



**Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings**

WITNESS STATEMENT OF DEBRA DRAKE

I, Debra Drake of [REDACTED] in the State of Tasmania, Social Worker at the Tasmanian Department of Education, Learning Services North, 1 Fenton Street Devonport, [REDACTED] do solemnly and sincerely declare that:

- 1 I make this statement in my personal capacity.
- 2 I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

- 3 I am a school social worker employed by the Tasmanian Department of Education (**Education Department**). I have worked as a school social worker for 25 years in the western and north western part of Tasmania.
- 4 I have a Bachelor of Social Work from University of Tasmania.
- 5 Attached to this statement and marked **DD-1** is a copy of my curriculum vitae.
- 6 I am making this statement because I hope the information I provide in it can help push for positive changes to the protection of children in the education system. In my mind, a positive system change would mean that everyone in the system is able to respond to the safety and care needs of children in a way that keeps them safe.
- 7 In this statement, I discuss my concerns with, and opportunities to improve:
 - (a) the child protection system in Tasmania, particularly in the context of the education system
 - (b) the Strong Families Safe Kids Advice & Referral Line (**SFSK ARL**), and
 - (c) the process of approvals for Home Education applications.
- 8 Unless stated otherwise, any reference in this statement to 'we' is a reference to school social workers employed by the Education Department in the State of Tasmania.

THE CHILD PROTECTION SYSTEM IN THE CONTEXT OF EDUCATION

- 9 In my view, the child protection system in Tasmania is poorly functioning. A recent government review has recognised that the Child and Adolescent Mental Health Service (**CAMHS**) is also poorly functioning. This is a related issue.
- 10 I believe that the Tasmanian Government should be building systems that work to enhance intervention measures in cases of alleged child sexual abuse, and to increase action for the safety of children in Tasmania.
- 11 The role of school social workers is to support children and families to access the education system, to identify barriers and to remedy inequities that exist for students and families who are seeking access. The role includes supporting children who have suffered trauma and supporting those who still live in traumatic environments.
- 12 The role includes providing a significant level of mental health support to children and, in my experience, we are in the main 'counsellors' in government schools, particularly primary schools.
- 13 Attached to this statement and marked **DD-2** is a copy of an information sheet about school social workers in Tasmanian Government Schools.
- 14 Attached to this statement and marked **DD-3** is a copy of the Education Department's Statement of Duties for a Level 1-2 Social Worker and a copy of the Education Department's Statement of Duties for a Level 3 Advanced Skills Social Worker.

School social worker caseloads

- 15 Children disclose instances of child sexual abuse and other traumatic events to people who they trust, who they can build a relationship with and who can follow through with action to protect their wellbeing. At present, I fear our school social work caseload means that we do not have a great enough opportunity to be regularly available to those who need it. We do the best we can despite our working conditions.
- 16 School social work is very valued by school staff, students, and families. However, school social work is run 'thin' on the ground as each social worker covers numerous schools and the number of school social workers and

- allocations within schools have barely changed for years. There are around seven to eight school social workers across the whole of North-West Tasmania, from Ulverstone to Smithton to King Island to Queenstown. This means that our availability and time to support children and families is always stretched.
- 17 School social workers are required to prioritise referrals in accordance with a Department of Education Learning Services document titled '*Prioritising Referrals – Social Work*'. Attached to this statement and marked **DD-4** is copy of the '*Prioritising Referrals – Social Work*' document.
- 18 We are currently responding to so many 'Priority 1' situations, being situations where a child or family member is at immediate risk of harm from self, from others or to others (for example, suicide, child safety issues, family violence, risk of immediate homelessness and so on)¹ that we struggle to get to the 'lower priority' cases.
- 19 This means that those children who are not attending school, display behavioural issues at school or have apparent long term child or family difficulties such as drug or alcohol problems, conflict or financial problems (Priority 3),² may not be seen in a timely manner. These are the children who you often need to build rapport with before they are comfortable to make any disclosures, so it is particularly important to see them promptly.
- 20 The Education Department will say it has invested heavily in recent years in support staff and new practice teams. However, that has not been my experience in the school social work context.
- 21 The Education Department currently classifies our jobs as Level 1-2 on the Allied Health Professionals Award. There are some Level 3 positions now being allocated. I would argue that all school social work positions should be recognised as Level 3 due to the complex and weighty nature of the work that we do, effectively as sole practitioners.
- 22 School social workers not only need to be skilled responders to disclosures, but also skilled in problem solving. We need to understand legal responsibilities so that we can assist to hold other departments accountable for poor practice

¹ See DD-4: '*Prioritising Referrals – Social Work*'.

² See DD-4: '*Prioritising Referrals – Social Work*'.

decisions, in the interests of keeping children safe. A worker straight out of university would find this challenging.

- 23 The Department has funded school nurse positions, the scope of which is limited to health promotion. School nurses are not counsellors and do not work with primary school aged children without parental consent. If a child discloses harm, school nurses will make a mandatory report but may not talk with the child further. The scope of the school nurse's practice may be broader in high schools and colleges.
- 24 Some school psychologists provide counselling in primary schools, high schools and colleges. However, in my experience counselling tends to be undertaken more by school social workers than by school psychologists. More typically, school psychologists complete IQ and academic assessments for children for the context of disability funding moderations, diagnosing learning disabilities, referrals to Tasmanian Autism Diagnostic Services, reports for paediatricians etc. They have a limited ability to provide counselling as these vital assessments take up most of their workload. In my opinion, there also needs to be more school psychologists across the system.

Inaccessibility of external services

- 25 The workload of the school social worker is considerable and ever-increasing due to:
- (a) a lack of external service availability, with many providers having "closed their books"; and
 - (b) a poorly functioning CAMHS system, where so few referrals are accepted. Access is limited to children who are deemed to suffer from 'organic mental health problems' rather than children who have mental health issues as a result of trauma.
- 26 The external services in the North-West region that are specifically for sexual assault are:
- (a) Laurel House, which has a lengthy wait list;
 - (b) the Australian Childhood Foundation, which has a wait list of approximately six to 12 months;

- (c) private psychologists, which also have lengthy wait lists and limited availability; and
 - (d) Headspace, which is only available to children over 12 years old.
- 27 It is important that school social workers support the individual student's mental health needs whilst they are trying to access other services such as general practitioners, paediatricians, Headspace, CAMHS, private psychologists and/or Laurel House. Waiting for access to these services can compound trauma for these children.
- 28 School social workers take referrals directly from parents who are unsure what to do and who to tell when their child makes a disclosure. We also take referrals of children who have suffered trauma and are indicating distress to parents and teachers and who are sitting on external waitlists.

Lack of accountability in record-keeping

- 29 As a school social worker, I am required to write up notes of every contact I have with a child, parent or teacher in relation to a child's safety. These notes are recorded in the Student Support System (**SSS**).
- 30 Teachers, school psychologists and speech and language pathologists are required to do the same. On the other hand, as I understand it, school chaplains and youth workers employed directly by individual schools have no such requirement.
- 31 School chaplains are required to let the school principal know what was discussed with the child but there is no requirement they enter written notes into SSS system.
- 32 External services can come into schools and talk with children one on one. The only record of this contact is if they sign in the visitor entry book at the school. There is no record of this contact with the child kept on the SSS system unless the principal or another staff member enters it. This is important because even if a student makes a disclosure or makes allegations of abuse to external services, there will usually be no record within the current Education Department record-keeping system.
- 33 This means that the responsibility of deciding what to do with the information essentially rests with the principal. Simply putting the responsibility on the

principal's shoulders is not enough to safeguard the child's information and their right to access their information in future years. This also puts principals at unnecessary risk.

- 34 In my view, there should be a Department directive that any one on one contact with a child is properly recorded and entered into a recognised record keeping system by the Education Department employee making the contact.
- 35 Visiting external services who come into education settings to use a space to counsel children should also have the same requirement. A record of contact should be entered into a recognised record keeping system which relates to the child. This ensures an accurate record is kept of who saw what child when, and who the service was, and that information is attached to the child's records. It is my understanding currently the visiting external service provider just needs to sign the visitor sign in book at each school.

High trauma load and insufficient support

- 36 The Education Department would say all school staff can listen and respond appropriately to disclosures of abuse and harm.
- 37 There are policies and procedures provided by the Education Department in relation to making notifications to the SFSK ARL. School social workers also provide some basic training to school staff about how and when to make notifications to the SFSK ARL.
- 38 However, these matters are capable of causing vicarious trauma – both on an individual case level (especially for teachers and teachers' aides who work with the children every day and know them well), and as a result of the frequent disclosures over time. There is a limit any person can take.
- 39 The fact that many situations are not responded to in a timely or appropriate manner by the SFSK ARL (discussed further below) only adds to this trauma. It is often school staff who are left holding this burden.
- 40 By not responding appropriately, the system is creating unnecessary distress and pain for staff and for children.
- 41 I am lucky to have a supportive team and supervisors. Were it not for the support of the other school social workers, I would not feel supported by the Education Department. It is not enough to include, for example, an offer of

Employee Assistance Program (EAP) support at the end of an email from head office.

Harmful sexual behaviours

- 42 Sometimes, as a school social worker, I will see children who display harmful sexual behaviours. However, that is not our 'core business'. I see addressing harmful sexual behaviours in children more as a matter for Child Safety Services.
- 43 When I hear a report about harmful sexual behaviour, I will report it to the SFSK ARL. I will refer these reports on because you don't always know why the behaviour is happening. There are a lot of reasons why a child might display harmful sexual behaviours. Sometimes a child exhibits harmful sexual behaviours because the child is a victim of child sexual abuse themselves. Sometimes it is because the child is in a terrible home situation.
- 44 Schools are not necessarily the best environment to talk about these issues because it can bring trauma into what should be a safe space. Ideally, counselling around these issues should be provided by a specialist support service that is well funded and has well-trained staff external to school.
- 45 Given the high caseloads of school social workers, we do not have the capacity to provide appropriate counselling for harmful sexual behaviours.

STRONG FAMILIES SAFE KIDS ADVICE & REFERRAL LINE

- 46 The SFSK ARL is the current government-mandated intake system for notifications of concerns about the safety of children in Tasmania. It is the first contact point for anyone with a concern about the safety and wellbeing of a child in Tasmania.
- 47 At times, the SFSK ARL is ineffectual. At its worst, it leaves notifiers in very difficult situations where, if they follow the SFSK ARL advice, they know children will be at continued, and sometimes immediate, risk of harm. Notifiers are then forced to go around the SFSK ARL system. That might mean phoning police or school social workers directly to avoid the current poorly functioning intake system.
- 48 If the contact with this service is deemed questionable; if the advice results in a lack of police referrals being made; if the appropriate referrals are not being

made from SFSK ARL to local child safety response teams; if more and more schools are required to seek help around the SFSK ARL system, then what hope is there that children will be protected and made safer by the very agency who is mandated and funded to do the protecting?

How have systems changed?

- 49 For children to disclose, they need someone who knows how to listen to disclosures respectfully and who knows what to do next. The work does not stop at listening to the disclosure and making the mandatory report.
- 50 In the past, school social workers had some confidence that after a mandatory notification was made, a local child protection worker would come to interview the child further and would then make a referral to police. School social workers would support the child and family through this process and at school as needed. However, we were not responsible for the primary responses involving interviewing and referring to police.
- 51 More recently, due to the lack of appropriate service intervention by the SFSK ARL, this has now completely turned around. School social workers are now effectively forced to be responsible for interviewing to gather information, even though we are not trained in forensic interviewing techniques and this is not a formal part of our role description.
- 52 Unless SFSK ARL decides to forward matter to a Child Safety Response local service team, a child safety worker does not interview the child.
- 53 School social workers are now also effectively, though not formally, forced to be responsible for making police referrals directly because the SFSK ARL, at times, are not. This never used to be the case.
- 54 I have observed that the SFSK ARL's most frequent interventions are to phone parents. They do not interview children themselves, at least in part because the SFSK ARL is based in Hobart and not on or near every school site.
- 55 School social workers are often required to follow up, even after mandatory reports are made to try and make sure action happens. Often, we feel we are fighting against the SFSK ARL whose approach to assessing the level of risk required before meaningful intervention can occur is problematic. The level of

risk threshold is unreasonably high so we struggle to get any meaningful intervention from them.

56 Children are left unsupported by this system response.

Police notifications and referrals to Child Safety Services not being made by the SFSK ARL

57 The current Education Department mandatory reporting guidelines state that notifications are to be reported if a child is considered 'at risk of abuse of harm and/or neglect'.

58 All school staff are mandatory notifiers under the *Child, Young Person and their Families Act 1997* (Tas). School staff and school social workers notify the SFSK ARL but often receive the response that there is insufficient evidence to continue with the 'conversation' (the SFSK ARL classifies notifications as 'conversations'). Sometimes no further evidence is gathered by the SFSK ARL other than to ask the school social worker to further interview the child. Under the previous system, a Child Safety worker would have done this further interviewing.

59 It is very important that police notifications are made expediently so that no evidence that may be necessary to prove an alleged crime is lost. Police and child safety workers are supported under legislation to interview children in cases of abuse and neglect; school social workers are not. We are only supported under legislation as mandatory notifiers.

60 This means that if school social workers do interview children without parental consent, the parents can make a complaint to Learning Services and request that the social worker does not speak to the child again. In turn, that means that if the child wants to speak to the social worker about an issue, the social worker must refer the child to the school psychologist (whose time is already taken up by other assessments) to provide counselling to the child.

61 Even in some cases where the notification is an allegation of physical harm against a child, the SFSK ARL has not made police notifications when they should have. I have provided specific case examples in Attachment DD-7 to this statement which is provided to the Commission on a confidential basis to protect the identity of the children and families involved.

- 62 These examples demonstrate how problematic it is that school social workers are not supported under legislation to talk to children without parental consent unless the child is high school aged and has an appropriate level of maturity. Police and child response workers have this protection under the *Child, Young Person and their Families Act 1997* (Tas), but we as school social workers do not.
- 63 The examples also show the difficulties that arise when the SFSK ARL do not make timely reports to police or to Child Safety Services.

Case bounce back and premature closing of files

- 64 When schools make a notification to the SFSK ARL, they provide information about the alleged or actual harm (whether that be physical or emotional in nature). The SFSK ARL often directs the school to involve the school social worker, even in cases that do not fall within the scope of the school social worker's role. For example, the SFSK ARL often advises parents to seek school social work support around matters that have nothing to do with school. This seems to be a standard response.
- 65 The SFSK ARL does not understand how big the school social worker caseloads are, or that we currently require parental consent to talk with young children (except in extreme cases). They expect us to do the notifying and then do the follow up work. I suspect most staff at the SFSK ARL have a limited understanding of our minimal staffing allocations and role descriptions.
- 66 At the same time, they expect us to gather information for them rather than immediately referring the matter to the Child Safety Response Teams or the police. We are not child safety workers and we cannot intervene in every matter that is referred to the SFSK ARL. However, it seems that there is a perception within the SFSK ARL that because school social workers are government funded and positioned in schools, we are the first port of call.
- 67 The added difficulty following notifications is that the SFSK ARL may phone a parent or a service provider and then deem the 'conversation' shut. There may be no intervention with the child at all.
- 68 In some cases, notifications need to be made multiple times as each instance reported is closed in the SFSK ARL system. This is extremely time consuming, and it is often school staff who have to direct SFSK ARL workers to look in their

system for previous reports and explain that they will need to do that in order to understand the child's history.

- 69 I once had a case where a child presented with bruising and disclosed that a parent had hit them. The SFSK ARL worker closed the case as they could not get hold of the parent by phone – so it was simply shut. I had to phone the SFSK ARL and speak to a practice manager to fight for this case to be re-opened. It shouldn't be up to the school social worker to keep a case open when it hasn't been properly investigated.

Lack of immediate safety intervention by SFSK ARL

- 70 Sometimes the SFSK ARL refuses to act in cases where children's safety is at immediate risk. This forces school social workers to problem solve a way around the SFSK ARL to get either police involved to act and/or to then involve the local Child Safety Response teams.
- 71 I have provided specific case examples in Attachment DD-6 which is provided to the Commission on a confidential basis to protect the identity of the children and families involved.

HOME SCHOOL ENROLMENTS

- 72 I strongly believe that, through the current home school enrolment system, the Tasmanian State Government is unknowingly creating an environment where it is difficult for children to disclose abuse and children are unnecessarily being put at risk.
- 73 The criteria for home schooling were developed under the *Education Act 2016* (Tas). Home school enrolments are overseen by the Office of the Education Registrar (**OER**).
- 74 Attached to this statement and marked **DD-5** is a copy of the Minister for Education Ministerial Instruction: No 13 for Home Education July 2017.
- 75 Attached to this statement and marked **DD-6** is a copy of Appendix E to the Education Department's Attendance Policy & Process Guidelines – List of Authorised Reasons for Children to be Excused from Schools 8 March 2019.
- 76 Most home schooling parents do it for genuine reasons, for example, if they are travelling and need to educate their children for that period. However, there are parents who use home schooling to escape the formal education system. This

leaves the child with no support systems at all other than their own families, which may include perpetrators of abuse.

- 77 Currently, to enrol a child for home schooling, parents download and complete a home school enrolment form from the OER website. Once they complete and forward this form to the OER, their child's home schooling enrolment is considered 'provisional'. A letter is then forwarded to the parent from the OER which confirms their provisional enrolment, and it is up to the parent to inform the school at which their child is currently enrolled of the change. No similar letter is sent directly to the school from the OER. This means that these children can stop attending school whilst the 'provisional enrolments' are assessed by the OER.³
- 78 I have seen situations where schools have made notifications to the SFSK ARL about abuse and neglect of a child, and the parent's response is to complete a home education referral form so that they can stop the child attending school. This is even if the family is already engaged in the Compulsory Conciliation Process for non-attendance. Parents simply download, fill out the form and lodge it. In my experience a home education application trumps the conciliation conference process which should not be the case. These children then become invisible to community.
- 79 I know that the OER does check with the SFSK ARL about the level of risk a child might face in a home schooling environment. However, it seems that the level of risk needs to be an extremely high and there must be a current risk of immediate harm for the SFSK ARL to recommend that enrolment not be approved. I have seen some very concerning situations where the SFSK ARL has advised that there is no current risk which would prevent a home schooling enrolment, despite the school and other professionals providing evidence otherwise.
- 80 I have provided specific case examples in Attachment DD-7 which is provided to the Commission on a confidential basis to protect the identity of the children and families involved.

³ See DD-5, paragraph 3.2.

- 81 It is not in the best interests of children to be home schooled when professional staff in schools such as teachers, principals and social workers, and police officers, all believe it is unsafe for the children to be in the complete care of parents away from the school's support systems. Home schooling simply takes all these support systems away and children are potentially left in very risky situations with no-one to disclose to.
- 82 The OER has registrars who make home visits to ensure the parents are providing an appropriate curriculum. However, how can the registrars determine the safety of the children when their conversations are about curriculum and not safety? How are they going to know when and in what cases they should ask questions about safety?
- 83 It is also problematic that, as far as I am aware, it is not a registrar's remit to have a conversation with the child about the child's safety. If it was in their remit, how would they approach that conversation with the parent there? Does the OER and home schooling (as a government legislated office) have its own vulnerable children list as comes out to government schools? We simply do not know.
- 84 In my view:
- (a) the current guidelines for home education approval need to be re-written so that:
 - (i) greater evidence that the child will be safe must be provided before provisional approval is granted; and
 - (ii) children should still have to attend their local enrolled school until full approval is granted and not provisional approval as is the current case;
 - (b) there needs to be a transparent method of appealing a decision to approve a home schooling enrolment.

EDUCATION DEPARTMENT POLICIES NOT APPROACHED FROM A RISK AND SAFETY POINT OF VIEW

- 85 It seems to me that the policies and procedures to be followed in responding to allegations of child sexual abuse and harmful sexual behaviours are written from a purely 'educational' point of view, rather than a 'risk and safety' point of

view. The current Home Education Guidelines, Policies and Procedures are an example of this.

- 86 I expect that is because most policy-writers are working from an educational framework rather than a risk and safety framework. They are more likely to approach the drafting of policies from a 'best case' provision of education scenario rather than a 'worst case' risk and safety scenario over the same policy.

CONCLUSION – CLOSING GAPS IN THE SYSTEM

- 87 Unfortunately, we know most children are more likely to suffer abuse at the hands of people who know them. We know too that schools should be safe places for children. We must do everything we can to close current gaps in the system (both within schools and external to them) which allow abuse to occur and continue.

- 88 My recommended changes include:

- (a) providing more trained support staff on the ground for children to disclose to, and who can be available to children. The Education Department needs to recognise that school social work is a specialist role with specialist skills; it is not a base level role with base grade skills;
- (b) school social workers being supported by legislation to interview children without parent consent when there is a safety risk to the child. Otherwise, school social workers face repeated complaints from parents which can lead to children not receiving the specialist social work support that they need in schools;
- (c) ensuring all people in schools who have one to one contact and conversations with children enter evidence of that contact into an appropriate Education Department record-keeping system;
- (d) ensuring the SFSK ARL make police referrals and request that the Child Safety Response Team interviews children as they previously did under the *Children, Young Persons, and their Families Act, 1997* (Tas). School Social Workers should not be asked to do this interviewing. Child safety investigations should be a matter for Child

Safety Services to investigate with the support of school social workers and teachers as the mandatory notifiers, not the other way around;

- (e) the home education guidelines being re-written so that if there is any evidence of current risk or past harm provided by principals, professional staff in schools, Learning Services staff or police (not just the SFSK ARL), parents should not be approved as home educators. There also needs to be a formal appeals process for these decisions written into legislation;
- (f) a greater recognition and acknowledgment of the trauma, stress and fatigue that school staff, principals and support staff experience when dealing with child safety issues. That trauma is compounded by having to make repeated notifications to the SFSK ARL with little result.
- (g) returning to a localised child safety intake system, where response teams make decisions at a local level and connections between responders (police, school staff and Child Safety Services) can be built. The current SFSK ARL intake model fails to do this.

- 89 There are many good and committed people who work in the Education Department for the betterment of children. We all do it because we care and want to do right by them. However, we sometimes come up against obstacles that get in the way of best practice for the children.
- 90 This is not a criticism of people. It is an issue of the systems being underfunded, under-supported and not thought out enough in terms of how they will work in practice.
- 91 I hope the Commission of Inquiry can use this information to help push for a systems change which will enable us to better respond to the safety and care needs of children.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at [REDACTED]
on 6 May 2022

[REDACTED]

Debra Drake

Before me

[REDACTED]