14 June 2012

Dr V Koops
Executive Officer
Law Reform Committee
Parliament of Victoria
Spring Street
EAST MELBOURNE VIC 3002

Dear Dr Koops

Please find enclosed a submission from the Catholic Education Commission of Victoria Ltd (CECV) on behalf of Catholic schools across Victoria to the Parliamentary Inquiry into Sexting.

The CECV would like to take this opportunity to thank you for the opportunity to contribute to the Inquiry and wish you every success in your deliberations on this important area.

Yours sincerely

[Signature]
Stephen Elder
EXECUTIVE DIRECTOR

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Introduction
The Catholic Education Commission of Victoria Ltd (CECV) welcomes the opportunity to contribute to the Victorian Government’s Inquiry into sexting. As the system authority for 486 schools which educate in excess of 194,000 primary and secondary students, the CECV is vitally concerned that all areas of the community work together to provide the best possible protection for children and young people in relation to their use of the internet and mobile communication devices. The CECV is aware of and understands public concern regarding recent reports on a surge in the incidence of teenagers creating and sending sexually explicit images via the internet and mobile communication devices (sexting). The widespread use of mobile phones among young people of all ages has increased the possibility that this sort of behaviour may become more prevalent. While the CECV does not collect data on the incidence of sexting in schools, it is aware that schools are conscious of the issue and are addressing it effectively in a number of ways. It is the view of the CECV that education is key to providing children and young people with the necessary knowledge and skills to safely manage all aspects of their communication on the internet and mobile communication devices. Government, schools and families have a role in providing appropriate support to enable them to manage their use responsibly.

Schools have a responsibility to educate young people to understand and respond to coercive aspects of relationships. The dignity of the human person and the potential diminishing of this dignity that comes from sexting should be highlighted. Further, schools have the opportunity to explore the damage done in a relationship by the breach of trust and the sharing of explicit images may cause and the difficult restoration of trust that may follow including reconnecting with the school community.

Key principles for effective support

All Catholic schools are bound by the minimum standard for the Care, Safety and Welfare of Students (Schedule 2, Education and Training Reform Regulations 2007) and must meet the requirements for this standard established by the Victorian Registration and Qualifications Authority (VRQA). These requirements include the provision of school policies and procedures with respect to:

- Student welfare
- Bullying and harassment
- Internet use.

Victorian Catholic schools understand that in addition to meeting their duty of care for students under the law, they are called to exercise a pastoral responsibility for students that is consistent with the teachings of Jesus Christ. It is expected that the Catholic school community is one where relationships are founded on love and respect and all are called to care for those in need and to work for a better world.

In this context, the pastoral care of students refers to actions taken within a school by its leaders and community members to promote and enhance student wellbeing of a personal, social, physical, emotional, mental or spiritual nature. These actions include policies and procedures, program development and delivery and the allocation of resources, including human resources. Schools are
encouraged to consider and respond to the risks to students inherent in all online communications including sexting, within a holistic framework of support and care.

The CECV promotes the following principles\(^1\) as an effective framework to guide the development and implementation of this support.

Whole-of-school approach
A Catholic school’s provision of positive behaviour education and behaviour management skilling of students ought to be pastorally driven, comprehensive, and whole-of-school in nature. An appropriate model is the Health Promoting Schools framework. The focus and intended outcome is personal resilience, the mode is prevention and primary intervention, and the application is to the school community as a whole and to each member of the school community individually. It is within such a positive and broad framework that a school’s student behaviour management processes for individual cases ought to be formulated.

Responsible leadership
The principal has responsibility for ensuring that pastoral care is extended to all members of the school community. Because student wrongful behaviour can have an adverse effect on the wellbeing of students, staff members and others, the proper exercise of pastoral care requires the principal to ensure a just and reasonable balancing of the rights, needs, obligations and wellbeing of all concerned. In addition, the principal will sometimes need to authorise action beyond the school’s formal student behaviour management procedures, based on knowledge of the particular issues and local realities, and guided by principles that include justice, respect, compassion, personal and communal safety, health, and duty of care.

Engaged and connected students
An essential element of human wellbeing is the experience of belonging, of being connected to others in a community, being accepted and valued, and being positively involved and engaged within a community. For the wellbeing of students, their school must provide them with such an experience. It follows that, when a school is addressing student behaviour that is judged inappropriate or wrongful, behaviour management processes which ensure that the student remains engaged and connected with school activities and the school community are to be preferred to those that disengage the student. It is recommended that processes that disengage not be applied unless other options are clearly not appropriate. Disengagement and disconnection are potentially harmful of student wellbeing.

Restorative practices
The philosophy of Restorative Practices informs a positive and formative approach to student behaviour management, and is recommended for Catholic schools. A commitment to Restorative Practices has as its aim the promotion of resilience in the one harmed and the one causing harm. Restorative measures help students learn from their mistakes, grow in self discipline, take responsibility for their actions, recognise the impact of their actions on others, and reconcile and resolve conflict with others.

\(^1\) *Pastoral Care of Students in Catholic Schools* Catholic Education Office Melbourne 2009
Elements of an effective system response

(2) the extent and effectiveness of existing awareness and education about the social and legal effect and ramifications of sexting

The CECV is active in supporting schools to develop a comprehensive and holistic approach to cybersafety in order to deal effectively with issues of cyberbullying, sexting and technology management. Experience and good practice suggests that the following are key elements of an effective approach:

1. Policy development
   Schools are required to develop their own policy on cybersafety. The CECV has published resources that provide an overview of the strategies and processes that schools can investigate for the purpose of developing a whole-of-school approach to cybersafety. These resources include videos of case studies that demonstrate approaches taken by different schools. Schools are also required to have an up-to-date policy on the pastoral care of students for an effective whole-of-school approach to the care, safety and welfare of students. The policy must include age appropriate behavioural education and skillling of students, and pastorally driven management of student behaviour. This is important for the management of behaviours such as bullying and harassment which can be a consequence of risky online communication. Each Catholic diocese in Victoria has published guidelines for the development of a policy on the pastoral care of students in schools within their jurisdiction.

2. Education and professional learning
   a. Awareness raising
      The CECV has published a teaching resource to raise awareness and understanding on cybersafety among teachers and school leaders. This resource provides information about the duty of care responsibilities of teachers in relation to the use of the internet and mobile technologies for learning, legal issues relevant to the use of this technology and strategies for assessing risks. The resource utilises content published by the Australian Communications and Media Authority (ACMA).
      Catholic schools across Victoria provide parent education in the area of cybersafety. Funding is also provided to run seminars on cybersafety for parents in local communities. These seminars are facilitated by staff from ACMA and are aimed at assisting parents and carers to understand the potential risks for children and young people’s online activity and ways to support them to become good cyber citizens.
b. Curriculum development
As part of a holistic approach to cybersafety, all Catholic schools are required to review and develop a cybersafety curriculum. Schools are encouraged to consider what programs and resources should be developed for students, staff and parents. To support this requirement, all schools have access to a range of workshops on cybersafety which include a one day workshop on cybersafety facilitated by staff from ACMA. These professional learning opportunities are complemented by numerous published resources including those utilising material from the ThinkUKnow website. In relation to effective strategies for assisting students to reflect on the risks and implications of their use of online and mobile technologies, the workshop promotes strategies that include:

- the development of materials and messages appropriate to the children/young person’s age and maturity
- use of simple, direct messages such as Think before you Click.

3. Participation in national initiatives
Over 200 schools are participating in the eSmart initiative through the Alannah and Madeline Foundation (AMF). This initiative promotes all areas of cybersafety and addresses issues and risks related to sexting. Catholic schools have found this resource particularly effective as it promotes a holistic approach to cybersafety that is compatible with the principles of effective pastoral care in Catholic schools. Participation in this initiative also has had the added benefit of creating communities of practice in an area of broad community concern.

Schools and the legal context
Victorian Catholic schools work cooperatively with Victoria Police on any matters involving wrongful behaviour of a serious nature that may constitute a criminal offence. This cooperation includes liaison with the local Victoria Police Youth Resource Officer who works with the school to ensure that the welfare and safety of all members of the school community are maintained and that adequate support is provided to students judged to have engaged in such behaviour.