations set out in legislation and Department policy.

Why it matters

Child sexual abuse happens in schools across Victoria. The Commission for Children and Young People received 611 allegations about sexual misconduct and sexual offences in the education sector in 2023-24.

The *Charter of Human Rights and Responsibilities Act 2006* (Vic) ('Human Rights Charter') requires the Department to protect children and act in their best interests. The Department and schools also have legislated duties to prevent, respond to and report allegations of child sexual abuse.

The complaints we investigated demonstrate that when allegations and disclosures of abuse are mishandled, the trauma experienced by the child victim-survivors, their families and the broader school community can be exacerbated.

What we found

In relation to the response to the staff eyewitness report of suspected child abuse:

- **The School was not provided with accurate advice or sufficient support by the Department.** The School reported receiving little support and was not directed to the correct policy. This led to decisions and actions that did not comply with legislation and departmental policies, and did not meet Victoria's Child Safe Standards.
- **The first child's parents were not informed about the staff eyewitness report or interview.** The family only became aware of the report and that their child was interviewed about it at a court hearing three years later.
- **The first child was interviewed without appropriate expertise or support.** The Department told the School to ask the first child indirect questions about what they had done at playtime. The child did not disclose any abuse and – largely for this reason – no teacher wrongdoing was found at the time. An interview by an expert would have had a greater chance of obtaining a disclosure, reducing by years the time children at the School were exposed to the teacher.

In relation to the response to the disclosures of abuse by two children:

- **The first child and their family were not provided with immediate and ongoing support.** The Department's Student Support Services ('SSS') team was meant to provide counselling and other help. The Department thought this was happening but, in an apparent communication breakdown, it didn't and there was no follow-up by the Department. This left the family to deal with things on their own and they struggled to support their child and organise counselling.
- **The second child and their family were not contacted by the Department or provided any support.** The second child had moved schools and disclosed their abuse directly to police. At the time, the Department had no direct relationship with the second child and did not make contact until four years after the disclosure.
- **The Department did not check whether there were other potential victims.** The School provided some information about the teacher's arrest and conviction to the families of students at the School. However, at the time neither the School nor the Department contacted the families of the teacher's former students at any of the multiple Victorian government schools the teacher had worked at.
- **The information provided to parents was not adequate.** The first child's family was not informed or consulted before the School sent a letter about the teacher's arrest, drafted by the Department, to all School families. The first child's family received the same letter as every other family. The letter did not name the teacher or specify that the abuse had occurred at the School and many parents in the broader School community felt they had not received enough information and were angry. As the second child had left the School, their family received no communication from the School or Department at all.

- **The Department did not conduct an internal review of its response to the disclosures.** Departmental policy required a review, and the School had also received complaints from several parents and staff about how the matter had been handled.

Overall, we found that the Department's response to the allegations and disclosures of sexual abuse at the time was inadequate, and in some respects seriously so. The Department did not follow its own policies and did not meet its legislated responsibilities, meaning it failed to prioritise the safety of children and the welfare of their families.

How the Department responded

[T]he Department acknowledges that there were failings in the way that the Department and its staff responded to the ... incident. I am deeply sorry about what occurred to the first and second victim-survivors.

...

[S]ignificant integrated reform ... has been undertaken to the way the Department responds to allegations of child sexual abuse and to strengthen coordination and oversight of child safety risk through the establishment of a dedicated senior executive committee on child safety.

Secretary of the Department of Education

While our investigation was underway, and in consultation with us, the Department reviewed its actions and policies, and commissioned the Victorian Government Solicitor's Office to investigate its response, systems and processes.

The Department also started making significant reforms to better integrate the way it responds to allegations of child sexual abuse. It has created two new teams with specialised staff: the Conduct and Integrity Division and the Sexual Harm Response Unit. These changes should lead to better communication and support for children affected by abuse and their families, as well as for Principals and schools.

The Department has also formally apologised to both children. The first child was compensated as part of a civil claims process. The second child's family was given information about compensation and counselling by the new Sexual Harm Response Unit and is currently seeking compensation from the Department.

What needs to change

Building on changes already made, we made four recommendations intended to:

- ensure support is provided to child victim-survivors, their families and all affected parties as soon as practicable
- ensure school and other Department staff are aware of the 'no wrong door' approach to reporting child abuse allegations and that all allegations should be forwarded to the Conduct and Integrity Division, specifically formed to receive and manage child abuse allegations
- place responsibility on senior Department officers to oversight child safety
- ensure the Department's accountability by publicly reporting the number of child abuse allegations made each year.

The recommendations are set out in full on page 58 of this report.

Background


In Victoria, the Department of Education ('the Department') and its staff have duties to prevent child abuse and to respond to allegations about it. Relevant legislation includes:

- *Child, Youth and Families Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Crimes Act 1958* (Vic).

The Department is also subject to the Human Rights Charter which requires the Department to protect children and act in their best interests.

This report examines how the Department and a Victorian government primary school ('the School') responded to an eyewitness allegation by a staff member of inappropriate touching by a teacher and to the subsequent disclosures from two children of abuse at the School over several years.

A Victorian teacher pleaded guilty and was convicted of multiple sexual offences against the two students four years after the staff eyewitness first reported a problem.



When a child is [young] they are naive and innocent and when most people look back they think of how easy life was and how they didn't need to worry about anything. I don't get that pleasure. Instead, I am still working through the facts of what I have had to deal with ...

At the moment I am trying to move on which has proven harder than expected ... I didn't think it would make me cry for weeks and hate myself for months and I didn't think it would hurt this much ... but it does ... It has changed my opinion of myself a lot. I've been having trouble sleeping and generally being happy. I spend most of my time in my room ...

I've been seeing someone to help me but honestly, I feel broken and used. I feel like I don't deserve happiness or love ... I can't look in the mirror because I see a stranger.

First child discloser



[T]here's not a lot of days that pass where I don't think about it, or something comes up and it makes me think about it ... I even dream about it sometimes, I have dreams ... and I'd wake up crying, it's not fun. I just don't know how to deal with it, without sitting in my room on my own crying about it.

...

It's just going to hurt every time we talk about it.

Second child discloser



We're most concerned about what happened at the School because it affects us and our [child] and everyone we know.

It's only now after some time has passed, we get to the point that we can probably look back and go, hang on, there were a lot of things that could have been done a lot better.

It would have been darn nice for someone from the Department to acknowledge what happened. Not only did we get no contact, we got no acknowledgment that all this had happened. No apologies ever. No contact from day dot, ever, from anybody, ever.

Parent of first child discloser

This report discusses two children.

The child referred to as 'the first child' was the first to disclose their abuse. They were abused by the teacher during the teacher's fourth to sixth years employed at the School.

The child referred to as 'the second child', was abused by the teacher before this, in the teacher's third year at the School. They are referred to as the second child in this report because they were second to disclose.

This report does not name or identify the School or any of the individuals involved in this investigation and does not include the dates of any events. This has been done to protect the privacy of the children and their families while still allowing their story to be told.

The children and their families supported the publication of this report.

Why we investigated

Three years before the teacher's arrest, a staff eyewitness reported seeing the teacher in the School playground inappropriately touching a child ('the first child').

The School consulted the Department about the process to follow, and interviewed the staff eyewitness, the child and the teacher. The School concluded the eyewitness report had 'no substance'. Victoria Police attended the School, made enquiries and agreed with the School's assessment.

The teacher left the School two years after the eyewitness report but remained employed in the Victorian government school system until the first child disclosed the abuse – a year after the teacher left. The teacher was then arrested and charged, and resigned.

Following news of the teacher's arrest, another child ('the second child') disclosed directly to the police that the teacher had also sexually abused them.

After the teacher's conviction, some members of the affected school communities expressed alarm that the teacher's offending had not been identified three years earlier.

Four years after the eyewitness report and one year after the children's disclosures, we received public interest complaints about the Department's and the School's handling of the eyewitness report and the children's disclosures of abuse.

We consulted with the Department about the complaints and it agreed to review its handling of the matter. It sought legal advice about whether its policies and procedures complied with its legal obligations to students and staff.

After this, we suggested the Department investigate whether it had appropriately guided the School. The Department briefed the Victorian Government Solicitor's Office ('VGSO') to do this.

When Victoria's school regulator – the Victorian Registration and Qualifications Authority ('VRQA') – became aware of the teacher's arrest and conviction through media reports, it also investigated whether the School had complied with relevant child safety standards and regulations.

We awaited the outcomes of these other investigations before acting further.

Eighteen months after VRQA first requested information from the Department, VRQA concluded that the School had not complied with the relevant standards at the time of the eyewitness report, but that the School was now compliant.

More than a year after it had been initially suggested – and more than three years after the children's disclosures – the VGSO's investigation, endorsed by the Department, was provided to us.

VGSO found that critical guidance for managing the allegation of child sexual abuse was not followed by the Department and the School. However, VGSO concluded that this was due to a lack of clarity in the Department's policies and procedures, not due to staff errors. VGSO found no basis to review the conduct of individual Department or School employees.

At this point, the Department had not yet apologised to either of the two children. Throughout our involvement with the Department, we conveyed our concerns about its continuing lack of contact with and support for the children and their families.

The Department's response to our concerns seemed unnecessarily legalistic at times. The Department also responded that it was taking 'a trauma-informed approach in deciding whether and how to approach' the families, noting the risk that unsolicited contact could cause further harm.

However, the Department should have supported the children and their families much earlier than it did, and there was no reason the Department couldn't have issued apologies when the teacher was convicted. The Department advises that this is now its established practice.

An apology was ultimately made to the first child five years after their disclosure when civil proceedings against the Department were finalised, and after four years to the second child who had not yet commenced legal action.

We were also concerned that the Department and the School had not assessed the risk of other potential victims.

Overall, our concerns raised the question of whether the Department's staff, systems and policies adequately supported schools to respond to allegations of child sexual abuse.

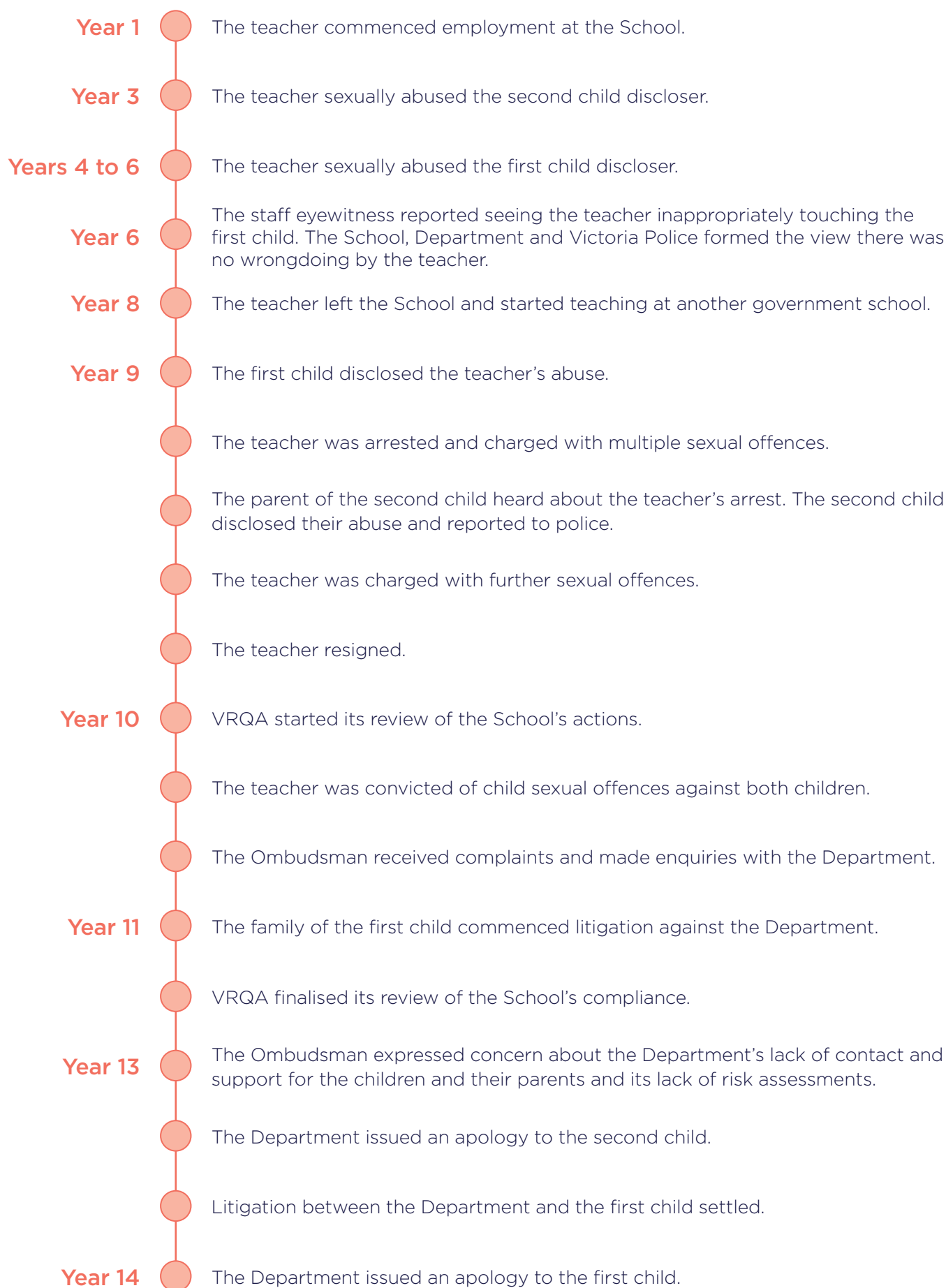
These matters suggested the breakdown of systems, rather than any malicious intention by individuals. We decided to discontinue the public interest complaints we were investigating and begin an investigation into the broader systemic issues.

On 12 July 2023, the former Ombudsman notified the Secretary of the Department and the Minister for Education of her intention to conduct an 'own motion' investigation under section 16A of the *Ombudsman Act 1973* (Vic).

The Terms of Reference were to examine the decisions, acts and failures, taken by or in the Department in relation to:

- a report to the School that a teacher inappropriately touched a child
- a disclosure by that child
- the Department learning of a similar disclosure by a second child about the teacher
- the teacher being charged with sexual offences
- the teacher's conviction
- the Department's responsibilities in informing, or making enquiries about the teacher's conduct
- the compatibility of the Department's actions and decisions with the human rights in the Human Rights Charter and the Department's consideration of these human rights.

Figure 1: Timeline



Procedural fairness

This investigation was guided by the civil standard of proof which requires that the facts be proven on 'the balance of probabilities'. This differs from the criminal standard of 'beyond a reasonable doubt'.

To reach our conclusions, we considered:

- the nature and seriousness of the matters examined
- the quality of the evidence
- the gravity of the consequences an adverse opinion could create.

This report makes adverse comments, or includes comments which could be considered adverse, about the actions and decisions of the Department and the School. In line with section 25A(2) of the Ombudsman Act, we provided the relevant parties with a reasonable opportunity to respond to the report. This report fairly sets out their response.


Relevant excerpts of the draft report were also provided to some parties who were not the subject of any adverse comments, to confirm factual accuracy.

In line with section 25A(3) of the Ombudsman Act, we make no adverse comments about anyone else who can be identified from the information in this report. They are named or identified because:

- it is necessary or desirable to do so in the public interest
- identifying them will not cause unreasonable damage to their reputation, safety or wellbeing.

Context

Child sexual abuse in Victorian government schools

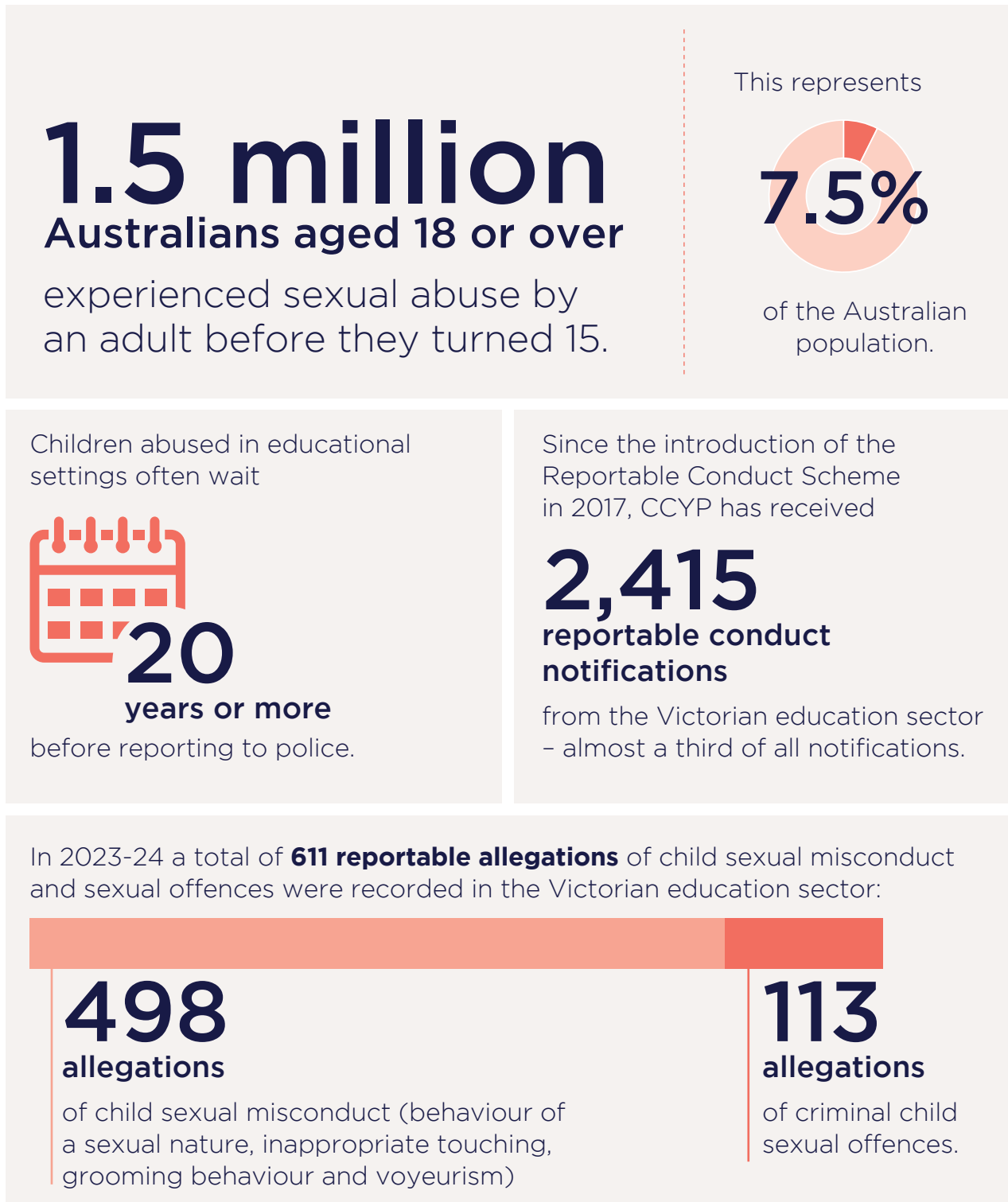


While media reports continue to detail inquiries into past abuse in organisations, the Commission's figures ... are a wake-up call that abuse in multiple forms is still happening and will continue to profoundly harm the lives of children and young people unless it is prevented and addressed.

**Victorian Principal Commissioner
for Children and Young People**

Victoria has a Reportable Conduct Scheme which requires organisations in contact with children to notify the Commission for Children and Young People ('CCYP') of any allegations of child abuse made against their workers and volunteers. This means CCYP holds useful data on the prevalence of child sexual abuse in various sectors.

Figure 2: Child sexual abuse statistics



Source: Commission for Children and Young People *Annual Report 2023-24* and Australian Bureau of Statistics 2022 data

Legislation and guidance

At the time of the eyewitness report and the children’s disclosures, guidance about responding to child sexual abuse was available to schools and Departmental staff. This guidance derived from Victorian child safety laws including the Human Rights Charter.

The Department advised that consideration of the Human Rights Charter is ‘built into department policies’. The relevant policies at the time included:

- *Child Protection Policy*
- *Reporting and Managing Incidents Policy*
- *Risk Management in Schools Policy*
- *Planning and Responding to Critical Incidents Policy*
- *Duty of Care Policy*
- *Police and DHS Interviews Policy*
- *Protecting Children – Reporting and Other Legal Obligations Policy.*

These outlined staff responsibilities for protecting children, forming a ‘reasonable belief’ that an incident had occurred, reporting, confidentiality, professional protection, interviewing and supporting the child, and conducting reviews and risk assessments.

The most relevant and practical guidance for the Department and its schools were Victoria’s Child Safe Standards and the Department’s guidance material *Identifying and Responding to All Forms of Abuse* (‘IRAFA materials’).

Child Safe Standards and related Ministerial Orders

The Child Safe Standards were established under the Child Wellbeing and Safety Act. At the time of the eyewitness report, there were seven standards that described high level requirements and outcomes for agencies.

Figure 3: Child Safe Standards at the time of the eyewitness report

	Schools are expected to have:
Standard 1:	Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
Standard 2:	A Child Safe Policy or Statement of Commitment to Child Safety
Standard 3:	A Code of Conduct that establishes clear expectations for appropriate behaviour with children
Standard 4:	Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
Standard 5:	Processes for responding to and reporting suspected child abuse
Standard 6:	Strategies to identify and reduce or remove risks of child abuse
Standard 7:	Strategies to promote the participation and empowerment of children

Source: Ministerial Order 870 *Child Safe Standards – Managing the Risk of Child Abuse in Schools*

Since 2022, there have been 11 standards. Agencies need to lead and embed a culture of child safety and ensure there are resources and processes in place to enable the agency to appropriately respond to allegations of child sexual abuse.

The Child Safe Standards apply to all organisations that provide services for, and engage with, children in Victoria.

The Department and its staff must comply with the Child Safe Standards and also has a role in ensuring its schools comply with them and complete mandatory annual training.

To support the Child Safe Standards, the Minister for Education issued Ministerial Order 870 *Child Safe Standards – Managing the Risk of Child Abuse in Schools* ('Ministerial Order 870').

Ministerial Order 870, which applied until 1 July 2022 when it was replaced by Ministerial Order 1359, required schools to demonstrate compliance with the Child Safe Standards. VRQA will not register schools if they do not comply with the standards.

Identifying and Responding to All Forms of Abuse materials

The IRAFA materials are available to schools through the Department's PROTECT website. They align with the Child Safe Standards, the relevant Ministerial Order and the Department's policies. The IRAFA materials provide detailed guidance to how to identify and respond to allegations, disclosures or suspicions of child sexual abuse, including by a staff member.

The IRAFA materials cover topics like understanding your obligations, identifying signs of child abuse, and privacy and information sharing. They also include a quick reference flowchart *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* ('Four Critical Actions'). These four actions are to:

- respond
- report
- contact the parents or carers
- provide ongoing support.

The IRAFA materials provide guidance to help staff decide if they have formed a 'reasonable belief' or a 'belief on reasonable grounds' that the alleged conduct occurred. They state a 'reasonable belief is a deliberately low threshold' and could be formed based on a person saying they believed a child had been abused.

The IRAFA materials also include a reporting template, *PROTECT – Responding to Suspected Child Abuse: A Template for all Victorian Schools* ('Reporting Template') to be used to keep records of the actions taken by a school. It is intended to be completed even when schools decide not to report allegations and it contains a review checklist.

Inquiries and Royal Commission

Several Australian inquiries have made recommendations about preventing and responding to allegations of child sexual abuse. These inquiries led to legislative and policy reform aiming to better ensure the safety of children.

Figure 4: Relevant Australian inquiries into child sexual abuse

<p><i>Victoria’s Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and other Non Government Organisations</i> (‘Betrayal of Trust inquiry’) November 2013</p>	<p><i>South Australia’s Report of the Independent Education Inquiry</i> (‘Debelle Report’) September 2014</p>
<p>This report noted a lack of government oversight of organisations’ systems and processes for responding to child abuse. It recommended establishing the Commission for Children and Young People to oversee and monitor the handling of child abuse allegations within government departments and non-government organisations. CCYP undertakes independent investigations and ensures agencies adhere to the Child Safe Standards.</p>	<p>This report examined the failure to tell a school community about allegations of child sexual assault by an employee of an out of school care service. The report described fundamental steps to be taken by schools including notifying police, the child’s parents and various areas of the education department. It also outlined steps to be taken by the department including assisting the school, providing counselling and support for the child, their parents and others in the community, assessing the risk of other potential victims and providing information to those with legitimate interests.</p>
<p><i>National Royal Commission into Institutional Responses to Child Sexual Abuse</i> December 2017</p>	<p><i>Victoria’s Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools</i> February 2024</p>
<p>The Commission’s final report noted that 2,186 children – about one third of those the Commission heard from or about – had been sexually abused at schools. The Commission found some schools lacked policies and procedures to prevent or respond to child sexual abuse. Where they did exist, they were poorly implemented, leaving staff uncertain as to how to respond to reports or suspicions. The Commission pointed to inadequate complaints processes, and investigations or disciplinary actions that contributed to principals and staff failing to act on complaints. The Commission identified poor leadership and governance, a lack of accountability, and cultures that prioritised protecting the school over the safety of children.</p>	<p>This report gathered evidence of child sexual abuse perpetrated by four main perpetrators at Beaumaris Primary School and 23 other schools between the 1960s and 1980s. The report examined the Education Department’s responses and found an absence of policies and training. It identified a culture that prioritised the reputation of the education system over the safety of children. The report assessed the effectiveness of support services for adult victim-survivors of child sexual abuse in government schools and recommended that the Department apologise and also improve its transparency.</p>

Source: Victorian Ombudsman

Response to the eyewitness report of suspected child abuse

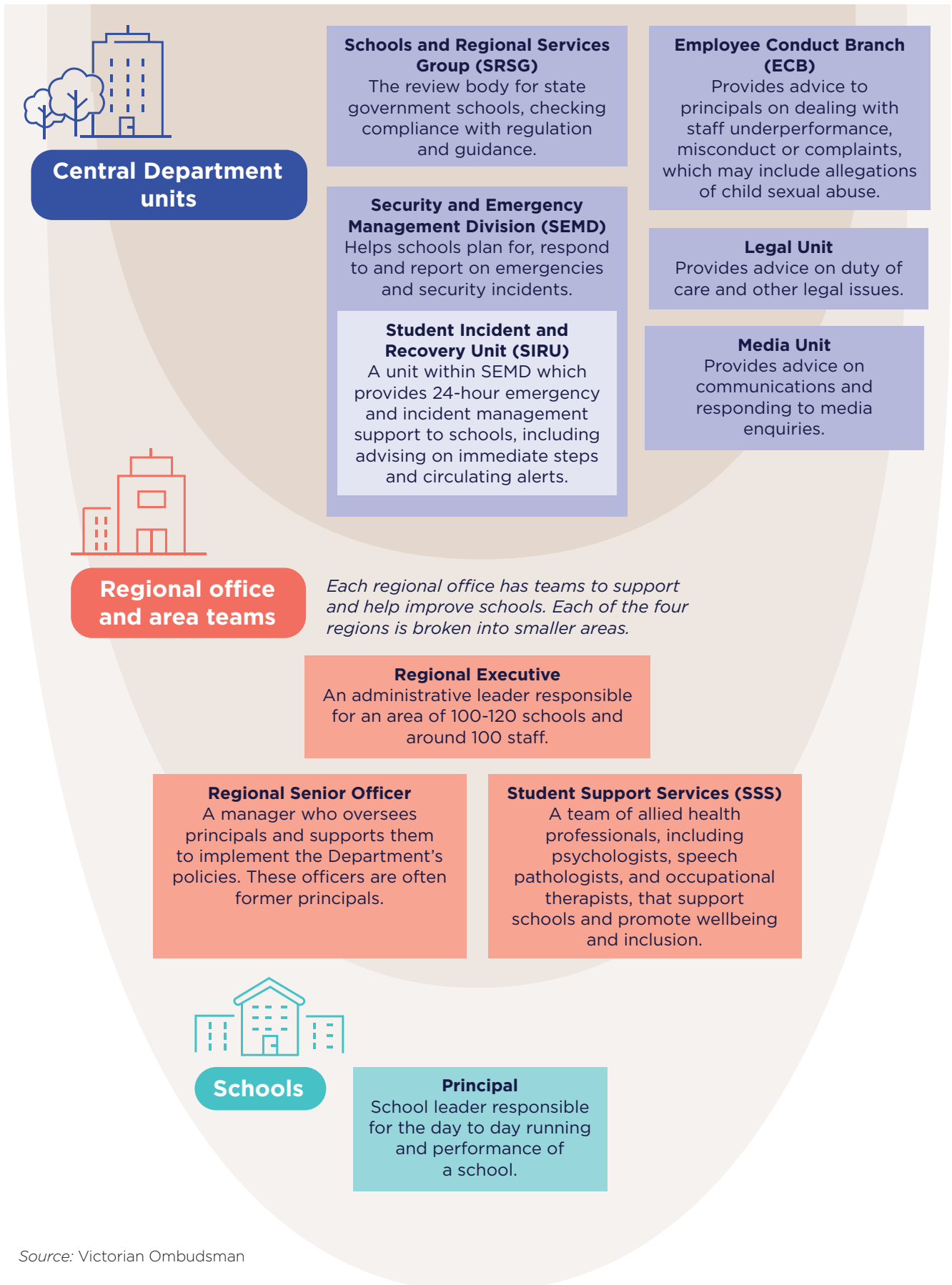
Three years before the two children disclosed their abuse by the teacher, an allegation of child sexual abuse was made by a staff eyewitness at the school.

The staff eyewitness reported to the School's leadership that they saw the teacher touching the first child inappropriately. The eyewitness was clear that they were making an accusation of child sexual abuse, saying 'Get [the teacher] away from children, I know what I saw'.

The response to the eyewitness report involved staff at the School and in various units within the Department.

The Department provided advice to the School both at the regional level and through a central office.

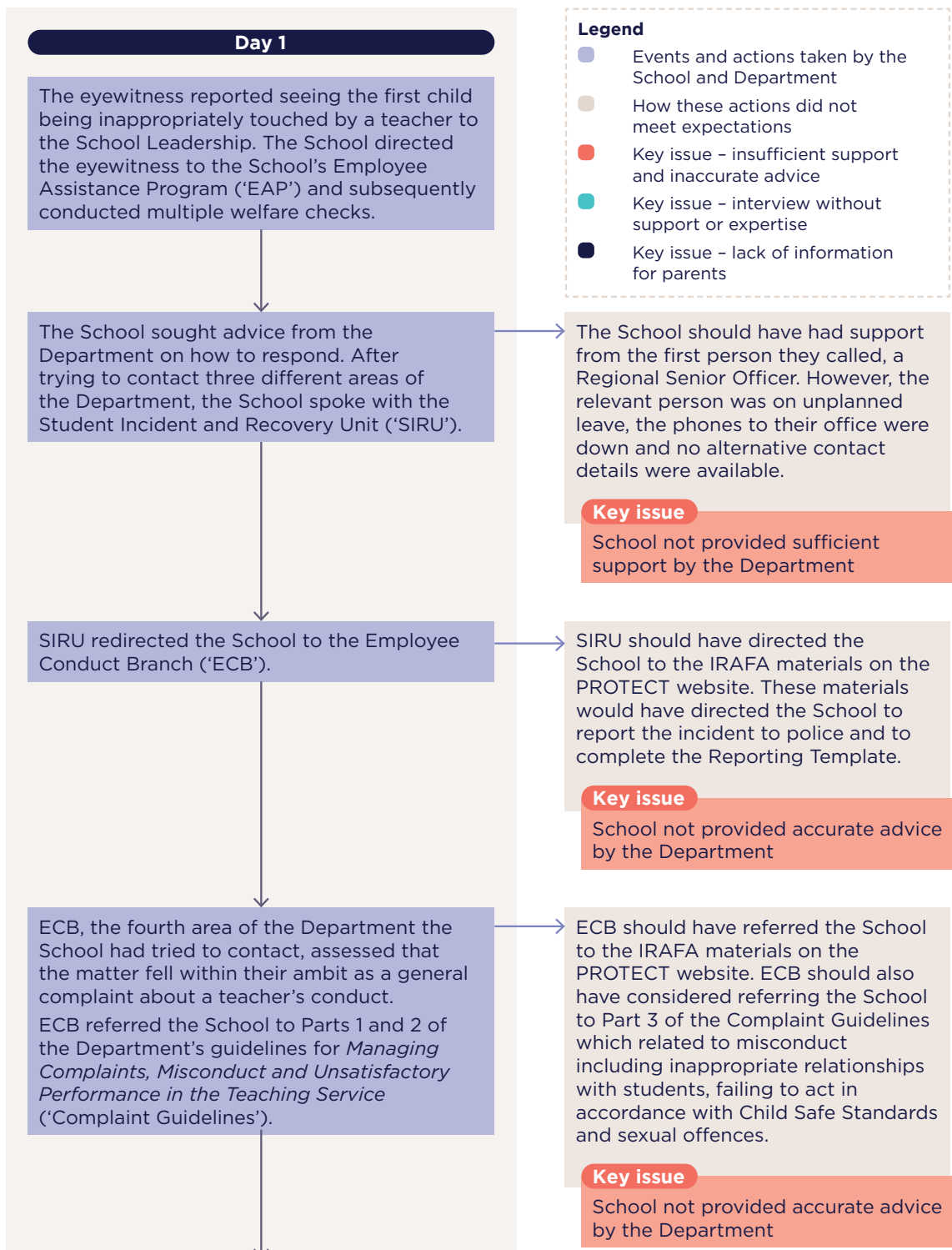
Figure 5: Relevant units and roles within the Department at the time of the eyewitness report

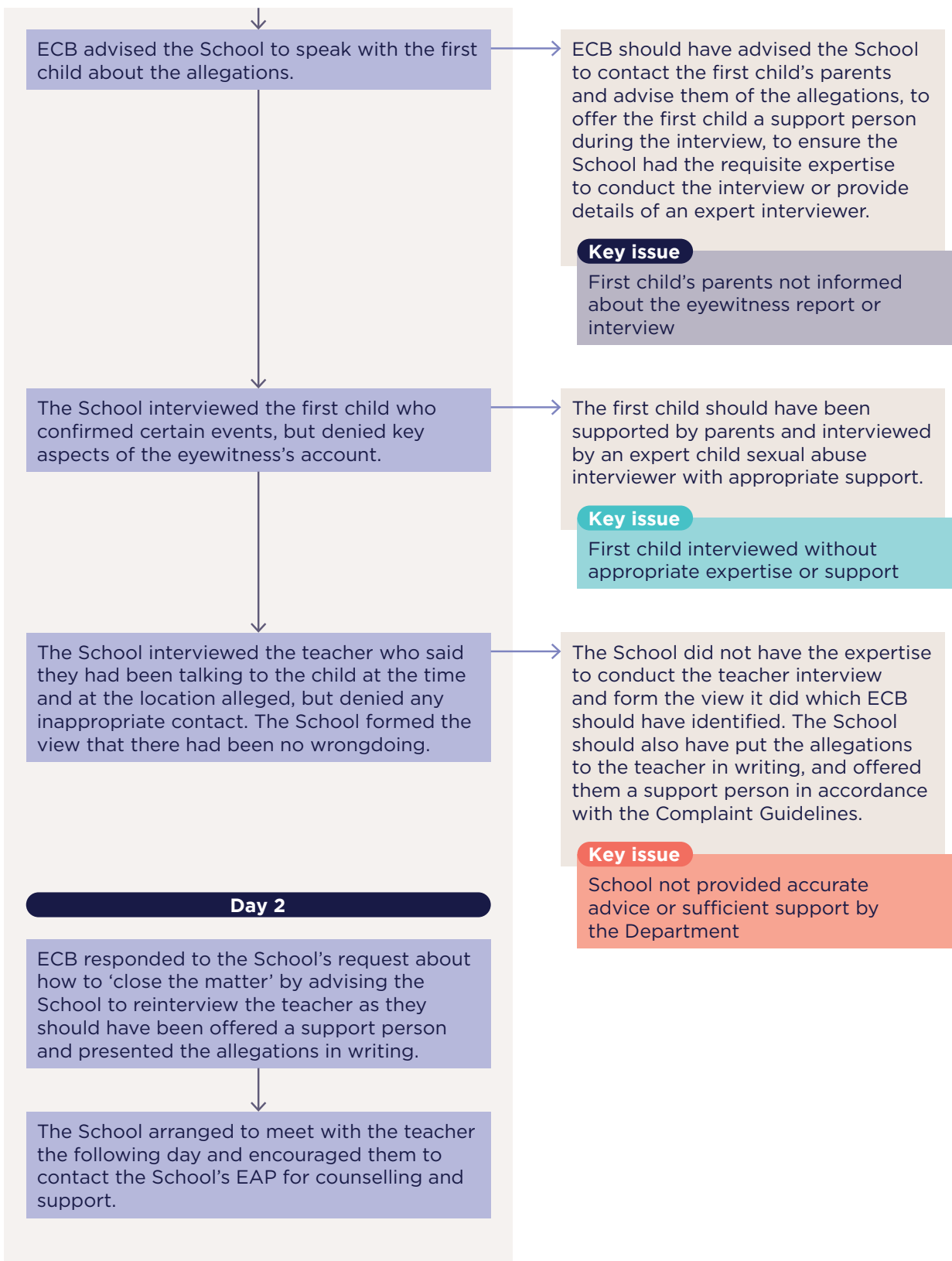


Source: Victorian Ombudsman

When the School contacted the Department for help, the Department’s advice was not correct, coordinated or consistent. This led to decisions and actions that did not comply with legislation and departmental policies, and did not meet four relevant Child Safe Standards.

Figure 6: Summary of the actions taken in response to the eyewitness report showing which actions did not meet expectations





Day 3

Having not received any definitive response that allegations had been reported to police, the eyewitness did so.

The eyewitness told the School they had made a police report. The School told the eyewitness that it had not reported the matter to police 'as per instructions of process from [the Department]'.

The School should have been advised by the Department to report the matter to police. The eyewitness's suspicion was enough to constitute a 'reasonable belief' that abuse had occurred so it should have been reported.

Key issue

School not provided accurate advice by the Department

The School interviewed the teacher again and did not change its view.

The Regional Executive, who should have been trained on IRAFA, should have assisted and supported the School by ensuring the School had properly reviewed the information and arrived at a reasonable view about whether abuse had occurred.

Key issue

School not provided sufficient support by the Department

The School, supported by a Regional Executive, met with the eyewitness and their support person to discuss the School's investigation.

Day 4

Police from the Sexual Offences and Child Abuse Investigation Team ('SOCIT') attended the School. They inspected the grounds and spoke to the School leadership, and determined that the teacher had 'provided a reasonable account of [their] movements and actions'.

The School emailed the Regional Executive and ECB to confirm the outcome of its investigation, and seek feedback on its outcome letters to the eyewitness and the teacher.


ECB and the Regional Executive should have advised the School to complete the requisite review because part of their role was managing complaints about staff which required an awareness of the IRAFA materials.

Key issue

School not provided accurate advice by the Department

The evidence is that the School was not provided with accurate advice and sufficient support by the Department which resulted in the first child and their family not being properly informed or supported by the School. Each of these key issues identified in Figure 6 is discussed below.

School not provided accurate advice or sufficient support by the Department

 *[Schools are required] to manage the curriculum, staff, children, community welfare, finance, bricks and mortar, termites, snakes and you are expected to be across every process – and you're not. So, you reach out for support.*

... We were all shocked at the time.

... I asked if I needed to do anything else and no one said anything.

School Leadership

As required by the Child Safe Standards and Ministerial Order 870, the School had a Child Safe Policy and had provided signed statutory declarations to VRQA stating that the School was compliant with the Child Safe Standards.

On this basis, the Department believed the School was aware of the PROTECT website and the IRAFA materials.

However, it appears this knowledge, much of it not new, was not embedded in the School. While the School Leadership and staff completed annual online training provided by the Department about responding to allegations of child sexual abuse, the School had no expertise or experience in dealing with such allegations and was uncertain of what steps to take. The School was heavily reliant on the Department and told us that it had carefully followed the Department's instructions. Notes made by the School Leadership at the time recorded:

Not having had experience with a situation involving a student and a teacher before, [the School Leadership] wanted to check [the] processes were correct.

According to the School's notes, the School's first call was to a Regional Senior Officer. This was the appropriate person to contact but they were on unplanned leave. The School then called another Regional Senior Officer, leaving a message requesting urgent advice.

After half an hour and no response, the School contacted the regional Student Support Services unit, which was also appropriate. This unit put the School in touch with the Student Incident and Recovery Unit ('SIRU').

However, SIRU advised the School that it only dealt with 'student to student incidents' and the Department has stated that this was correct. The IRAFA materials state only that SIRU's role was to 'support regions and Victorian Government schools to respond to critical incidents of a sexual nature'. The IRAFA materials did not impose any limitations on the incidents SIRU dealt with, showing an inconsistency between the IRAFA materials and practice. There are scant records of what information the School provided to SIRU, but it is clear SIRU considered that it could not deal with this matter.

What SIRU did do was email the School two fact sheets about disclosing suspicions of sexual abuse against children. These stated that an adult forming a 'reasonable belief' that a sexual offence had been committed by an adult against a child was required to report this to police. Failing to do so was a criminal offence.

While this information was relevant, SIRU should also have directed the School to the IRAFA materials on the PROTECT website and encouraged it to complete the Reporting Template. This would have prompted the School to:

- record the allegations
- record the rationale for forming the view that no abuse had occurred
- report the allegations to police
- support the child
- contact the parents
- review the School's response to the allegations four to six weeks after the report
- identify improvements for the School and Department.

Had the School or Department reviewed their responses at the time they may have reassessed the risks and identified gaps in the School's and the Department's responses.

Instead of directing the School to the PROTECT website, SIRU redirected the School to the Employee Conduct Branch ('ECB').

ECB considered the complaint fell within Parts 1 and 2 of the Department's guidelines for *Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service* ('Complaint Guidelines'). There was no consideration of an escalation to Part 3, the most relevant part.

Figure 7: Parts of the Complaint Guidelines

Part 1:	Part 2:	Part 3:
General principles such as fairness, values, confidentiality, employee support and complainant protection	Guidelines for managing complaints	Guidelines for managing misconduct including inappropriate relationships with students, failing to act in accordance with Child Safe Standards and sexual offences.

Source: *Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service*

ECB subsequently told VGSO '[W]e don't tell them to read parts until they need to consider them'. As the School said the child had not disclosed any abuse by the teacher, ECB did not think it was necessary to refer the School to Part 3.

While the guidelines were relevant, even if ECB had directed the School to Part 3, this was the not the most appropriate policy. The School should also have been directed to the IRAFA materials on the PROTECT website.

The Department told VGSO it only expected ECB to provide advice on the Complaint Guidelines. In our view this includes advising when the Complaint Guidelines are not the most appropriate policy. The Complaint Guidelines contained no link to the PROTECT website or other guidance on the Child Safe Standards.

The Department went on to say ECB was not required to advise the School about the Child Safe Standards or related Ministerial Orders. ECB told VGSO it was not really aware of the relevant Ministerial Order. VGSO records show it told VGSO that it was only anecdotally aware of the resources used by schools, like the PROTECT website, stating it was not within the scope of things it would be advising on.

While ECB did not consider it had a role in referring to IRAFA, not all departmental staff took this view. The Regional Senior Officer told VGSO that the process for responding to allegations of child sexual abuse required a school to report the allegation to ECB and police if the allegation was against a staff member. The Regional Senior Officer said that ECB would be expected to reference 'PROTECT and guidelines re misconduct, unsatisfactory performance and complaints'.

Both SIRU and ECB staff appear to have interpreted their roles narrowly. However, all departmental staff involved in responding to allegations of child sexual abuse are meant to comply with the Child Safe Standards. In this case, the actions of SIRU and ECB staff did not comply with the standards, or with various departmental policies.

When issues of child sexual abuse are raised, it is appropriate that the Department has a 'no wrong door' approach. In this case, the School, recognising the serious nature of the allegations and its inexperience in dealing with child sexual abuse, contacted the correct area of the Department for guidance but did not receive the help it needed.

What ECB did, in addition to providing the School with Parts 1 and 2 of the Complaint Guidelines, was to advise the School to speak with the child about the allegations and call back.

The School's notes recorded slightly different directions – to interview the child, record what happened, ring police if the child disclosed abuse, and, if the child did not disclose abuse, to interview the teacher.

The School interviewed the first child who confirmed they had been with the teacher in the location where the eyewitness saw them, but denied key aspects of the eyewitness's account. The School had not informed the child's parents, and the child had no support at this interview.

The School then interviewed the teacher who told the School they had been talking to the child at the time and location alleged, but denied any inappropriate contact. The School suggested the teacher contact the School's employee assistance program ('EAP') for support.

After ECB became involved, the School also got in contact with the Regional Senior Officer they had left a message with that morning, and with the Regional Executive.

After interviewing the child and the teacher, the School advised ECB of its progress and forwarded its notes to ECB, the Regional Senior Officer and later, the Regional Executive.

The next day, ECB told the School to re-interview the teacher or obtain their written response to the allegations 'as required by natural justice'.

ECB later told VGSO the School had not followed its advice. ECB said the allegations should have been put to the teacher in writing, and the teacher should have been offered a support person in accordance with the Complaint Guidelines.

ECB wrote to the School:

I am assuming from your notes and comments that you do not believe that [the teacher] engaged in any inappropriate behaviour. Please correct me if I am wrong. Assuming I am correct, I do not believe you need to contact the Police in relation to this matter.

...

I was anticipating a call from you yesterday after you spoke to the student and before you spoke to [the teacher] however I note that you have already raised the issue with [the teacher]. That's not a problem but I believe you need to speak to [the teacher] again to be perfectly clear with [the teacher] about specifically what was alleged, and by whom, and allow [the teacher] a full opportunity to comment on this.


The School told us it 'did the things [it was] told by the ECB to do'.

Despite some apparent disagreement about the details of ECB's advice on the day of the eyewitness report, the School seems to have largely followed the advice of ECB. If ECB was concerned that the School was not following proper process, this could have led ECB to more carefully consider whether the School's handling of the incident was appropriate or whether the School needed more assistance from ECB.

The next day, the eyewitness reported what they had seen to police and the School interviewed the teacher a second time. The teacher described the first child as 'interfer[ing] with personal space', which they said they had discouraged. The second interview did not change the School's view, and the School again referred the teacher to the School's EAP.

That afternoon the Regional Executive visited the School and supported the School Leadership when it met with the staff

eyewitness and their support person to discuss the School's investigation. The School recorded that the eyewitness said they 'felt reassured that a proper investigation had been carried out'.

 *We all agreed that there was no disclosure from the child or evidence to suggest that [the teacher] had been doing anything other than [their] job.*

School Leadership

The School told us that little support was provided by the Regional Executive.

Later that day, the School emailed its notes to the police as requested, provided an update to the Regional Executive, and emailed ECB for support. ECB provided the School with letter templates and gave feedback on the School's draft outcome letters to the eyewitness and the teacher.

ECB said they reviewed the School's draft letters to ensure the School covered the main elements, but that ECB did not verify the outcome of the investigation. ECB said the School 'owns' the decision. However, in responding to this statement the School Leadership stated: 'It's not what they told [us] on the phone ... [We are] not the decision maker - and we don't want to be'.

The Regional Executive stated that with allegations of suspected criminal activity, a school 'is not to be the decision maker' but is to 'seek advice from the ECB' and to 'put it in the hands of the relevant authorities'.

In addition, Ministerial Order 870, in operation at the time, states that the School's procedures for responding to and reporting allegations of child sexual abuse should not require staff to make a judgement about the truth of the allegation of child sexual abuse. Schools must report allegations of child sexual abuse to CID and the police and do not need to form a

view as to whether the abuse occurred. Once these reports are made, the allegations may be investigated by the Department.

Victoria Police told us that Sexual Offences and Child Abuse Investigation Team (“SOCIT”) officers attended the School after the allegations were made. They said the officers spoke to the Principal, were satisfied with the action taken, deemed that there was no disclosure of an offence, conferred with the Officer in Charge and decided not to take any further action. Victoria Police’s view is that ‘[b]ased on the overall circumstances ... [the officers] adhered to the investigative methodology and approach that was a requirement for a report of this nature’.

It was not [the School’s] decision alone that [the teacher] was found not to have done anything.

School Leadership

This decision had significant ramifications. Because the School and the Department did not identify potential abuse, the first child continued to have contact with the teacher (although they were not in the teacher’s class), and there was no assessment of what risk the teacher posed to the first child or any other children at the School.

However, it is apparent the decision of no wrongdoing by the teacher was made in good faith, based on the information available at the time, and was agreed on by the School, the Department and Victoria Police.

This report is concerned with how the decision was made – amid a lack of accurate information and support for the School from several units of the Department where the Department did not follow its own policies and guidelines.

The Department acknowledges that there were failings in the way that it, and its staff, responded to the [eyewitness report] ... and deeply regrets this.

Secretary of the Department

First child’s parents not informed about the eyewitness report or interview

The School would ring us about a scratch, a band-aid, a lump, a bump – and when there’s a possible allegation of sexual abuse, they never contacted us at all. Why not? It just does not make sense.

Parent of first child discloser

The evidence from the School and the Department is that the parents of the first child were not informed about the eyewitness report or the interview of their child until after the child’s disclosure three years later.

ECB could not recall if the child’s parents were told about the eyewitness report when it was made. The Regional Senior Officer and the Regional Executive did not know or could not recall. There was one comment to the VGSO by an officer who said the School had told them it had contacted the parents at the time.

However, the clear recollections of the School and the first child’s parents are that the parents were not told.

The School told investigators it followed ECB's advice which did not include contacting the family.

The School said they wanted to contact the child's parents at the time of the eyewitness report but were told not to by a Regional Executive because the School had investigated and found nothing. The School said they 'didn't feel comfortable' about the advice and regretted following it. The Regional Executive has said they cannot recall giving this advice.

ECB told the VGSO investigation that they sometimes advised schools to contact a parent if a child made a disclosure, but could not recall what occurred in this case. ECB said in retrospect they would at least advise a school to inform parents that the child had been interviewed.

The eyewitness said they had asked the School to speak to the parents and 'felt shackled' when they were told not to approach the parents as the School was following procedure.


Even when the first child disclosed the abuse three years later, the parents were not told about the eyewitness report. The School Leadership told us that when the first child disclosed the abuse they had wanted to tell the parents about the earlier eyewitness report but had been wholly focussed on responding to the child's current disclosure:

This came back to bite [us] as [we] had wanted to tell them. They are a lovely family and they don't need the [pain] of thinking we withheld information from them.

The first child's family only became aware of the eyewitness report and the interview of their child at the teacher's committal hearing.

ECB's notes show that police referred to the initial eyewitness report during the court hearing, and stated:

The parents of the victims involved were not previously aware of this, and it has caused a significant level of angst/distress.

 *At this hearing, the police officer read out the summary of evidence which referred to a prior report of suspected offending by [the teacher] against [our child] made three years ago. My heart just stopped. I had no idea what [the officer] was talking about ...*

Police had assumed we knew about the earlier report, but we didn't.

The police officer said [an earlier incident had been witnessed and] reported to the [School]. [They] told us that my [child was] brought into the office and spoken to and the [School] spoke to the [eyewitness who reported it] and to [the teacher] and decided there was no case to answer. The police officer also told us that the [eyewitness] still wanted to make a statement to police as [they] felt so strongly about it.

...

After we found out ... that the [School] had investigated a prior report involving [our child], we could not see much point in talking with [the School] about it anymore. It would only be us venting on [them], so I daresay I couldn't see any good coming from it on the basis of the history before it.

...

In addition to all of the stress we're dealing with, and finding out our [child] had been sexually abused, we were also finding out the School hadn't handled it the way we felt it should have been. After finding out about the ... prior report, we did not speak to the School anymore.

...

We contacted our solicitors to ask their opinion. That was mainly on the back of finding out about that earlier report to the School ... and the anger and frustration that this is definitely not right. Nobody can tell us that's right, because it is not right. That's obvious to anybody who would find out that news, that we weren't told about that previous report. Our solicitors were a bit horrified when they read that too.

Parent of first child discloser

The first child's parents reflected that it is not possible to legislate for every contingency, and government departments should not 'get too hung up on policy and procedure, and waiting for responses':

People must say this does not look and feel right ... It is common sense you would ring a parent.

They noted that numerous staff in different areas of the Department had been involved, yet no one had informed them.

Not informing the parents of the allegation and interview was a breach of the Department's policies and IRAFA materials and may also have breached the child's human rights and the Child Safe Standards.

First child interviewed without appropriate expertise or support

Despite having no expertise or experience in interviewing child victims of sexual abuse, the School was directed by ECB to interview the first child. The School told us it had thought staff from the Department would conduct the interviews, but was told by ECB, 'No, it's your school'.


The School said ECB told them to ask the first child indirect questions about what they had done at playtime. The School's notes record a short, casual conversation between the School Leadership and the first child about where the child had been during playtime, what the child had done and who they had seen.

There is no evidence the School or the Department discussed providing the child with a parent or support person during this conversation. While there was no policy stating that a child in this situation should be offered a support person, the seriousness of the allegations should have prompted the School to involve the child's parents.

It contrasts with the way the teacher was treated. One reason the teacher was interviewed a second time was because they had not been offered a support person the first time.

It is apparent from the School's notes of the conversation between the first child and the School that few questions were asked and little information obtained. An interview conducted by an expert in interviewing child victims of abuse, with a parent or other support person present would have had a greater chance of obtaining an early disclosure, reducing by years the time the first child and others at the School were exposed to the teacher.

Response to the disclosures of abuse by two children


 *It was hard on lots of levels but there was no contact from the School whatsoever.*

I get it, in legal terms they can't apologise. But even afterwards, there was no context given ...

There was no contact from the Department ... during the court proceedings. We were also not contacted when [the teacher] was convicted ...

The court case was hugely public.

Parent of first child discloser

 *[The School] feel[s] let down by the Department in the advice and direction it gave. [We] have an overwhelming feeling of not giving the families the correct support and information. That really hurts.*

School Leadership

Three years after the eyewitness report, and six years after the teacher began abusing a child at the School, the first child disclosed the abuse. They were still a student at the School but by then the teacher was working at another Victorian government school.

Shortly after the first child's disclosure, the second child – who was now at a different Victorian government school – disclosed to their parent that the teacher had also abused them.

All the guidance that applied at the time of the initial eyewitness report also applied when the children made their disclosures.

In addition, CCYP had been created and the Reportable Conduct Scheme had been introduced. Both the IRAFA materials and ECB's Complaint Guidelines had been updated to refer to the Reportable Conduct Scheme. The Complaint Guidelines had also been updated to include a cross-reference to the PROTECT website.

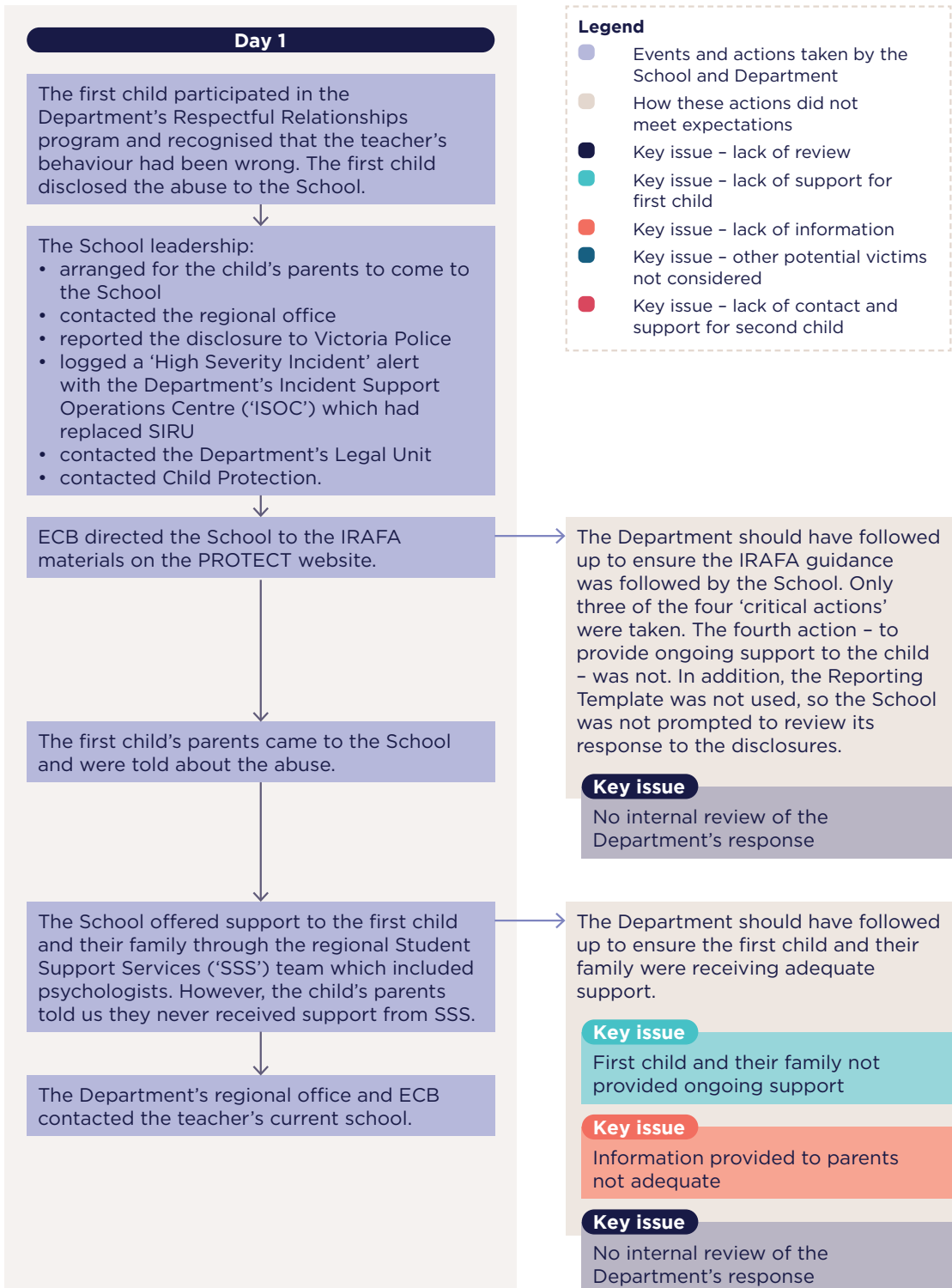
All allegations of 'reportable conduct' now had to be notified to ECB as soon as schools became aware of them. ECB was then required to provide an investigation report to CCYP into incidents of reportable conduct.

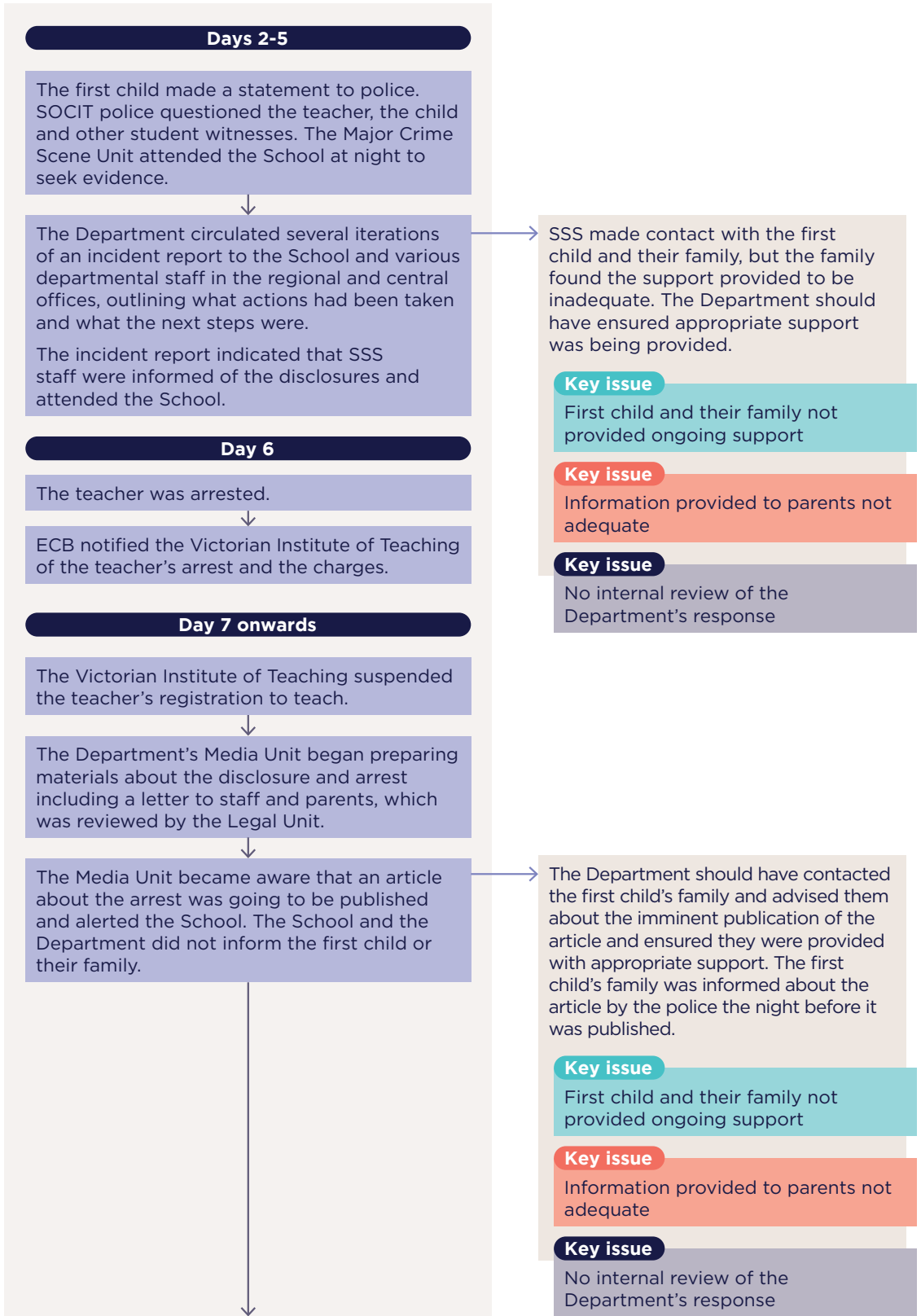
The report provided by ECB in this case noted that the teacher's conduct:

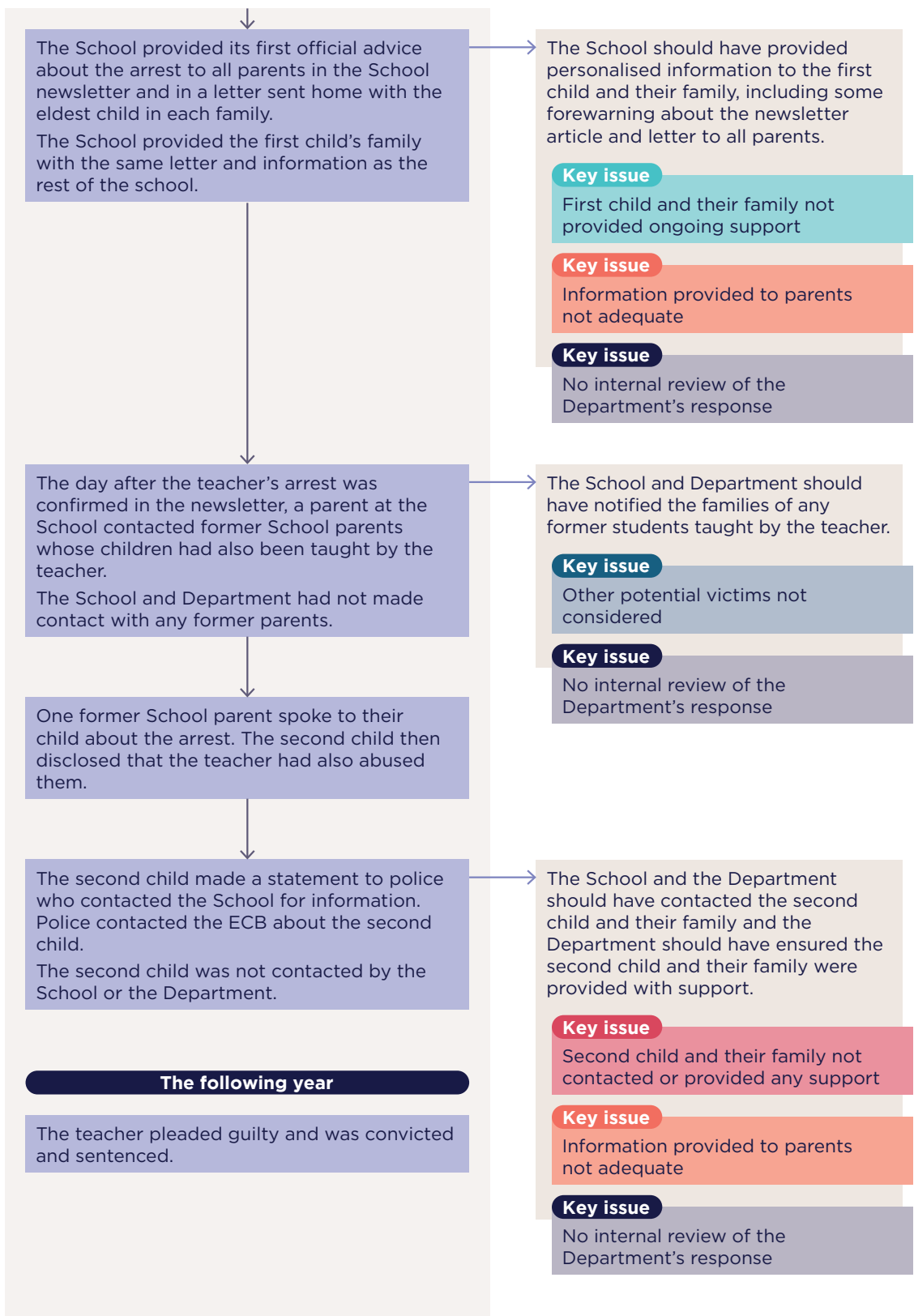
caused many within the community a great deal of distress ... There is sufficient evidence that the incidents have caused ongoing and significant impact to the two victims' emotional or psychological wellbeing.

Despite the updated guidance, it appears that the Department again did not fully comply with legislation, the Child Safe Standards or departmental policies and procedures.

Figure 8: Summary of the actions taken in response to the abuse disclosures showing which actions did not meet expectations








Source: Victorian Ombudsman

The School's response to the children's disclosures did not result in adequate support and information for the first child and their family, or any support or information for the second child and their family. Other potential victims were not considered and there was no timely review of these matters by the Department. Each of these key issues identified in Figure 8 is discussed below.

First child and their family not provided ongoing support

 *In the days after [my child] made [the] disclosure, I attended the School a number of times to discuss [their] welfare. These contacts were initiated by me. These were mostly about what was best for [my child] and whether [they] should stay in school. [They] had [a] group of friends at school which made [them] feel comfortable and safe. But [they] did not want to go near the ... places where things had happened. [They] also worried that if [they were] absent from the School, people would know ... who was the victim.*

...

After a few days ... [our child] told me that [they] wanted to talk to someone like a counsellor who could help ... [They] said ... there was a flood of counselling available for teachers and staff ... who had been affected by having been friends with [the teacher], and by not knowing what was going on. These counsellors were provided by the [Department].

We were told the counsellors were there for the staff, but not for [our child] [due to] a possible conflict because [our child] was a victim. We were told to try other places like CASA [Centre Against Sexual Assault].

I called CASA and the [local council] and got on their waiting lists. But the CASA waiting list was months and the [local council] said it might take six weeks.

I pushed the [School], saying "Can't [my child] at least see one of the counsellors the teachers are seeing?". [The School] said things like, "My hands are tied ... I'm following the School procedures. I'm following them to the letter and these counsellors are here for the teachers and provided by the Department and that's all I can do. I wish I could do more".

[My child] continued to ask me why [they] couldn't talk to the counsellors who were at the School. [They were] screaming at me, "I want to talk to someone!".

I pushed and pushed and pushed and eventually a counsellor provided by the Department agreed to talk to [them] ... one session ... But we were told, "They'll see [them], but they won't talk at all about the incident or what did or didn't happen, or how it happened.

They'll just talk with [them] about how to cope with it, process [their] emotions now, what [they] can do now".

It was one month before anyone could organise counselling ... so we just had to deal with that in the interim. We even attempted to pay for a private psychologist, but again it was going to take months to get an appointment. It was enormously frustrating as a parent to have a child screaming [they] wanted to talk with someone, and I couldn't find [them] someone to talk to. And I had the Department saying, "You can't talk to us because we're here for employed staff". It was just horrendous; it was a nightmare as parents. We did everything we could. We would have sold the house, paid anything to get [them] a counsellor then and there. But we just couldn't get anyone from anywhere.

In the end, we were asking around and people said to try [a council health care agency which] provided counselling.

I understand that the Department-employed counsellors probably couldn't see the teachers as well as the victim, but the Department should have been able to say, "This has happened - we're going to pay for an independent counsellor to see the victim".

Victims like [our child] need to be able to get at least a few sessions at the very time of the disclosure, this is when their need is highest and also I believe when they are most likely to open up and talk, as once time goes on as a victim we saw [them] start to shut down and internalise [their] emotions.

The [School Leadership] and a staff member all gave their personal mobile numbers and said, "Ring at any time". But other than that, we did not have any other contact point from the Department.

...

There was no plan or action or discussion with the School or the [Department] about "How can we help you manage this" or "How can we help support [them] as a victim through this?". This could have included planning for things like locations that could be triggers ... There was some informal support, but it could have been more formal.

...

I think a lot of the teachers ... knew. Officially, they are not supposed to know, no one had told them, but I think they just knew and worked out without being officially told that [my child was] the victim. But there was no discussion how to handle that.

[They] had spatial separation by then - [the] class [was] on the other side of the School. The teachers were sensitive to that and made sure [they] didn't have to do things in the rooms where most of the offences happened.

It was really just [one staff member] who supported [our child] the most at school ... [our child] would have been a thousand times worse off if [they] hadn't had [the staff member] by [their] side ... We had regular contact with [the staff member who] was very concerned for [our child] and wanted to be there for [them]. But there was no discussion with the School about how to handle it.

...

[The staff member] at the School provided emotional support to [our child] on a daily basis after the incident and updated us on how [they were] coping. We were not offered additional support ...

[Our child] also got a lot of support from [their] friendship group. But in essence, like [them], [their] friends received nothing in terms of support as secondary victims - nothing, zero.

Beyond the School, we have had no contact from the [Department]. Not when [our child] came forward, not since or during to date, ever, on any basis, on any level from the local level to the [Department], ever on any issue. In broad terms, we received nothing.

Whenever we had contact from the School, [my spouse] was the instigator. Beyond the initial disclosure, the [School] never made any forward advancements to us in any shape or form.

Parent of first child discloser

[Statement refers to the years before the Department's apology was received.]

One of the four critical actions identified in the IRAFA guidance is to provide ongoing support to any child affected by abuse.

It was the role of the regional Student Support Services ('SSS') team, to facilitate support such as counselling by connecting families with appropriate services.

Notes provided by the School and the SSS indicate that the first child was offered assistance by the SSS team. Consistent with this, a consent form for SSS was signed by the parents. SSS contacted police who referred them to the local CASA. SSS asked CASA to prioritise providing support to the first child.

It is not clear who was responsible for following up with the family after the consent form was signed, but the Regional Senior Officer followed up with SSS:

I did check with the SSS leader to ensure appropriate follow up with the family ... at the time I was told the family was happy with the support offered.

The Department's incident report also implied that the first child was being provided adequate support by the School through SSS.

However, the parents told investigators neither they nor their child received any support from SSS. The family was unable to access any immediate support through CASA or the School, leaving them with no support. The Department should have recognised that greater care and support for the child and the child's parents was needed as they were all deeply affected.

There was an apparent communication breakdown between the School and the Department regarding support services. It is not clear how or why the Department thought the first child was being adequately supported by SSS, while at the same time the child's parents were seeking counselling for their child from counsellors organised by the School for teachers.

There is no evidence that formal support was provided to the first child apart from a single session with a counsellor, organised by the School after the parent's repeated requests.

But there is evidence the School was able to support the first child in more informal ways. School Leadership offered support to the child and their family, providing personal contact numbers and assurances of assistance. The School also agreed to keep the parents advised of any concerns, and there were emails and informal chats. When the child requested support from a preferred staff member, this was agreed to, and the staff member monitored them, facilitated breaks, updated the School Leadership and was available outside school hours. However, this staff member did not have specialised training and received limited support from the Department.

The School Leadership kept 'an eye on [the child]', trying to ensure a 'normal' school environment and not identify the child. It was noted that the location of the School likely also had an impact on the support provided as there were no local services available.

The School Leadership told us it 'apologise[d] emphatically if this was taken in any way that [the School] wasn't concerned for the family and hadn't provided any extra supports'.


The School said they understood the child's parents had obtained external specialised support for the child to protect the child's identity at school, and that police were also providing expert help. The School believed the police had officers professionally trained to deal with child sexual assault who were 'in constant contact with the family' and had arranged external supports for the child. However, the family said this was not the case.

It is evident that the Department expected the School to arrange welfare support for the first child, however, there was nothing in place to ensure this occurred. No individual or area of the Department was responsible for checking that support was being provided to the first child.


The Department's incident report stated the School 'will continue to support and provide updates to the Region on students' needs'. However, given the support and its adequacy was not described in any detail, this was not the case.

A letter sent to the School community stated, 'Our wellbeing support staff are available to support students' and provided details to access support. However, the first child was not provided with any, and we were advised no other students took up the School's offer.

Second child and their family not contacted or provided any support

 *I didn't contact the School personally, but I wasn't contacted by them either. In all honesty, I probably had very little communication with anyone outside that police station ...*

Parent of second child discloser

 *[The School Leadership] was told by police there was possibly a second victim. This was never confirmed. There was no contact by the Department. [The School Leadership] still do[es] not know the identity of the second child.*

School Leadership

The School provided its first official advice to parents about the teacher's arrest via an article in the School newsletter and in a letter sent home with the eldest child in each family at the School.

The day after the newsletter was circulated, a parent at the School contacted former School parents whose children had also been taught by the teacher. This included the second child's parent, who recalled:

I went and saw [my child] privately and said, "Is there anything you want to talk to me about?". [They were] visually upset ... I had just pointed out that this teacher had done wrong by a student ... [They told me] something that had happened to [them], same teacher ... I got on the phone straight away.

The second child's parent contacted police, and their child made a formal statement disclosing an incident of sexual abuse. This abuse had occurred before the abuse of the first child and three years before the eyewitness report.

Police advised someone at the School they had obtained a statement from the second child 'relating to an incident with [the teacher] which occurred at the school'. Police asked for records about the second child to corroborate details.

The School did not use the information it had been given by police to contact the child, the child's family or the child's current school. The School did not inform the Department about this second disclosure.

The School Leadership told our investigation they had only been told by police that there may possibly be a second victim, no details were provided. They did not recall records being requested and they remain unaware of the identity of the second child.

However, there is evidence ECB was aware of the identity of the second child. ECB's notes record police advised them, following the second child's disclosure, the teacher had pleaded guilty regarding another victim who had been taught by the teacher several years earlier.

ECB requested and obtained contact details for both families, however, no contact was made by the Department with the second child or their family.



Would you have expected the Department to contact you?

At the time, no. But then with some clarity, yeah, it would have been I think, first and foremost, to reach out. I am not sitting here and saying I want them to ... to buy us a spaceship. But just an apology ... I guess you feel like the School was responsible ... it was not the School per se, it's an individual [but] it might have been nice for [my child]. ...

And ... it would have been nice for the school that [my child] went to after the fact [to know], and not necessarily to talk about it but just have someone in the school that would have known that this has happened ... That might have been beneficial, 100 per cent.

Since then, when I come to school, I've been super protective ... so my ears were always to the ground when [my child was] at school. And I think that's why when [my child] wanted to leave school, I was all for it.

Parent of second child discloser

ECB stated in an email to police it was 'reluctant to make direct contact' with the families because of 'the unrest in the community' over the teacher's sentencing.

Another reason given by the Department was that the second child's disclosure was made to police, not to the School or the Department. According to the Department, the practice was to allow police to identify any additional victims and advise of supports for the child and their family. Our investigation understands there was no follow-up by the Department with the police about whether supports had been provided.



Were you offered support and counselling?

I don't remember if I was offered it by anyone. Dad did take me to a therapist once, but I didn't really like [them], so I didn't go again. I don't know if I ... or Dad was told I was offered anything from anyone.

Second child discloser

Another reason given for the Department's lack of contact was that to do so may interfere with the criminal process. While the conviction of the teacher should have ended these concerns, the Department did not contact the children or their families after sentencing.

Despite the numerous standards, policies, procedures and recommendations available requiring organisations to contact child disclosers and provide them with support, the Department did not enquire about the welfare of the second child or their family.

The Department contacted one family through lawyers two years after the disclosures when that family began litigation, and the other family four years after the disclosures.


 **What would you have wanted the Department to do?**

Just support or comfort [me]. Because I went through it all on my own. All I had was my family that knew about it, which is Dad and Mum, and that's it ... So all I had was family to help me and no one else.

...

I wouldn't say I would want to talk to someone at my school, but outside of school it probably would have helped a lot. Because after the [committal hearing] and all that was over, I had no one but myself and my Dad. It's not that I didn't want to talk to Dad about it, I just knew it would be hard for him to hear it, because that's not something you want to hear your [child] talk about. That's hard to hear. So I'd keep it to myself and sit in my room by myself for ages and just bawl my eyes out at night, couldn't fall asleep, because I didn't have anyone but family, and I didn't really want to bring it all back up, because I knew that would hurt.

Second child discloser

 *In relation to the second victim, contact did not occur at the time of the disclosure as the victim had not made a report of abuse through the School or to the Department. The victim was identified through the criminal justice process. In the absence of an existing relationship at the local school level, or a dedicated and expert function within the Department to track victims identified by police who have changed or left school, contact was not made at the time. Once their identity and whereabouts became known to the Department, it carefully planned contact with the victim to avoid causing further trauma or harm. This considered and evidenced based approach meant that when the Department did reach out, it was a positive experience for the victim-survivor and their parent.*

Secretary of the Department

Other potential victims not considered

After the first child's disclosure, the Department did not take steps to assess the risk that there were other victims. This was a risk not only at the School at which the abuse had taken place, but also the school where the teacher now worked and other schools that had employed them.

The issue was raised at the School. At a staff meeting around a week after the disclosure, the School Leadership recalled a staff member asked, 'What about the other parents who have left, are you going to contact them?'. The School said it responded, 'We can't send a letter to every past student of the School'.

However, a risk assessment should have been conducted after the first child's disclosure to identify and contact students potentially exposed to the teacher. All children who had been in the teacher's classes should have been notified. This would have included the second child who disclosed their abuse weeks after the first.

Again, after the second child's disclosure, there was no risk assessment by the Department in relation to other potential victims.

The Secretary of the Department explained:

[T]he Department was not adequately set up to support and monitor the vast number of past students impacted by certain conduct in a systematic way that was effective and would not cause further harm ... the Department now has a specific function (the Sexual Harm Response Unit) to do this work, but it did not at the time.

At the time of publication, the Department had contacted all the families of former students taught by the teacher where possible. Where it was not able to contact the families, the Department sent statements to the relevant school communities and had those schools place a link on their websites to the Department's guidance on reporting child sexual abuse in Victorian government schools.

Information provided to parents not adequate

After the teacher's arrest, the School attempted to inform the School community about the arrest and actions the School had taken. However, the information provided both to the parents of the two children involved, and to the parents of other children at the School, was provided too late and lacked detail.

While the IRAFA materials included advice about when and how to contact parents about suspected child abuse, there was no guidance about sharing information with the School community. Schools were directed to contact the Department's Legal Unit. The School asked the Department about what information it should share, and followed the Department's advice.

Seven days after the disclosure and two days after the arrest, the Department's Media Unit began preparing material for use should 'the matter escalate and the news becomes well known'. The Media Unit drafted a letter to staff and parents, which was reviewed by the Legal Unit.

While the letters were in the process of being finalised, the Media Unit became aware that an article was about to be published which detailed the arrest of the teacher and the charges of sexual offences against children. The Regional Senior Officer assisting the School said it was a coincidence that the letters were sent to parents at the same time the article was being published.

The School asked the Media Unit how it should respond to questions from parents about whether a particular child was involved or if anything had happened at the School. Communications to parents had to balance informing the School community with the Department's confidentiality obligations.

The Media Unit advised the School:

... [T]here's not much more you can say to parents unfortunately, so if they ask specifics you can say 'because this is a legal matter and before the courts, we can't comment further or answer that question'. Between you and I, I think you can be pretty tough on parents and say to them that given there are many parties involved, the age of the alleged victim, the extremely serious nature of the charges, that parents please be respectful of privacy and the judicial and criminal process ...

I understand the story's going up tonight, but I'll let you know when I see it.


By this time, the focus on the welfare and support of the two child disclosers and their families, and the communication with them, appears to have been lost. While this was not the role of the Media Unit, some part of the Department should have been considering the impact that the publication of this article would have on the children and their families.

The Department provided advice to the School on how to manage media exposure, but did not contact the children and their families to let them know about the upcoming news article. The first child's family learned about the article from police.

Eighteen days after the disclosure and thirteen days after the teacher's arrest, the School provided its first advice to all parents in the School newsletter and in a letter sent home with the eldest child in each family.

As was appropriate, the School did not detail the charges, name the offender, confirm that a student was the alleged victim, or that the offending had taken place at the School.

Although the teacher was not named, we were told their identity was generally known in the School community.



The police officer warned us the night before that it was hitting the media. We went through it with [our child]. We warned [them] and asked, "Do you want to go to school or not?". In the end, [they] said [they] wanted to be with [their] friends at school. It was the hardest day of my life. I spent the entire day just on tenterhooks ... sitting by the phone, waiting for [them] to call, "Take me home", because it was a huge, big, public thing.

Parent of first child discloser

Figure 9: Excerpt of communication to parents

ANNOUNCEMENT: You may have seen that a former staff member of our school has been featured in the news regarding criminal charges they are facing. Due to the legal processes involved, now is the first opportunity we have been able to inform our school community. I want to reassure you that our number one priority is always the safety and wellbeing of our students. Please refer to the letter the eldest child in each family has been given today. This has also been posted on [school communication apps] and provides some advice on speaking to your children. We are here to support our school community (parents and children) and ask that you speak to [the School Leadership] if you need support.

Source: School newsletter

The letter to parents reiterated the information in the newsletter and stated:

We ask you to respect the judicial process and the privacy of the alleged victim. It is important that we support and care for each other at this time and do not cause undue stress to students by discussing details in front of them. It is natural as parents to be concerned. The advice we have been given by our support services when speaking to children is to not ask specific questions related to these allegations, but to review personal safety with your child.


This may include: identifying trusted adults they can talk to and encouraging them to let a trusted adult know if someone says or does something they are uncomfortable with.

There was no special consideration for, or extra communication by the School or the Department, with the first child's family. They received the same letter and newsletter as the other families. The second child and their family received no correspondence.

The School also did not provide the first child or their family with any forewarning about the newsletter article and letter to all parents. The first child became aware of the letter when other students opened it on the bus home and discussed the contents in front of them.

The School letter advised parents and students how to deal with any further disclosures and provided a link to a community service organisation that focuses on preventing and responding to child sexual abuse.

However, there is evidence that parents at the School did not feel they were told enough. They were also not advised that the family involved was unable to discuss details with the broader community, given current and possible future legal action. Clarifying this may have allayed some confusion and concern and eased pressure on the first child and their family. Instead, it appears that this lack of understanding by other School parents resulted in some hurtful 'lashing out' at the parents on social media.



The School did not provide much information to the community. There was one letter provided to all families, including to us, referring to allegations having been made. The School had not told the School community the year level/grade of the victim, but everyone knew who the teacher was.

That letter was all we got. There was no additional contact from the Department to offer support, or counselling, or to ask how [our child] was.

People were angry, saying the School should do more. People were saying "I want to know what class, what year in case [my child] was in that class. Maybe [my child] was a victim too." I get that. I would be asking the same thing.

The police asked us not to post anything on social media or comment publicly.

There was a lot of Facebook and media hype by other families. Without other information from the School, inadvertently it meant that other parents had a go at us, which was hard. There were hundreds of Facebook comments on local pages. There were comments along the lines of "The parents should tell us who it was and when it happened, so we can protect our kids".

The main thing was people saying the School should do more. But I understand a lot of the parents saying they wanted to know more too, and if I was in their shoes I would want to know more details too so as a parent I could have a conversation with my own child to try and assess if they were also a victim.

The police told us that everyone involved is lucky that they got us as parents, because others might have handled it totally differently. The Department is lucky they got us ... because another set of parents, like the ones I was reading on Facebook, could have gone and done a lot of different things, because there was definitely a lot done wrong and I was definitely angry.

We had some meet ups with the parents of [our child's] close friends. Some of them were livid, especially when they found out more detail about the depth of the charges ... They wanted to go to the media because they thought what the School had done was not good enough. We had to stop them, and to say "It's going to hurt [our child] who is our only concern right now".

Parent of first child discloser

After the teacher's conviction, both the School and the teacher's current school provided another letter to parents. The letter confirmed the teacher's conviction and repeated the earlier message that 'as a school, we took appropriate action at all times'.

The letter acknowledged the news may be distressing to the children and invited parents to contact the School to arrange access to the Student Support Services.

Neither the first child, who had by this time moved to another school, nor the second child, also no longer at the School, received any letters.

No internal review of the Department's response

The School and the Department did not review the actions they took in response to the disclosures. A review was required under the Department's policy, as set out in the IRAFA Reporting Template. The School also received complaints from parents and staff about how it handled the matter, and this in itself should have prompted a review.

Complaints were made to the School following the teacher's conviction. These included complaints from at least six parents and former staff members about how the School and Department had dealt with the eyewitness's report three years earlier.

The eyewitness was also dissatisfied with the School's response. They contacted the School and the regional office after the conviction saying:

[I] had to work in the same place as this person, and suppress my daily anxiety for years. The occurrences at my workplace ... have diminished my belief in the Department of Education.

One former staff member contacted the regional office about the response to the eyewitness's report:

I believe there should be an investigation into the school's conduct in how they have handled the case ... I would like a police investigation. I know there are policy and procedures that should have been followed.

The regional office responded:

I can confirm that an investigation was carried out ... The [School] immediately sought advice and guidance from the appropriate areas of the Department ... and managed the matter consistent with the Department's procedures for managing allegations in relation to employees. Victoria Police were also notified and following their investigation determined no action was necessary.

...

The Victorian Registrations and Qualification Authority also conducted an audit of the school's compliance with the Child Safe Standards and found the school to be compliant.

...

[S]chool leadership acted in accordance with relevant Department guidelines in reporting and responding to this incident.

This response was inaccurate. The advice provided to the School by the Department was incorrect which meant that appropriate policies and procedures were not followed. The response also suggested that the School had contacted police, which it had not. Finally, at the time of this response, VRQA was yet to confirm whether the School had complied with the Child Safe Standards.

Had the appropriate policies been followed, the School would have been prompted by the IRAFA materials to complete the Reporting Template.

The Reporting Template, which is meant to be completed even when allegations are not considered to have been substantiated, requires a review of the response to allegations of child sexual abuse at the school level. This review is meant to be completed four to six weeks after a report or disclosure.

When the eyewitness report was made, the School was not directed to the IRAFA materials. When the first child disclosed the abuse, ECB correctly directed the School to the PROTECT website and IRAFA materials. However, the School did not use the Reporting Template either time and the Department did not check that it did so.

This meant that the School's actions were not reviewed by the School or identified as needing to be reviewed by the Department. The Department has confirmed this but maintains it was the responsibility of the School.

It was not until VRQA and the Ombudsman began investigating the Department's handling of the eyewitness report and disclosures, that the Department began to look at its own actions and those of the School.

Changes made by the Department

Since our enquiries began, the Department has made changes to its system and policies aimed at improving its response to future allegations and disclosures of child abuse in schools.

Some of these improvements were informed by the findings of various investigations into the response of the School and Department to the allegations.

Figure 10: VRQA and VGSO investigations

VRQA investigation
<p>VRQA is Victoria’s school regulator and the Department should have notified it of the disclosure and arrest. The Department did not do so and VRQA found out about the arrest through the media.</p> <p>Three months after the first child’s disclosure, VRQA began a review. It aimed to determine whether the School had complied with the Minimum Standards and Requirements for School Registration and Ministerial Order 870, and whether it should remain registered.</p> <p>VRQA sought information from the Department. It took more than a year for the Department to provide sufficient detail in response to VRQA’s requests.</p> <p>Eventually, the Department showed that the School had made changes to its Child Safety Policy, Child Safety Code of Conduct, and Risk Register in accordance with the required standards. The School had also provided training to staff.</p> <p>Eighteen months after it began its review, VRQA concluded that the School now complied with minimum standards.</p>
Department’s review and VGSO investigation
<p>In response to our enquiries, and in consultation with us, the Department began a review and sought external legal advice about whether its policies and procedures complied with its legal obligations to students and staff, whether the Department had complied with them, and the extent of the Department’s obligations to contact the child victim-survivors and their families.</p> <p>After further consultation, the Department expanded the scope of its review to look into the School’s response to the eyewitness report and the role of the Department. In this period, there were many meetings, emails and contact between the Department and our office to share information and identify issues for investigation.</p> <p>The Department commissioned the VGSO to investigate the actions and outcomes of its response to the eyewitness’s report and disclosure. The systemic issues, including how it monitored and reviewed critical incidents and how it communicated with schools, CCYP and VRQA, were not considered by the VGSO but by an internal Department working group.</p> <p>VGSO found that the School had largely complied with requirements but some actions were ‘not in full compliance’. The School:</p> <ul style="list-style-type: none">• had not reviewed and implemented policies for responding to child sexual abuse allegations• had not used the Reporting Template• did not consider standing the teacher down as required by the Complaint Guidelines• did not seek written statements from the eyewitness or the first child• did not formally separate the first child from the teacher• did not report the allegation to Victoria Police• did not contact the first child’s parents.

Department's review and VGSO investigation – continued

Given the role of the Department to provide advice and support to schools, our view is that responsibility for these failures rests with the Department.

VGSO found that the advice and support provided to the School was inadequate and incomplete:

- There were gaps in the Department's policies because the Complaint Guidelines did not refer to the PROTECT website.
- There was also no clear single point of contact within the Department for the School.
- ECB's advice that it was not necessary to contact Victoria Police was arguably inconsistent with the Child Safety Standards.

VGSO concluded that the Department and the School had not been aware of the available guidance for dealing with allegations of child sexual abuse. As no staff had the relevant knowledge, VGSO considered this to be more a systemic issue rather than any individual's failure.

We agreed with the VGSO's conclusion.

Source: Victorian Ombudsman, based on information from the Victorian Registration and Qualifications Authority and the Victorian Government Solicitor's Office

Following these investigations, and during our own, the Department formed an internal working group to review the systems, policies, processes and guidance in place to assist schools to respond to allegations of child sexual abuse.

The changes the Department made were informed not only by the findings of the investigations into the events at the School, but also by the recommendations made by the Debelle Report, the Victorian Betrayal of Trust inquiry and the Royal Commission.

Allegations and disclosures of sexual abuse are now handled by two new teams within the Department:

- the Conduct and Integrity Division ('CID'), investigates allegations from the time they are made
- the Sexual Harm Response Unit ('SHRU') ensures that appropriate communications and support options are provided to the victim-survivor, their family and the broader school community following charges or findings.

Conduct and Integrity Division

Since March 2024, CID has operated as the Department's new 'front door' for all reports of staff performance concerns and conduct matters, including suspected child abuse. (This function previously sat with ECB.)

CID assesses risks and conducts preliminary investigations into allegations. The Department has told us that CID investigators are and will be experienced practitioners with specialist skills in child safety matters. We understand this means the Department will ensure CID investigators will have practical experience in handling complex conduct matters involving allegations of child sexual abuse. Where this practical experience is missing investigations may need to be outsourced to external investigators.

CID also provides advice to principals about:

- liaising with parents and police
- gathering and preserving evidence
- monitoring or suspending staff with other risk mitigation strategies
- providing wellbeing and safety support for students and staff (assisted by regional staff)
- following the Four Critical Actions and PROTECT resources.

CID reports all sexual harm-related allegations to police or supports schools to do so. CID informs CCYP and the Victorian Institute of Teaching of reportable conduct, and notifies the Secretary and Minister where adults who work or have worked in schools are charged with child-related sexual offences.

CID also informs SHRU weekly of the allegations it receives, or immediately if appropriate. However, SHRU only becomes involved after charges are laid or findings are made.

Sexual Harm Response Unit

SHRU has operated since the start of 2023. Its staff have a variety of backgrounds including youth work, child protection, and psychology. SHRU works with school leadership teams and regional staff to ensure local support is provided to victim-survivors, their families and the broader school community.

Following charges or findings of child sexual abuse, SHRU:

- works with schools to facilitate support to victim-survivors and any other impacted students
- liaises with police
- assesses risks relating to other potential victims
- assists the school with communications to the school parent community and staff and advises on consulting with the victim-survivor's family before those are sent out
- updates senior leaders and Ministers about criminal proceedings
- is responsible for facilitating apologies
- provides information about making legal claims
- implements training based on lessons learned.

Impact of the changes

The Department acknowledges the concerns raised in [a draft of this report] about some deficiencies in the way that the Department provided support to the two victim survivors. It was particularly distressing to read in the draft report the words from the victims and their parents about the impact on them of not receiving ongoing support.

[A] significant amount of reform has been undertaken, particularly over the past 2 years, to strengthen the way that the Department responds to allegations of child sexual abuse and communicates with impacted students, families and school communities.

We will continue to consider what further changes or improvements can or need to be made, particularly in relation to how the Department and schools facilitate support for affected parties following allegations of child sexual abuse.

...

[T]he Department is exploring the option of additional resources in each of the 4 regional offices to create a dedicated person in each region to report into SHRU to monitor and oversee the provision of support to victim-survivors and their families.

These roles (4 in total) would report into and work with SHRU, regions and CID to ensure the delivery of support to students (depending on the level of support required in the circumstances) and monitoring and record-keeping. This will need to be resourced by reprioritising existing resources.

Secretary of the Department

The establishment of CID and SHRU aims to address many of the issues identified by our investigation, including failures to follow policies and guidance, information and risk management, and ensuring the process remains focussed on children and their families.

Figure 11: Changes the Department has made to address the key issues discussed in this report

Key issue	How the Department would respond now
<p>School not provided accurate advice or sufficient support by the Department</p>	<p>The Department now has a ‘no wrong door’ approach. When a school receives an allegation of child abuse, no matter which area of the Department a school calls, it is directed immediately to CID.</p> <p>There is also a Principal Advisory Service for schools to call when they don’t know where to direct a query, which would direct callers to the correct area of the Department, CID.</p> <p>CID has a triage and assessment function staffed with advisers trained in how to respond to child safety allegations. There are clear internal protocols to ensure consistent advice is provided.</p> <p>CID advises schools to follow the Four Critical Actions in PROTECT. CID ensures that Actions 1 to 3 are completed (assuring immediate student safety, notifying CID and police, notifying parents). Schools are responsible for Action 4 (providing ongoing support).</p> <p>The Department has updated much of its guidance in line with the Child Safe Standards and the current Ministerial Order:</p> <ul style="list-style-type: none"> • the PROTECT resources are integrated and cross-referenced with other departmental policies • all policies now sit in a central Policy and Advisory Library • the Legal Unit’s Information Sheet includes details on lodging a compensation claim.

<p>First child's parents not informed about the eyewitness report or interview</p>	<p>CID advises schools to contact the parents or carers of any children involved in allegations or disclosures of abuse, as required by the IRAFA materials.</p>
<p>First child interviewed without appropriate expertise or support</p>	<p>CID advises schools to contact Victoria Police, and police interview the child with their parents' knowledge and consent. If Victoria Police decides not to proceed, CID's trained investigators conduct interviews with the child and the teacher.</p>
<p>First child not provided ongoing support</p>	<p>CID provides advice about support for students, but schools are responsible for linking children to SSS in their regional office. SSS arranges counselling and support for children where allegations have been made but not substantiated. If charges are laid or findings are made, SHRU becomes involved and works with school leadership and teams within the Department to:</p> <ul style="list-style-type: none"> • ensure victim-survivors and their families receive information about available services and welfare supports • support ongoing communication between the school and the victim-survivors and their families • draft Student Safety Plans in consultation with SSS • consult with victim-survivors and their families about communications to the school community • facilitate formal apologies to victim-survivors when there is a guilty plea or finding of guilt.
<p>Second child not contacted or provided any support</p>	<p>As soon as the Department becomes aware of any further victims, SHRU seeks the details from police directly and seeks consent to contact the child and their family.</p> <p>If police advise that the child does not want any contact from the Department, SHRU will provide Victoria Police with an information sheet for the family that has details of available supports and the Report Abuse website.</p> <p>The school or the regional office is responsible for contacting CID and the Incident Support Operations Centre to report the new disclosure.</p>
<p>Other potential victims not considered</p>	<p>After charges are laid or findings made, SHRU assesses the risk that there were other victims. This risk assessment informs the communication approach taken, for example the decision to contact former students.</p> <p>If the abusing teacher has worked at multiple schools, SHRU also conducts a risk assessment about the need for communications at other schools.</p>

Key issue	How the Department would respond now
<p>Information provided to parents not adequate</p>	<p>SHRU considers whether any communications to the school community or any individuals are required, depending on circumstances.</p> <p>SHRU takes a ‘victim-first’ approach in its communications to the school community. SHRU shares as much information as legally possible about the name of the teacher and the allegations, subject to consultation with Victoria Police and the victim-survivor and their family.</p> <p>SHRU considers whether a meeting should be held to provide parents with information about the charges and identifying signs of harm in children (where there is concern that there are other victims).</p> <p>SHRU updates the school community on the progress of any criminal proceedings at key points, and on the progress of the school’s review against the Child Safe Standards, specifically any changes made to school policies or practices in response to the incident.</p>
<p>No internal review of the Department’s response</p>	<p>Ministerial Order 1359 requires a review after a significant child safety incident.</p> <p>This review, which involves site visits to the school, is completed by the School Compliance Unit working with SHRU. The School Compliance Unit supports the school to make any necessary changes, such as to physical spaces, policies, practices or training.</p>

Source: Victorian Ombudsman, based on information from the Department

The establishment of CID and SHRU are improvements to the Department's systems. These changes remove some of the burden that was placed on schools to assess and investigate such allegations.

Schools can get support from Student Support Services (SSS), the Employee Safety, Wellbeing and Inclusion Division and the Employee Wellbeing Support Services which provide free and confidential advice for staff.

The Department advised us there has been 'significant investment in these services in recent years'.

However, schools are still required to provide or facilitate support for children impacted by alleged sexual abuse, as well as the alleged perpetrators. Currently, SHRU becomes involved after charges of child abuse are laid or findings made.

The Victorian Auditor-General's 2023 report, *Principal Health and Wellbeing* stated that the Department:

- is not effectively protecting the health and wellbeing of its school principals
- needs to do more to reduce principal workload if it is to achieve better outcomes
- does not fully understand how principals are faring.

The Auditor-General recommended that the workload of principals should be reduced. The Victorian Principals' Association and the Australian Education Union (Victoria) both support this.


We recommend that the Department go further to assist schools and principals by introducing SHRU's specialised support from the time allegations are made, rather than after there are charges or findings of child abuse.

We also recommend that the Department increase its transparency by adding to its annual public reporting. The Department currently reports on the percentage of primary schools that are compliant with the Child Safety Standards. We recommend it also reports on the number of child sexual abuse allegations received by CID.

CCYP publicly reports on the number of mandatory notifications made to it, whether the reportable conduct allegations were substantiated, and whether allegations were referred to Victoria Police.

Outcomes for the children

First child

 *[T]his whole incident and investigation has left so many ripple effect scars on so many people, that all of us are still clearly being affected by. So sad for everyone.*

Parent of first child discloser

When the first child disclosed abuse, the School reassured the child they had done the right thing in reporting the matter and apologised 'that this had happened'.

The Department did not enquire about the welfare of the first child and their family or apologise at the time and for some time afterwards. The Department should have done so, if not at the time of disclosure, then after the teacher's arrest. At the time of the teacher's conviction and sentencing, the Department had not contacted the families of the children involved nor offered an apology.

At the outset, and particularly in the initial stages of our investigation, we encouraged the Department to be more proactive in its engagement and support of the children and their families.

However, the Department's approach seemed unnecessarily legalistic and risk averse at times, with apparent concern about the legal ramifications of apologising. When the first child's family took civil action against the Department, the Department ceased direct contact with them.

Following settlement of the court case, the Department issued an apology to the first child in line with the *Common Guiding Principles for Child Sexual Abuse Claims* which provide for a written apology where appropriate.

In response to a draft of this report, the Secretary of the Department stated:

The Department's approach ... was guided by trauma-informed practice, not legal risk. The Department was not in contact with the family [of the first child] at the time the claim was made. In accordance with ethical obligations, once the claim was made, correspondence about the legal claim was directed to the first child's family's lawyer ... The Department did not proactively reach out to the children and their families on the basis of a concern that doing so might re-traumatise the child and [their] family. When the first child's family took civil action against the Department, the Department corresponded directly with the child's lawyer about the claim, in accordance with the Department's professional conduct obligations.

...

In this matter, serious mistakes were made, and important lessons have been learned. The truth of [the teacher's] conduct was not discovered when it could have been, and the Department was not structured or joined up in a way that monitored whether support was offered to victims of abuse ... Department staff were extremely remorseful about what occurred and deeply concerned not to cause further harm.

...

[T]he legal ramifications of apologising have never been a consideration in this matter and the Department did not express this concern to the Ombudsman. The Department values the importance of acknowledging harm and apologising to victims to support healing and demonstrate accountability. The Department has had a longstanding practice of offering and providing written apologies to victim-survivors of abuse ...

...

The reason for not immediately reaching out to one of the victims when it came to the Department's attention was a concern about risk to the student, not risk to the Department.

...


In relation to the first victim, the family had their own legal representatives engaged and was in a formal process with the Department...[and] [t]his process provides for compensation to be made and apologies to be offered at the conclusion of the claim in accordance with well-established trauma informed principles ... [T]he Department ... always intended to offer a formal apology as it does with these processes and in fact did offer that apology at the conclusion of the process. There are protocols that must be followed where a person has legal representatives acting on their behalf, and they are designed to protect the interests of persons bringing claims and address any power imbalance.

Victim-survivors of sexual assault have a range of needs and the Department should adopt a flexible approach in meeting those needs. Part of the work of the Department through CID and SHRU is to identify and adopt a tailored approach to addressing the needs of each victim-survivor. This may involve offering an apology at an earlier stage than occurred in the current case.

Second child

The Department contacted the second child and their parent several years after the child's disclosure to Victoria Police.

The newly established SHRU made phone contact and apologised on behalf of the Department. This contact was well received by the family. SHRU provided information about seeking compensation and obtaining counselling.

 *It seemed like all of a sudden, there were letters, there was contact ...*

I mean from text messages, just reminders, "Tried to contact you". Quite often I don't hear my phone and I'll get a message. It's nice to know that someone's making an effort.

[The SHRU officer is] brilliant to deal with ... I feel like there's a little relationship built there. And [my child] was very comfortable with [them] ... [they make] me feel really comfortable. I actually sent [the SHRU officer] a message and reiterated that, just so [they] knew.


...

[They were] ... very apologetic that things hadn't taken place in the beginning. [That] contact hadn't been made. That there had been no official apology. That they hadn't reached out I guess, and just made contact, finding out how [my child] was, how we're dealing with it. The way [the SHRU officer] put it across was very sincere and it sounded legit.

Parent of second child discloser

In response to a draft of this report, the Secretary of the Department stated:

In relation to the second victim, contact did not occur at the time of the disclosure as the victim had not made a report of abuse through the school or to the Department. The victim was identified through the criminal justice process. In the absence of an existing relationship at the local school level, or a dedicated and expert function within the Department to track victims identified by police who have changed or left the school, contact was not made at the time. Once [their] identity and whereabouts became known to the department, it carefully planned contact with the victim to avoid causing further trauma or harm. This considered and evidence-based approach meant that when the department did reach out, it was a positive experience for the victim-survivor and [their] parent.



The Department is deeply sorry for what happened to the first and second victim-survivors ... When concerns about [the teacher's] conduct were first raised ... with the School and Victoria Police, the truth of [their] conduct was not discovered. It is wholly unacceptable that a young person should suffer while they are under the care and supervision of a Victorian Government school. The Department is acutely aware of the vulnerable status of children and young people and is committed to learning from what happened in this and other cases, to prevent this sort of abuse from happening again. The Department strives to provide a safe and secure learning environment for all students.

Secretary of the Department

Conclusions

The impacts of child abuse are serious and long lasting, not only for a child and their family but also for the broader community. The events discussed in this report occurred years ago, but the children are still deeply affected today.

During our meetings with the families and others impacted by the child sexual abuse at the School, people expressed that the way the Department managed the eyewitness report and disclosures had exacerbated the trauma experienced by the children, their families and the school communities involved.

It has been important for the children and their families that the Department has now acknowledged the failings that occurred.

Many of the Department's decisions did not prioritise the welfare of the children involved although children's human rights were generally considered when the Department initially developed its policies and guidance.

One of the most concerning aspects of the Department's response was its failure to quickly contact, apologise and adequately support the children and their families, following both the initial eyewitness report and the disclosures three years later.

It was evident in the Department's own policies that it had a responsibility to provide ongoing support to the children. However, the reality, as expressed by the children's parents, was that the families were left to deal with things on their own.

It is not acceptable that the Department did not contact the parents of the first child discloser about the eyewitness report and the interview with the child. It is equally unacceptable that the Department did not reach out to the second child and their family after learning of the child's disclosure.

The Department did not conduct a risk assessment about other potential victims and contact other children who had been taught by the teacher to ensure their wellbeing. In response to our recommendations, the Department has advised that SHRU has notified all families of former students taught by the teacher, to determine if there are other victims yet to come forward.

The Department failed to provide clear and correct guidance to the School. It was the Department's responsibility to develop clear policies and ensure that schools were sufficiently supported to implement them. The School should not have been required to deal with the allegations or disclosures of abuse with little support from the Department. In response to a draft of this report, the Department acknowledged it has a role in supporting schools to have clear policies and to implement them.

It is unrealistic to expect that school staff can be familiar with the detail of every departmental policy. In this case, the School identified it needed support and sought it from the Department. However, at the time, there was no integrated response by the Department.

The evidence shows that many departmental staff were unaware of the relevant policies and procedures. This is the result of a large system that appears to have had a siloed approach to managing allegations of child sexual abuse when a broader, more pragmatic approach was needed. It is not enough for an area to have knowledge only of certain guidelines when knowledge about how those guidelines fit within a broader complaints landscape is needed to enable staff to know what they can assist with and what they need to refer on.

If the Department had correctly and consistently guided the School to follow the policies in place at the time, the response to the eyewitness report may have been different and may have resulted in the teacher's abuse being discovered at an earlier stage and the earlier provision of support to the children.

The Department was not able to confirm the extent to which its own policies had not been followed, as it did not, at the time, undertake a formal review of its response. The Department missed opportunities over some years to learn and improve, and to make amends to the children and their families. The Department did not conduct a review of its response to the eyewitness report at the time of the arrest, conviction and sentencing of the teacher. However, following our enquiries with the Department, it has undertaken extensive reviews and implemented reforms.

When we began our enquiries, the Department then reviewed its actions, accepted responsibility for its failures and apologised to the children and their families. More recently, the Department has started to implement significant integrated reform to the way it responds to allegations of child abuse, which should lead to better communication and support for children and families affected by abuse.

The introduction of CID and SHRU should address most of the issues this investigation identified with the handling of the eyewitness report and subsequent disclosures.

However, there is an outstanding issue that this report has addressed in a recommendation. Schools need more help from the Department to support victim-survivors following allegations of child sexual abuse. The Victorian Auditor-General's Office, the Victorian Principals' Association and the Australian Education Union (Victoria) all agree that Victorian school principals are over-burdened and that some of their tasks should be delegated or assumed by the Department, where possible. Schools lack time, training and

experience and are not equipped to deal with these extremely complex matters by following a process with advice from various areas of a large government department.

CID is intended to act as a team of specialist advisers for school principals in relation to sexual harm allegations, as it includes experienced and skilled practitioners able to deal with allegations of abuse and provide end-to-end case management. We recommend that CID also has responsibility to contact SHRU so the unit can ensure supports are provided to all impacted parties.

While SHRU currently facilitates support services after charges are laid or findings made, we recommend that CID engages SHRU to ensure support services are provided to impacted parties from the time allegations are made.

The changes to policies and systems by the Department, in particular the simplified model where a principal can call CID for specialised advice, should lead to improvements in responding to allegations. The Department will need to ensure each school is aware of these significant changes.

A continuing challenge for the Department is to ensure that a culture of child safety and wellbeing is embedded in each Victorian government school. This is one of the current Child Safe Standards, and we acknowledge the work the Department has done since these were introduced.

In response to a draft of this report, the Department stated it was confident that awareness of the Child Safe Standards, the Four Critical Actions, reportable conduct obligations and students' mental health and wellbeing needs had increased substantially.

Our recommendations aim to further improve the Department's systems, in order to help build a culture of child safety in schools and in those areas of the Department that have a role in responding to allegations of child sexual abuse.

Opinion

Pursuant to section 23(1)(g) of the Ombudsman Act, many of the actions and decisions within the Department in response to the staff eyewitness report of child sexual abuse and to the subsequent disclosures by the two school children, were wrong.

There were significant flaws in the Department's approach:

- The eyewitness report was treated as a 'complaint' and not a child safety event. Several areas of the Department did not refer the School to the correct guidance material.
- The School's articulated inexperience with this type of child sexual abuse required a more holistic, supportive response by the Department.
- The first child discloser was allowed to be interviewed by someone lacking expertise.
- The parents of the first child discloser were not contacted about the eyewitness report and the child's interview and little support was provided to the child and parents.
- There was no risk assessment conducted following either the eyewitness report or the children's disclosures to determine if the teacher should continue to have unsupervised contact with children.
- There was no contact with parents of children taught by the teacher at the School, nor at other schools where the teacher had worked, including at the time of arrest.
- There was little formal communication and no ongoing support for the first child discloser and their family.
- There was no contact with or support provided to the second child discloser and their family.
- There was no internal review of the handling of the initial staff eyewitness report or the response to the children's disclosures to embed learnings.
- No central records were kept or reviewed.
- The Department failed to act in a way that was compatible with its obligation to protect the rights of the children.

These actions were not aligned with:

- Section 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* which requires public authorities to act compatibly with and give proper consideration to human rights, including the right of children to particular protection of their needs and best interests under section 17 (2)
- Child Safe Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- Child Safe Standard 4: Screening, supervision, training and other human resource practices that reduce risk of child abuse by personnel
- Child Safe Standard 5: Processes for responding to and reporting suspected child abuse
- Child Safe Standard 6: Strategies to identify, reduce or remove risks of child abuse
- *Ministerial Order 870* clauses 5(1), 7, 11(3)(i) and 12
- IRAFA, Critical Action 2: Reporting to Authorities, Critical Action 3: Contacting Parents/Carers and Critical Action 4: Providing Ongoing Support
- *Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service*, part 3
- Responding to Suspected Child Abuse template
- *School Policy and Advisory Guide policies*, including Child Protection Policy, Reporting and Managing Incidents Policy, and Duty of Care Policy
- the School's Child Safe Policy.

Recommendations

It is recommended that the Department of Education:

Recommendation 1

Ensure that the Conduct and Integrity Division informs the Sexual Harm Response Unit of allegations of child sexual abuse as soon as practicable after becoming aware of the allegations, so the Sexual Harm Response Unit can facilitate support for child victim-survivors, their families, principals and other affected parties.

Department response:

Accepted

Recommendation 2

Provide annual training to all principals, schools and relevant Department staff that:

- a. reinforces a 'no wrong door' approach to allegations of child sexual abuse
- b. reiterates that the Conduct and Integrity Division has been specifically formed to receive and manage allegations of child sexual abuse made against employees, contractors and volunteers
- c. reinforces mandatory reporting obligations under the Reportable Conduct Scheme.

Department response:

Accepted

Recommendation 3

Establish a Department of Education senior executive committee to coordinate and oversee child safety policy, collaboration and culture across the Department. The committee should include executives with key child safety responsibilities.

Department response:

Accepted

Recommendation 4

Include in the Department's Annual Report the number of allegations and disclosures of sexual offences and sexual misconduct committed against a child each year by Victorian government school staff.

Department response:

Accepted

Appendix 1: Our investigation

Authority to investigate

The Ombudsman's jurisdiction to investigate any administrative action, decision or omission taken by or within an authority is derived from section 13 of the *Ombudsman Act 1973*.

In addition, section 13(2) of the Ombudsman Act provides the Ombudsman the power to enquire into or investigate whether the administrative action is incompatible with a human right set out in the *Charter of Human Rights and Responsibilities Act 2006*.

The Department of Education is an 'authority' pursuant to the Ombudsman Act. This investigation was conducted under section 16A of the Ombudsman Act, which states that the Ombudsman may conduct an 'own motion' investigation into any administrative action taken by or in an authority.

How we investigated

We met with both child disclosers and their families and spoke with the staff eyewitness.

We also met with the relevant Deputy Secretary, senior staff of the Department and the School's Leadership. The investigation acknowledges the assistance of the Department and the School.

The investigation also involved:

- reviewing the Department's documents, including records relating to actions taken by the School and the Department
- reviewing the School's contemporaneous records
- examining relevant legislation, regulations, and ministerial orders, including:
 - *Charter of Human Rights and Responsibilities Act 2006*
 - *Child Wellbeing and Safety Act 2005*
 - *Child, Youth and Families Act 2005*
 - *Education, Training and Reform Act 2006*
- *Crimes Act 1958*
- *Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse in schools*
- analysing the Department's policies on child safety matters and misconduct in the teaching service, including:
 - *Protecting Children – Reporting and Other Legal Obligations policy*
 - *PROTECT: Identifying and Responding to All Forms of Abuse*
 - *Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service*
- reviewing documents provided by Victoria Police about the proceedings including Victim Impact Statements
- reviewing information provided by VRQA about its review of the School's compliance with Ministerial Order 870
- reviewing the Department's legal advice and the VGSO report
- reviewing information provided by CCYP about the Reportable Conduct Scheme and reportable allegations arising in the circumstances of this investigation
- reviewing documents provided by the Victorian Institute of Teaching about the teacher's registration.

Victorian Ombudsman
Level 2, 570 Bourke Street
Melbourne VIC 3000

Phone 1800 806 314
Email complaints@ombudsman.vic.gov.au
Web www.ombudsman.vic.gov.au