

○ Responding to problem sexual behaviour in children and young people

Guidelines for staff in education and care settings  
(3rd edition, revised 2019)



Government  
of South Australia  
Department for Education

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education  
south australia

 AISSA  
Association of  
Independent Schools  
of South Australia

## Acknowledgments

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### Disclaimer

The authors have taken every care to ensure this document accurately reflects research regarding best practice in identifying and responding to problem sexual behaviours. Every care has also been taken to ensure the roles and responsibilities of other agencies and services are described accurately. Given inevitable changes to this information over time, readers are strongly advised to check the following web link to ensure they are accessing the most up-to-date resources associated with this area of responsibility: <https://www.education.sa.gov.au/child-protection>.

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# Foreword

The purpose of these guidelines is to assist education and care staff to respond effectively to incidents of problem sexual behaviour involving children and young people.

The actions of staff in these situations can be critical to the ongoing safety, wellbeing and recovery of children and young people; to the intervention in family violence, abuse and neglect; and to the safety of people on the site and in the community.

Each site will use these guidelines in the context of its own ethos and values, which are shaped by various factors including work with families and any religious affiliation.

The guidelines are specifically designed for use by staff working with children and young people in the below government and non-government education and care settings:

- family day care
- centre-based child care
- out of school hours care
- preschools
- schools (including junior primary, primary, secondary, senior secondary and adult re-entry settings).

The circumstances underpinning problem sexual behaviour in children and young people are often complex and reflect a range of social issues, only some of which can be influenced within education and care settings. Consequently, these guidelines reference the work of several agencies and organisations, including those focused on adult services. This document supports and promotes the view that the most effective interventions with problem sexual behaviour will be those that tackle all contributing parts of the problem, ideally at the same time.

Education and care staff members are strongly encouraged to follow the advice provided in these guidelines to maximise their contribution to preventing and limiting problem sexual behaviour involving children and young people.



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## Contents

<b>1</b>	<b>Background</b>	<b>7</b>
	Why guidelines are needed	7
	Explanation of terms	7
	Underpinning convention, law and policy	9
<b>2</b>	<b>Recognising problem sexual behaviour</b>	<b>10</b>
	Age-appropriate sexual behaviour	10
	Contexts of sexual learning and development	10
	Defining problem sexual behaviour	10
	Children and young people who engage in problem sexual behaviour	11
	Children and young people who are affected by the problem sexual behaviour of others	11
	Sexual behaviour guide—Birth to 18	12
<b>3</b>	<b>Responding to problem sexual behaviour</b>	<b>14</b>
	Application of the <i>Young Offenders Act 1993</i>	14
	Core messages	14
	Determining seriousness	14
	Response checklist	16
	Response checklist—Questions and answers	18
	Responding to problem sexual behaviour when it is directed at adults	30
<b>4</b>	<b>Appendices</b>	<b>31</b>
	1 Prevention checklist	32
	2 Roles of key agencies	33
	3 SAPOL and Department for Child Protection interviewing on education and care sites	36
	4 Sample behaviour support and safety plans	37
	5 Sample parent communication guides	41
<b>5</b>	<b>Bibliography and web links</b>	<b>43</b>





# 1 Background

## Why guidelines are needed

Educators and carers respond to a range of behaviour as part of their everyday work with children and young people, and they do so by following policies and codes relating to safety and wellbeing, to professional conduct and to positive behaviour expectations. Why then are separate guidelines needed for responding to behaviour that is sexual in nature?

Firstly, for some adults, the topic of children and young people's sexual behaviour is uncomfortable and this can affect the types of responses they have. Their responses are also influenced by what sexual behaviour they understand to be 'normal' or 'acceptable' and by the emotions that the incidents arouse in them.

For parents and staff, these emotional responses can include embarrassment, disbelief, confusion, grief, blame, denial and outrage.

Educators and carers need clear guidance on how to assess the significance of children and young people's sexual behaviour so that these kinds of emotions do not compromise the support and intervention needed by children and young people and their families.

Secondly, the way staff members respond to *age appropriate* sexual behaviour is an important contribution to children and young people's healthy sexual development. The way staff members respond to *problem* sexual behaviour is a critical contribution to the safety of the people on the site, to the prevention of sexual offending by older children and, in some cases, to the identification of and intervention in sexual abuse of children by adults.

These responses represent serious legal, professional and moral obligations for staff but they are also critical opportunities to prevent and limit harm to children and young people. In following these guidelines, staff members have clear consistent advice about how to meet these responsibilities and how to maximise opportunities for positive intervention.

Thirdly, responding to problem sexual behaviour may require the involvement of other professionals such as police officers, therapists and child protection workers. In order to respond to underlying family needs, the situation may also involve various government and non-government family support services. These guidelines assist staff and site leaders to liaise with these professionals and to understand the boundaries of their own and others' roles.

Finally, in some circumstances involving problem sexual behaviour, the rights of individual children and young people can appear to be in conflict with the rights of others. This document provides guidance on how natural justice, procedural fairness and state government policies can be applied in resolving these conflicts when they arise.

*Effective early intervention with children who engage in problem sexual behaviour and their families will reduce the number of adolescents and adults who go on to develop more difficult, aggressive and abusive behaviour as they grow older. It will, by definition, decrease the number of children who experience sexual abuse. It will reduce the trauma and pain of these children and their families.*

(Tucci in Staiger 2005, p 57)

## Explanation of terms

### Age-appropriate sexual behaviour

'Age-appropriate sexual behaviour', as understood from a secular and developmental perspective, describes behaviour that is generally consistent with the child or young person's age or developmental status and:

- is spontaneous, curious, mutual and easily distracted or redirected (young children)
- involves equals in terms of age and developmental status
- is balanced with interest in other parts of life
- is enacted with mutual consent
- other children or young people are unharmed.

It should be noted that there are different cultural, ethical and religious views about appropriate sexual behaviour. As explored in this document, 'age-appropriate sexual behaviour' could be an opportunity inviting or requiring a teaching and learning response about social and other expectations.

See the 'Sexual behaviour guide' on pp 12–13.

### Problem sexual behaviour

In this document, the term 'problem sexual behaviour' has a particularly broad meaning because it is used to refer to behaviour exhibited by very young children through to behaviour exhibited by adolescents on the brink of adulthood. It refers, therefore, to behaviour that requires counselling and monitoring in some circumstances through to behaviour involving criminal charges and prosecution in others.

Generally, what makes sexual behaviour problematic is when it is sexual activity by or between children and young people under 18 that involves:

- coercion, bribery, aggression, secretive behaviour, violence and/or causing harm to the child or others

# 1 Background

- behaviour that is inappropriate for age/developmental capability, compulsive, excessive and/or degrading
- a substantial difference in age and/or developmental capability of participants.

It includes behaviour that is self-directed as well as behaviour directed towards others. Refer to the full discussion on pp 10–11.

## Children and young people who engage in or are affected by problem sexual behaviour

These guidelines use the most neutral terms possible when referring to problem sexual behaviour involving children and young people. This is intended to neither minimise nor exaggerate the seriousness of the behaviour but is meant to prevent the use of misleading and inappropriate labels being applied to children or young people.

It is very important to appreciate that some children or young people can be described as belonging to both the above categories – that is, they are children or young people who engage in problem sexual behaviour and are, or have been, affected by the problem sexual behaviour of others.

It is also important to appreciate that being affected by the problem sexual behaviour of others can mean experiencing:

- physical harm and/or psychological harm
- psychological harm through being a bystander or observer of problem sexual behaviour.

## Site

'Site' refers to all places where children and young people's services operate including schools. It encompasses centre-based child care facilities, out of school hours care facilities, the homes of approved family day care providers and schools including preschools and junior primary, primary, secondary, senior secondary and adult re-entry settings.

## Staff

In this document, 'staff' is used to refer to all the adults who have the duty of care to children and young people at their site. It includes people not normally referred to as 'staff' such as family day care providers.

## Parent

'Parent' refers to all individuals who have responsibility for parenting children and young people. It includes biological parents, step-parents, extended family members such as grandparents, people who have adopted, and the wide range of registered and informal care providers who undertake this important role.

## Site leader

'Site leader' refers to the individual who has ultimate responsibility for children and young people's welfare on that site, eg the principal, the director, a manager, or approved family day care provider supported by their field worker.

## Emergency Response Team (ERT)

An ERT is an identified group of staff with responsibility to lead a site's response to emergencies. The team has a nominated leader, broadly defined roles and is updated annually. Not all sites are large enough to establish an ERT. See p 19 for a discussion about how small sites/services can plan for the management of critical incidents.

## Children and young people

This term refers to children and young people aged from birth to, generally, 18 years of age, but includes young adults with developmental disabilities attending education settings.

## Sector office

This term refers to government and non-government regional and central offices that provide policy advice and/or support services to:

- schools and preschools
- out of school hours care
- family day care
- centre-based child care.

Staff members working in schools and children's services receive induction on the particular pathways of communication expected of them in their settings.

# 1 Background

## Underpinning convention, law and policy

The recommendations in these guidelines are based on the requirements and advice in the following South Australian, Australian and international legal and best practice references.

<b>United Nations Convention on the Rights of the Child</b>	The Convention enshrines the entitlement of all children, regardless of race, colour, sex, religion or nationality, to be protected from sexual abuse, to receive special help if they are abused, to have their opinions heard about matters that affect them, to receive and share information, and to be treated with dignity if disciplined.
<b>Law</b>	<ul style="list-style-type: none"><li>• The <i>Children and Young People (Safety) Act 2017</i> mandates staff in education and care environments to report if they suspect on reasonable grounds that a child or young person is at risk.</li><li>• The <i>Criminal Law Consolidation Act 1935</i> defines illegal sexual behaviour.</li><li>• The <i>Young Offenders Act 1993</i> prohibits the publication of identifying information about young people involved in the juvenile justice process and prescribes that a child under the age of 10 years can not commit a criminal offence*.</li><li>• The <i>Equal Opportunity Act 1984</i> defines sexual harassment laws.</li><li>• Duty of care is a common law concept that, in the context of education and care environments, refers to the responsibility of education and care staff to take reasonable care to prevent foreseeable harm.</li></ul>
<b>Natural justice</b>	Procedural fairness principles include those that promote the rights of children and young people to be heard, to know what is alleged, to question evidence, to impartial adjudication and to the right of appeal.
<b>Victim's rights</b>	The <i>Declaration of Principles Governing the Treatment of Victims of Crime</i> (Commissioner for Victim's Rights 2001) outlines the rights of victims and the principles of justice regarding the treatment of victims, including being informed of support services.
<b>Australian Student Wellbeing Framework</b>	The Australian Student Wellbeing Framework provides guiding principles that include the responsibility of sites to take action to ensure that schools are learning communities that promote student wellbeing, safety and positive relationships.
<b>Information Sharing Guidelines (ISG)</b>	The Government of South Australia's <i>Information sharing: Guidelines for promoting the safety and wellbeing of children, young people and their families</i> (2008), is the operational framework for the sharing of information across government and relevant non-government organisations to promote the safety and wellbeing of children, young people and their families.
<b>Protective Practices for Staff in their Interactions with Children and Young People</b>	These cross sector guidelines for staff in South Australian schools, preschools, family day care and out of school hours care facilities describe the professional boundaries for staff and student relationships, including the management of inappropriate sexual behaviour of students towards staff.
<b>Site behaviour management policies</b>	All education and care sites operate under policies that specify behaviour/conduct for which there are disciplinary sanctions, such as suspensions, exclusions and expulsions, or staff interventions that enable sites to maintain safe environments.
<b>Department for Education Keeping Safe Child Protection Curriculum (KS:CPC)</b>	Keeping Safe is a South Australian teaching program for learners from early to senior curriculum years that addresses, in age-appropriate ways, the central ideas of respectful relationships, the right to be safe, protective strategies, and recognising and reporting abuse.

\* See p 14 for the application of these provisions as they relate to actions described in these guidelines.



## 2 Recognising problem sexual behaviour

### Age-appropriate sexual behaviour

Recognising and responding to problem sexual behaviour assumes an understanding of what is age-appropriate, expected sexual behaviour in children and young people. The sexual behaviour guide on pp 12–13 provides a summary of what is generally considered age-appropriate sexual behaviour for children and young people in different age brackets, taking into consideration children and young people with different developmental capabilities. Additional valuable information on children and young people's sexual development is available in the resources listed in the 'Bibliography and web links' section of this document.

*Children are sexual beings whose exploration of sexual knowledge and play is an integral part of their development as fully functioning human beings.*

(Frayser 1994, p 210)

It is important for educators and carers to remember that sexual behaviour is a part of children and young people's normal development and learning. When adults reflect this understanding in the way they respond to sexual behaviour, they make an important contribution to children and young people's healthy sexual development. Teaching the Keeping Safe Child Protection Curriculum is another means by which healthy sexual development is reinforced.

### Contexts of sexual learning and development

Children are natural learners from the day they are born, learning through play and exploration within the contexts of their families and communities. Children learn most and at the fastest rate during the first 5 years. They learn from their experiences, from what they observe and hear, and from the way in which people respond to them and care for them. Their early learning, therefore, is shaped by their environments and the people with whom they interact. It is influenced by social, emotional, physical, cultural, familial, economic and political factors.

The attitudes that parents have towards sexuality, including their religious beliefs, cultural background and feelings, affect their responses to their children's sexuality and will influence children's sexual behaviour. How adults in their world treat one another—demonstrations of care and respect or put-downs and contempt—will influence how children and young people react to and interact with others.

Children are also living in an increasingly sexualised world. They see sexual behaviour and images on television and the internet, on videos, on mobile phones, in newspapers, on billboards and in magazines. These contribute to their learning about the sexual behaviour of women and men. An increasing range of children's

merchandise—games, toys, music videos and clothes—is being marketed using sexualised imagery of sometimes extremely young girls. Some children are exposed to images of sexual violence and to adult or child pornography. This may be because their parents possess illegal material such as child pornography or are negligent in their supervision, but it may also be that another child or young person has exposed them to such material. The internet has made such material accessible to children and young people in ways not previously experienced.

Appreciating the contexts of children's sexual development is critical to how we respond to problem sexual behaviour. It is important to remember that behaviour occurs in a social and emotional context.

*... attention to environmental and situational aspects acknowledges that the harmful behaviour is not innate to the young person, rather, the influences to which the child has been exposed play a role in shaping both the options and the decision-making processes that lead to the problematic behaviour.*

(O'Brien 2008, p 11)

### Defining problem sexual behaviour

This document defines problem sexual behaviour as sexual activity by or between children and young people under 18 that involves:

- coercion, bribery, aggression, secretive behaviour, violence and/or causing harm to the child or others
- behaviour that is inappropriate for age/developmental capability, compulsive, excessive and/or degrading
- a substantial difference in age or developmental capability of participants.

Clearly, problem sexual behaviour will be seen to differ in its degree of seriousness. The important role that education and care staff members play in relation to problem sexual behaviour is in making informed professional judgments about how serious the behaviour is and what response is most appropriate. This is discussed in detail in section 3, 'Responding to problem sexual behaviour'.

Other important features to appreciate about problem sexual behaviour are that the behaviour may be:

- self-directed or targeting/affecting others
- evident through normal activities such as play, drawings or language
- a 'normal' behaviour, such as masturbation, but one that is enacted in inappropriate settings or at inappropriate times despite direction
- a single incident
- a pattern of behaviour that does not respond to interventions by adults

## 2 Recognising problem sexual behaviour

- bothering or disturbing other children or young people
- problematic for the individual and interferes with their social/ educational development
- observed by or directed at staff, or reported to staff by children or young people or parents
- occurring on or off the site
- an *example* of abuse and *indicator* of abuse (the child who engages in the abuse is suspected of being abused by others).

### Children and young people who engage in problem sexual behaviour

As outlined earlier, these guidelines use the most neutral terms possible when referring to problem sexual behaviour involving children and young people.

It is very important to appreciate that:

- some of these children and young people can be described as *engaging* in problem sexual behaviour *and* as being affected by the problem sexual behaviour of others
- children and young people who engage in problem sexual behaviour are not a consistent group
- their behaviour should not be seen (or responded to) as something separate to other aspects of their social, physical and emotional lives.

Some of the social, physical and emotional situations that researchers identify as more likely to be experienced by children and young people with problem sexual behaviour are:

- experiences of trauma, loss and alienation
- physical and/or sexual abuse
- witnessing incidents of family violence
- illicit drug use or alcohol abuse by parents or caregivers
- chronic lack of parental supervision/lack of age-appropriate behaviour boundaries
- circumstances where young children are required to assume parental or caregiver responsibilities for younger siblings (Staiger et al 2005, O'Brien 2008).

The forms of disadvantage cited above are well known to impact negatively on children and young people's safety and wellbeing, on their capacity to learn and on their relationships with peers and adults. Children or young people known to be experiencing these circumstances will already be recognised as being at risk by education and care staff. The potential for them to engage in problem sexual behaviour represents just one of the risks their disadvantage carries. It is a risk that staff should appreciate but not assume will occur.

### Children and young people who are affected by the problem sexual behaviour of others

As described in the explanation of terms, it is important to appreciate that being *affected* by the problem sexual behaviour of others can mean:

- experiencing physical harm and/or psychological harm
- experiencing psychological harm through being a bystander or observer of problem sexual behaviour.

Any child or young person can be affected by the problem sexual behaviour of other children and young people. No education, care, family, residential or community environment can guarantee absolute protection against children and young people witnessing or experiencing such behaviour. However, education and care environments can help limit the possibility of children and young people being harmed by this behaviour. This is outlined in Appendix 1, 'Prevention checklist'.

Caution is necessary in generalising about which particular groups of children and young people may be more vulnerable to being affected by the problem sexual behaviour of others. However, the groups below are understood to be vulnerable generally, so their risk of being harmed sexually can be seen as a potential form of that vulnerability:

- babies and very young children
- children and young people with disabilities
- children and young people who are emotionally deprived, neglected, impoverished and/or chronically unsupervised
- children and young people who are socially or geographically isolated, disadvantaged and/or discriminated against, eg Aboriginal children living in remote communities, refugees, new arrivals, same-sex attracted young people, homeless young people, international exchange students, and non-English speaking children and young people
- children and young people in state care.

It is beyond the scope of these guidelines to provide a detailed discussion about each of the above groups but the needs of children and young people with disabilities are especially acknowledged. Not only are they at greater risk of being sexually abused by others but they are also in greater need of careful and respectful sexuality education that takes account of the developmental and/or physical challenges they face.

Staff working with and caring for children and young people belonging to the above groups should access the most current research about ways to best support, protect and respond to them. Staff may find of value some of the references and web links provided in the 'Bibliography and web links' section.

A sexual behaviour guide on the following pages will help staff to identify serious problem sexual behaviour, concerning sexual behaviour and age-appropriate sexual behaviour.

# Sexual behaviour guide—Birth to 18

**THIS IS A GUIDE ONLY.** It is not exhaustive. All behaviour must be considered in its context and these will include a wide variety of cultural, religious and social values. 'Context' also includes factors such as the physical and intellectual capacity or the mental health of the child or young person and these contextual factors must be taken into consideration. Intervention must occur with all sexual behaviour that is considered concerning or serious.

## SERIOUS

### Serious

- behaviour that is excessive, secretive, compulsive, coercive, degrading or threatening
- significant age, developmental and/or power difference between the individuals involved
- represents a serious risk to the mental or physical health of the individual or others

**Response: Immediately intervene, report, monitor and document**

### Birth to 5 years

- simulation of explicit foreplay or sexual behaviour in play
- persistent masturbation
- persistent touching of the genitals of other children
- persistent attempts to touch the genitals of adults
- sexual behaviour between young children involving penetration with objects
- forcing other children to engage in sexual play
- accessing pornography\*

### 5 to 9 years

- persistent masturbation, particularly in front of others
- sexual behaviour engaging significantly younger or less able children
- sneaking into the rooms of sleeping younger children to touch or engage in sexual play
- simulation of sexual acts that are sophisticated for their age (eg oral sex)
- persistent sexual themes in talk, play, art etc
- accessing, viewing or sharing pornography
- posting sexual images/content online
- cyber-bullying others using intimate images
- engaging others (including same age, younger or less able children) in a process to gain sexual activity (eg gifts, lies, flattery) face to face or via electronic communication\*\*
- meeting online 'friends'

## CONCERNING

### Concerning

- outside age-appropriate sexual behaviour in terms of persistence, frequency, type
- inequality in age or developmental abilities between the individuals involved
- behaviour that is unusual or different for a particular individual
- causes discomfort in others

**Response: Intervene, plan in consultation with others, refer if appropriate, monitor and document**

### Birth to 5 years

- preoccupation with adult sexual-type behaviour
- pulling other children's pants down/skirts up against their will
- explicit sexual conversation using sophisticated or adult language
- preoccupation with touching another's genitals (often in preference to other child-focused activities)
- chronic peeping
- following others into toilets to look at them or touch them
- spending a lot of time using technology and being upset when devices are removed\*\*\*

### 5 to 9 years

- questions about sexual activity that persist or are repeated frequently, despite an answer being given
- writing sexually threatening notes
- engaging in mutual masturbation
- use of adult language to discuss sex (eg 'Do you think I look sexy?' or 'Look at my dolls—they're screwing')
- single occurrence of peeping
- using electronic communication\*\* with known/unknown people which may include giving out identifying details
- playing violent or sexual online games
- having own social media accounts and/or spending a lot of time online

## AGE APPROPRIATE

### Age appropriate

- sexual behaviour that is spontaneous, curious, mutual and easily distracted or redirected
- involves equals in terms of age and developmental status
- interest in sexual matters is balanced with interest in other parts of life
- other people are unharmed and unaffected

**Response: Use as an opportunity to discuss social expectations about appropriate public and private behaviour**

### Birth to 5 years

- thumb sucking, body stroking and holding of genitals
- wanting to touch other children's genitals
- asking about or wanting to touch the breasts, bottoms or genitals of familiar adults (eg when in the bath)
- games (eg 'doctor/nurse', 'show me yours and I'll show you mine')
- enjoyment of being nude
- interest in body parts and functions
- playing age appropriate games or watching age appropriate content on electronic devices under supervision

### 5 to 9 years

- masturbation to self-soothe
- increased curiosity in adult sexuality (eg questions about babies, gender differences)
- increased curiosity about other children's genitals (eg playing mutual games to see or touch genitals)
- telling stories or asking questions, using swear words, 'toilet' words or names for private body parts
- increased sense of privacy about bodies
- using electronic communication\*\* with known peers
- using photos and/or electronic devices to record their life

This guide is adapted, with permission, from the True (formerly Family Planning Queensland) resource *Traffic Lights — Understanding the Sexual Behaviours of Children and Young People* (see [www.true.org.au](http://www.true.org.au)).

## 9 to 12 years

- persistent masturbation, particularly in front of others
- sexual activity (eg oral sex or intercourse)
- arranging a face-to-face meeting with an online acquaintance who is not known to or approved by protective parents
- deliberately sending and/or publishing nude or sexual images of self or others via electronic communication\*\*
- engaging others (including same age, younger or less able children) in a process to gain sexual activity (eg gifts, lies, flattery, bribery) and/or threats of violence or self-harm face to face or via electronic communication\*\*
- presence of sexually transmitted infection (STI)
- possessing, accessing or sending child exploitation material
- taking nude/sexual images of others

## 13 to 18 years

- compulsive masturbation (especially chronic or public)
- degradation/humiliation of self or others with sexual themes (face to face and/or via electronic communication\*\*)
- attempting to/forcing others to expose genitals
- preoccupation with accessing, viewing or sharing sexually aggressive and/or illegal pornography
- sexually explicit talk with younger children
- forced sexual contact (touch/assault/rape)
- sexual contact with others of significant age and/or developmental difference
- deliberately sending and/or publishing nude or sexual images of others without consent via electronic communication\*\*
- joining adult-only online sites if under age
- sexual contact with animals
- arranging a meeting with an online acquaintance without the knowledge of a protective adult
- engaging others (including same age, younger or less able children) in a process to gain sexual activity by using grooming techniques (eg gifts, manipulation, lies, bribery) and/or threats of violence or self-harm face to face or via electronic communication\*\*
- genital/anal injury to others/self
- taking or using nude/sexual images of others to exploit them
- threatening, intimidating or extorting others to provide nude/sexual images
- having multiple nude/sexual images of others

## 9 to 12 years

- uncharacteristic behaviour (eg sudden changes in clothing, mixing with new or older friends)
- persistent bullying involving sexual aggression
- seeking out and/or accessing age restricted materials (eg movies, games, internet, social media with sexually explicit content)
- pseudo maturity, including inappropriate knowledge and discussion of sexuality
- giving out identifying details to online acquaintances
- preoccupation with chatting online outside of familiar peer group
- persistent expression of fear of pregnancy/sexually transmitted illnesses
- using electronic communication\*\* with unknown people which may include giving out identifying details
- taking nude/sexual images of self
- secretive about using the internet/social media
- having suggestive avatars (online characters) or usernames

## 13 to 18 years

- sexual preoccupation/anxiety that interferes with daily function
- preoccupation with pornography
- giving out identifying details to online acquaintances
- preoccupation with chatting online
- giving false gender, age, sexuality details online in adult chat room
- using sexually aggressive themes/obscenities
- sexual graffiti (chronic/impacting on others)
- violation of others' personal spaces
- single occurrence of peeping, exposing, non-consenting sexual touch with known peers; mooning and obscene gestures
- unsafe sexual behaviour, including unprotected sex, sexual activity while intoxicated, multiple partners and frequent changes of partner *Note: The age of consent in South Australia is 17*
- sending/receiving nude/sexual images of another person with their consent (while age appropriate, these behaviours may be criminal offences for children and young people aged 10–18 years and may result in harm)
- sending/receiving nude/sexual images of multiple people with their consent\*\*\*\*
- persuading/coercing to provide nude/sexual images\*\*\*\*

## 9 to 12 years

- using sexual language
- having girlfriends/boyfriends
- exhibitionism (eg flashing or mooning amongst same age peers)
- increased need for privacy
- consensual kissing with known peers
- using electronic communication\*\* to chat online with known peers
- curiosity and seeking information about sexuality
- using photos and/or electronic devices to record their life
- having own age appropriate social media accounts monitored by protective parent/caregiver
- playing age appropriate games online
- accidental access to, and curiosity about, pornography

## 13 to 18 years

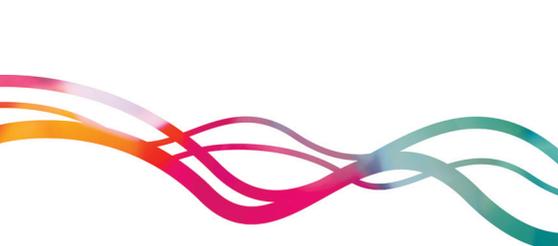
- sexually explicit conversations with peers
- obscenities and jokes within the cultural norm
- flirting
- viewing sexual content or pornography for arousal
- masturbation in private
- accessing information about sexuality
- interest and/or participation in a one-on-one relationship (with or without sexual activity)
- using electronic communication\*\* to chat online with peers
- sexual activity including hugging, kissing, holding hands, foreplay, mutual masturbation with peers
- consenting oral sex and/or intercourse with a partner of similar age and developmental ability *Note: The age and developmental ability to give consent must be considered — age of consent in South Australia is 17.*

\*Access is accidental or a child is exposed to pornography deliberately by an adult. It is inappropriate for a child of this age to be exposed to sexual material on or offline.

\*\*Electronic communication involves the provision or exchange of information using electronic devices (eg phone, tablet, computer), email, internet and/or social media.

\*\*\*It is problematic if a parent/caregiver sets limits on technology use and a child finds ways around this.

\*\*\*\*These behaviours may be criminal offences for children and young people aged 10–18 years.



## 3 Responding to problem sexual behaviour

The sexual behaviour guide aims to help staff to recognise age-appropriate sexual behaviour and concerning or serious problem sexual behaviour in children or young people of particular age groups. This section discusses in detail how sites should manage the short and long term responses to serious and concerning problem sexual behaviour.

One of the most important 'responses' sites can make to problem sexual behaviour is to help prevent its occurrence. Appendix 1 has a checklist of actions that should be employed, particularly through what is taught and modelled at the site. Leaders are strongly encouraged to review their sites' current practices against Appendix 1.

### Application of the *Young Offenders Act 1993*

#### 1. Protecting the identities of children and young people

The *Young Offenders Act* prohibits the publication of anything that might identify both the 'offender' and the 'victim' where each is under the age of 18 including their name, address and the name of their school. One of the measures taken in these guidelines to ensure compliance with the above legislation is to require that information that might identify children and young people is not disclosed in letters to parents or in meetings with parent groups unless legal advice has been obtained to the contrary. This applies even when it is clear the school community is aware of which children and young people are involved.

Despite this, please note that the *Young Offenders Act* is not aimed at prohibiting *private and confidential communication* for the purpose of properly managing a situation in an education or care setting. Discussions essential to establishing proper protections and interventions may need to occur with:

- police/Department for Child Protection (DCP) and Department for Education
- parents of children and young people directly involved
- staff members whose knowledge of the situation is required to ensure proper protection of children and young people
- other professionals involved in providing support or care for the children or young people where some knowledge of the incident is essential to them in fulfilling their support role.

While not all of the provisions of the *Young Offenders Act* apply to children under the age of 10 or to students who were 18 at the time of the incident, *these guidelines make no age-based exceptions to the responsibilities outlined*. The lawful and respectful practice recommended is to protect the identities of children and young people involved and to refer to incidents in the most general ways possible. That said, in cases where it seems necessary to disclose potentially identifying information, seek advice from your sector office, which can enquire about legal advice as necessary.

The rest of this chapter supports staff to undertake these responsibilities within the boundaries of legislation and policy.

#### 2. Children under the age of 10

The *Young Offenders Act* prescribes that a child under the age of 10 years can not commit a criminal offence. While this provision influences the actions of police in the laying of charges it does not affect the actions required of education staff, as outlined in this document and discussed above. The significance of this provision to these guidelines is its reminder of the inappropriateness of labelling young children as 'criminals' or 'offenders.'

### Core messages

Responding to problem sexual behaviour is an essential demonstration of a site's duty of care to children and young people.

The kind of response that is appropriate will vary in each situation, but for the education or care site it will *always* involve:

- communication with others (see below)
- site-level support for and monitoring of children and young people's wellbeing and safety
- documenting of actions (see below).

#### Always:

- seek and follow police/DCP and sector office advice on the lawfulness and content of letters and communications with the parent community
- be sure that identifying information relating to police charges, court outcomes, or other actions or proceedings taken by police or a family conference against a young person are:
  - stored in a confidential file with the site leader – not in school or student files (hard or electronic)
  - not described in parent communications unless sector-sourced legal advice indicates it would be lawful to do so
- be sure that children and young people are not named in letters or at parent meetings
- only share information that is relevant and necessary for others to fulfil their role in protecting children's safety and wellbeing
- ensure others appreciate the confidentiality of the information that is shared with them.

If you are responding to an incident you must read and follow the full advice provided in the checklist on pages 16–17 and 18–30.

### Determining seriousness

In order to help staff members decide what response they should make to problem sexual behaviour, this document refers to this behaviour as falling within the general categories of 'serious' or 'concerning', as shown in the sexual behaviour guide on pages 12–13.

## 3 Responding to problem sexual behaviour

Recognising whether a particular behaviour is serious or concerning and what response is appropriate involves taking into account a number of factors, including the:

- age and developmental capability of the children and young people
- context in which the behaviour has taken place
- behaviour history of the child or young person
- impact of the behaviour on others (degree of impact does not necessarily equate to degree of seriousness—some children and young people may present as unaffected by a behaviour that adults nevertheless recognise to be very serious).

To illustrate the importance of all these factors, consider the difference between the following 4 situations that share a common behavioural theme (that is, exposing oneself) but have very different factors and contexts:

- **Situation 1:** A group of 5 boys aged 8 simultaneously exposed their genitals to each other on the oval at lunch time. They are the same age, they had not done this before, the activity occurred in the open and all of the boys participated willingly in what, for them, was a funny activity.

While inappropriate in the setting, this behaviour is *age appropriate* for the group involved and would be considered problem sexual behaviour only if it persisted after instructions that it not be repeated. It provides a teaching opportunity about social expectations and the impact of the boys' behaviour on others. Parents should be advised of the site's teaching and instruction about the incident and the age-appropriate nature of the activity reinforced.

- **Situation 2:** A boy aged 8 exposed his genitals in a bullying fashion to a child aged 6 in the toilet block. Other children witnessed this and reported that the older boy was laughing at the younger boy while he obstructed the younger boy from leaving the toilet block. Other children described the younger boy as looking confused but not upset. While the school has had concerns about the older boy's general behaviour in class, this is the first time the site became aware of him behaving in this particular way.

This behaviour is *concerning* because there is an age difference and, while the younger child did not appear to be seriously affected, the behaviour nevertheless involved aggression and this was witnessed by other children. It is also unclear whether the incident occurred spontaneously or whether the younger boy is being targeted. The site's response should include clear directions to the 8 year old regarding behavioural expectations, consideration of restricted play or yard supervision, discussion about the impact of his behaviour on others, communication with the parents of both boys, plus monitoring of the older boy's behaviour and the younger boy's wellbeing and confidence on the site.

- **Situation 3:** A 14-year-old boy with a severe intellectual disability has been masturbating in the classroom, on the bus and in the community. His developmental level is approximately 4 years of age.

Many other students have witnessed his behaviour. Some have reacted aggressively and some have been frightened. The boy in turn has been upset by the reactions of other students. The boy's parents work closely with the school, regularly sharing their concerns and discussing strategies they use at home.

The behaviour is *concerning* because it is causing discomfort in others. It is also complicating the boy's ability to relate positively with his peers. Without a concerted effort to manage this behaviour and teach appropriate ways of exploring his sexuality, the boy will be at increasing risk of harm – not just from the reactions of other students but from adults or young people who may attempt to exploit his sexual vulnerability.

The site should make contact with the boy's family to develop a specific, jointly implemented behaviour support plan to address the risks associated with his inappropriate masturbating and to ensure that all relevant information is shared about the boy's current circumstances. Other disability specialists from sector offices or disability organisations could contribute to this plan, which should also include how the boy will be protected from exploitation.

- **Situation 4:** An 11-year-old boy used threats of violence to coerce a 5-year-old boy to enter bushes behind the toilet block, and then exposed himself to the younger boy. He made explicit suggestions to the boy about how he was going to use his penis. This is the third occasion where the older student has engaged in problem sexual behaviour. He was banned from playing with children outside his year level and from being in or around the toilet block. His parents denied his behaviour when required to attend the site for discussions and they refused to take up referrals for counselling for their son. The site had made previous notifications to DCP regarding emotional neglect and problem sexual behaviour. The 5-year-old was clearly traumatised by the incident.

This behaviour is *serious* because it involves coercion, secrecy, appears compulsive and involves a significant age difference. The older boy has not responded to the site's previous interventions or bans, the staff members have concerns about the parents' denial of the problem and their unwillingness to act protectively towards their son so that he can access professional help. The staff members have serious concerns about the safety of other children on the site. The site response should include immediate reports to DCP and SAPOL, a joint discussion about the next actions to establish safety for all the children and young people concerned, and relevant communication with parents.

This situation requires careful protection of the identities of the children and young people involved in keeping with requirements of the *Young Offenders Act 1993* and as outlined on p 14.

Once a site has determined that a child or young person is exhibiting concerning or serious problem sexual behaviour, the staff must begin a series of actions. These actions are summarised in the following checklist and detailed discussion of the most common questions that arise in relation to the checklist.

## 3 Responding to problem sexual behaviour

### Response checklist

#### 1 Immediate response—first staff member involved

<b>Check immediate safety needs</b>	If it is an onsite incident, consider immediate safety needs: call <b>000 for ambulance</b> (112 if using mobile) and <b>13 14 44 for police attendance</b> (if immediately seen as serious), provide first aid, alert other staff/emergency response team for assistance, protect area from people traffic.
<b>Reassure and show care</b>	Respond calmly. Try to control expressions of panic or shock. Provide appropriate reassurance, allow the child or young person to decide what they want to say, make no judgments or promises about what you hear, just reinforce that you are there to help. <b>Do not interview anyone.</b>
<b>Respond to information</b>	Using other staff, establish the whereabouts of the other children or young people involved. If necessary, separate them so they have staff supervision in a safe location away from each other and other students. Staff helping with supervision should not ask any questions about the incident. <b>Quarantine any material</b> (including electronic) connected to the incident, for handover to police.
<b>Hand over</b>	Inform and hand over to site leader or their delegate.
<b>Note what has occurred</b>	<b>Write down straight away</b> what you have heard, observed and done. Sign and date your notes and provide a copy to the site leader for their secure and confidential storage. Use site-specific recording templates as appropriate.

#### 2 Immediate response—site leadership team and other agencies

<b>Site leader makes an assessment</b>	Using open questions, gather as much additional information as needed to make an initial assessment of the seriousness of the incident if this is not immediately clear. <b>Do not</b> bring children or young people together in this process. Using the sexual behaviour guide (pp 12–13), and the Mandatory Reporting Guide (CYP Problematic sexual behaviour), contextual information, professional judgment and/or advice from your sector office, decide the most appropriate response and follow the checklist below. Any incident or alleged incident “where the approved provider reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service” must be reported to the Education Standards Board*.
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Response to the child or young person	Engaged in the behaviour		Affected by the behaviour	
	Serious	Concerning	Serious	Concerning
	<ul style="list-style-type: none"> <li>Call for police attendance on 13 14 44. Police will refer the matter, based on age of child or young person and nature of allegation, to the appropriate police section and provide advice about immediate management issues.</li> <li>Call Child Abuse Report Line on 13 14 78 if staff suspect on reasonable grounds the child is at risk. Ask for any relevant background information and likelihood of DCP involvement.</li> <li>Contact the DCP case worker if child or young person is under child protection/immigration orders.**</li> <li>Government schools are to contact SWISS.***</li> <li>Keep child or young person supervised and supported until other agencies provide advice or the site leader gives a direction.</li> </ul>	<ul style="list-style-type: none"> <li>Contact the DCP case worker if child or young person is under child protection/immigration orders.*</li> <li>Depending on the child or young person’s age and any previous incidents, consider the appropriateness of immediate responses such as:               <ul style="list-style-type: none"> <li>establishing prohibited areas/activities</li> <li>monitoring arrangements</li> <li>on or off- site suspension/take home.</li> </ul> </li> <li>Reinforce why the behaviour is unacceptable and the site’s expectations of future behaviour.</li> <li>Inform other professionals already providing counselling for the behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure call has been made to the Child Abuse Report Line on 13 14 78 and that any advice received about contact with parents is understood and agreed.</li> <li>Maintain adult supervision of child or young person but allow a non-involved friend to support them if this is requested or seen to be helpful.</li> <li>Positively reinforce the action of reporting the behaviour to adults (or through peers).</li> <li>Do not allow child or young person to leave the site until parents have arrived or their permission is given. (Exception: DCP or site staff believes the child or young person will be at increased risk by informing parents.)</li> </ul>	<ul style="list-style-type: none"> <li>Assess and respond to the child or young person’s needs. Respect their preferences wherever possible about where they want to be—home (with parent contact and permission) site.</li> <li>Advise the child or young person about how to respond to questions from other children or young people and which staff member will be supporting them.</li> <li>Positively reinforce the action in reporting the behaviour to adults (or through peers).</li> <li>Contact the DCP case worker if the child or young person is under child protection/immigration orders.**</li> <li>Government schools are to consider SWISS involvement.***</li> </ul>

\*s175 of the Education and Care Services National Regulations.

\*\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

\*\*\*Social Work Incident Support Service.

## 3 Responding to problem sexual behaviour

Response to the child or young person	Engaged in the behaviour <i>(continued)</i>		Affected by the behaviour <i>(continued)</i>	
	<i>Serious</i>	<i>Concerning</i>	<i>Serious</i>	<i>Concerning</i>
	<ul style="list-style-type: none"> <li>If electronic technologies are involved, quarantine (unopened) until further advice from police.</li> <li>Use suspension, exclusion or take home options as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Government schools are to consider SWISS involvement.***</li> </ul>	<ul style="list-style-type: none"> <li>Government schools are to contact SWISS.***</li> <li>Advise the child or young person about how to respond to questions from other children or young people and which staff member will be supporting them.</li> </ul>	
Contact parents of child or young person	Engaged in behaviour		Affected by behaviour	
	<i>Serious</i>	<i>Concerning</i>	<i>Serious</i>	<i>Concerning</i>
	<ul style="list-style-type: none"> <li>Follow direction from police or DCP as to who contacts the family, where and at what time. Ensure suspension or take home is also discussed.</li> <li>Establish behaviour support plan if child or young person will be remaining on site.</li> </ul>	<ul style="list-style-type: none"> <li>Inform parents and arrange a meeting at the site to discuss immediate responses and longer- term behaviour support plan. If suspension is used this will be part of the re-entry process.</li> <li>The counselling services listed on the Department for Education website (see 'Web links' section) should be discussed as part of the behaviour support planning.</li> </ul>	<ul style="list-style-type: none"> <li>Confirm with police or DCP that this proposed contact is advisable.</li> <li>Ensure parents are aware of the agencies that may be interviewing their child or involved in providing support.</li> <li>Ensure parents are aware of the counselling services listed on the Department for Education website (see 'Web links' section), including the family GP.</li> <li>Arrange a meeting with parents to discuss the support and safety plan.</li> </ul>	<ul style="list-style-type: none"> <li>Inform parents in consultation with children or young people.</li> <li>Provide information about the services listed on the Department for Education website (see 'Web links' section) and provide support to access these services, if required.</li> <li>Arrange a meeting to discuss the support and safety plan.</li> </ul>
<b>Liaise with sector office</b>	Follow your sector process for reporting critical incidents. Clarify: <ul style="list-style-type: none"> <li>use of suspension/take home/behaviour or support and safety plans</li> <li>planned communication with parents/the broader community/other sites (see below)</li> <li>support for staff wellbeing.</li> </ul>			
<b>Inform other parents</b> See p 14 and pp 25–27	Inform identified groups of parents if there is suspicion or knowledge that: <ul style="list-style-type: none"> <li>another child or young person may have been affected by the behaviour, currently or in the past</li> <li>another child or young person witnessed the incident</li> <li>accounts of the incident will be circulating amongst the site's community.</li> </ul>			
<b>Inform others</b> See p 14 and pp 25–27	<ul style="list-style-type: none"> <li>Provide relevant information to other site leaders/authorities who share a duty of care for any children or young people involved (eg out of school hours care director, family day care provider, boarding house director).</li> <li>Consider the relevance of informing other professionals working with the children or young people involved or their family members.</li> </ul>			
<b>Record</b> See p 14 and 18	Record the site's actions, information sharing and the involvement of other agencies.			

## 3 Long term response

<b>Monitor, liaise, plan and record</b>	<ul style="list-style-type: none"> <li>Monitor safety and wellbeing of children and young people.</li> <li>Continue liaison with other agencies and professionals providing services.</li> <li>Maintain and invite regular communication with identified parents.</li> <li>Seek sector office support if a child or young person cannot remain at the site.</li> <li>Consider who else will need to understand the behaviour/safety plans for all children and young people involved.</li> <li>Initiate planning discussions with parents and agencies if behaviour doesn't improve.</li> <li>Continue to record the site's actions.</li> </ul>
<b>Site review</b> See p 29	<ul style="list-style-type: none"> <li>Review and improve the site's processes for responding to and preventing incidents, including through educational programs (eg <i>Keeping Safe: Child Protection Curriculum</i>).</li> <li>Record and monitor improvements.</li> </ul>

## 3 Responding to problem sexual behaviour

### Response checklist—Questions and answers

This section provides background information and answers to common questions about these critical incidents. It is designed to be used in conjunction with the checklist.

#### 1 Immediate response—first staff member involved

This section of the checklist summarises the basic actions that a staff member is advised to undertake in any critical incident response. However, what is assumed in the checklist is that the site has an emergency response team (see below for small sites) and that staff members have a general understanding about how the site will respond to a critical incident; in particular, how to:

- reassure and show care to children and young people who are distressed
- manage and direct children and young people to establish calm and protect others (staff should be informed about identified locations where students can be organised or separated in such events)
- alert the site's leadership team that assistance is needed.

#### *Why are staff members advised not to interview children or young people about the incident?*

Until an assessment of the seriousness of the incident has been made by the site leader or their delegate, no one should investigate the circumstances in case it becomes a matter for a police and/or DCP response and investigation. Only the site leader or their delegate should make decisions about interviewing children and young people and only after they have considered the information already gathered and have received advice from SAPOL and DCP about their potential involvement. Until that decision is made, staff can show care and listen to what children and young people tell them, but not ask questions.

Limiting the number of people involved in responding to a child or young person, and the number of times they are interviewed, is an important way of protecting their wellbeing.

#### *Why should the location of a serious incident be protected from people traffic?*

Protecting areas from people traffic helps ensure that evidence is not compromised. If a serious incident such as a rape or sexual assault has just occurred on the site then, wherever possible, isolate the area until police have made a judgment about the need for evidence gathering.

#### *What kind of electronic material should be quarantined?*

Sometimes serious problem sexual behaviour involves the use of electronic images (photographs and videos). These images may be on social network sites, mobile phones and/or digital cameras, or stored on a site's internal computer network. In this guide (see pages 12–13), 'deliberately sending and/or publishing nude or sexual images of others without consent via electronic communication' is in the 'serious' category, which requires an immediate response.

In all situations involving nude or sexual images of children or young people or images capturing sexual assault or sexual crimes, staff members are advised to:

- quarantine the electronic device without opening to view images (it is recognised that sometimes these or printed images will be shown to staff by students and this is unavoidable) or deleting any material
- take whatever actions are possible at the site to block other children and young people's access to harmful images if these are on the site's network, but 'hide' don't delete
- quarantine the material in a secure place with the site leader until it can be assessed by police who will determine its significance
- alert police to material on social network sites and follow police directions—do not contact children or young people or their parents or the particular network's authorities until advised to do so by police.

#### *What kind of notes should the staff member make?*

Staff members should make a record of what they have heard, observed and done and should sign and date their notes. These should then be provided to the site leader. Most sites have specific record systems for recording incidents and these should be used as appropriate. Staff should be aware of the following principles of good record keeping:

- be factual and record only what is relevant
- identify the people whose actions or views you are recording, eg, 'Sue Smith, year 4 teacher, assisted ...'
- when recording someone's opinion, identify it as such, eg 'James Taylor, year 4 student, said that ...'
- when recording observations be objective, eg 'Tran's appearance was pale, her hands were trembling and she was not able to answer my question about whether she was hurt', as opposed to subjective comments such as 'Tran had clearly been assaulted but she was in too much shock to tell me'.

## 3 Responding to problem sexual behaviour

### *What if the incident occurred off the site and out of hours?*

Once the site is made aware of an incident of problem sexual behaviour, staff members have a responsibility to respond, regardless of where or when the incident occurred or whether it involved another child or young person at the site.

*A site can still be seriously impacted by an incident even though it has occurred off the site and out of hours.*

For site leaders in children's services, information about concerning or serious problem sexual behaviour involving children enrolled with their service poses an immediate potential risk for other children. Even if the reported behaviour occurred away from the service, the behaviour still presents a risk that must be discussed with senior or sector staff and a planned and documented response put into place.

For site leaders in government schools, suspension and exclusion provisions allow site leaders to respond in a range of ways to children and young people who act in a manner that threatens the safety or wellbeing of a child or young person, member of staff or another person associated with the site. These provisions also cover events that occur outside of school hours and off the school site.

### **2 Immediate response—site leadership team and other agencies**

This section of the checklist provides guidance that deliberately separates:

- responses to the child who has *engaged in* the behaviour
- responses to the child who has been *affected by* the behaviour.

This way of organising the checklist reminds staff that with concerning and serious problem sexual behaviour:

- the needs of both categories of children and young people are of equal importance and they must receive a response appropriate to their needs
- *it is not appropriate* that children and young people are brought together to 'tell their stories' or respond to allegations.

Clearly, not all incidents of problem sexual behaviour will involve an impact on other children or young people. However, problem sexual behaviour that is *self-directed* is unlikely to come to the attention of staff without also being observed by other children or young people. Careful consideration must be given to all children and young people who, as bystanders, may be affected by the behaviour they witness.

Once the staff member who initially responded to an incident or allegation has established the immediate safety of children and young people, they should hand over to the site leader or emergency response team who will then lead the site's actions.

### *What if the site is too small to establish an emergency response team?*

Some sites are too small to support a site-based emergency response team. Most small sites will access the support services available through their respective sector offices. However, prior planning needs to occur so that site leaders know who to contact for quick support when responding to critical incidents, and sector offices can prepare their staff for these requests. Leaders of small sites are encouraged to have these conversations with their respective sector offices if they are unsure where or how they can access additional support.

### *How can the site leader or emergency response team be sure the response is appropriate?*

Staff members can be confident they are exercising appropriate professional judgment and duty of care if they:

- consult the information in this guide
- follow the response checklist
- seek advice from sector staff if unsure
- document their actions.

The *process* of responding will help determine whether an initial judgment is appropriate. It is possible that some incidents will shift either way between 'concerning' and 'serious' as more information and understanding comes to light.

### *What can the site expect when police are contacted for serious incidents using the 13 14 44 number?*

This contact provides the site leader with immediate advice regarding police involvement. Serious incidents will be referred to different sections of the police force depending on the age of the children or young people involved and other circumstances. Police officers attending will be able to advise the site about which section of police will be following up and, where relevant, they can give advice about:

- immediate supervision of children or young people who engaged in the behaviour
- management of quarantined electronic material
- crime scenes (where relevant)
- contact with parents and the police section likely to be investigating.

It is reasonable for site leaders to expect and receive police and/or DCP advice about who will contact parents and when, before the end of the day on which the incident became known.

More detailed discussion on contact with parents follows on pp 23–24.

## 3 Responding to problem sexual behaviour

### *Will police always be involved with serious incidents?*

Generally, all serious incidents will have police involvement. However, with very young children, police may refer children and young people to the Child Protection Services of the Women's and Children's Hospital, Flinders Medical Centre or Northern Adelaide Local Health Network. Sometimes, the police and DCP will work together in responding but one or the other will always be considered to have the lead responsibility.

Occasionally, police officers may determine that they will have no role to play in which case they will advise the site leader to follow the site's usual behaviour support and incident management policy and procedures (see Appendix 2, 'Roles of key agencies').

### *How should the site decide whether a report to the Child Abuse Report Line is required?*

Sites should use this guide to determine the seriousness of the behaviour, based on the child or young person's age group, history, other contextual information and the Mandatory Reporting Guide.

A report must be made to the Child Abuse Report Line if the site assesses the behaviour as *serious*. Behaviour assessed as *concerning* may, under some circumstances, need to be reported to the Child Abuse Line, for example:

- the CYP problematic sexual behaviour decision making tree (Mandatory Reporting Guide) has guided the site to report to CARL
- another child or young person is, or may be, at risk from the behaviour and/or
- the site has a number of previously documented and/or reported serious concerns about the child or young person who engaged in the behaviour and the incident leaves site staff with a belief that the child or young person is being abused or chronically neglected.

If uncertain, consult your sector office for advice.

### *Will DCP always be involved with serious incidents?*

No. DCP may become involved if the problem sexual behaviour meets the threshold for statutory child protection notification and

- the family of the child or young person involved is suspected or known to be failing to protect or adequately supervise the child or young person and/or the child or young person is suspected or known to be a victim of abuse by a family member, and/or
- DCP has an open case on any of the children or young people involved, and/or
- there is a history of child protection notifications that, together with the problem sexual behaviour, create sufficient belief that the threshold for child protection intervention is reached.

While DCP may not be directly involved in the responses to identified children and young people, it plays an important role in ensuring that all relevant information held on its system is shared with education and care staff, police and other agencies (see Appendix 2, 'Roles of key agencies').

\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

### *What can staff members expect to be told when they call the Child Abuse Report Line?*

It is appropriate for staff members to ask the following questions as part of their report to the Child Abuse Report Line:

- Will DCP be involved in the response and does it have any directions about contact with parents?
- Should education and care staff be aware of any issues known about the family, in order to protect themselves or the children or young people concerned?

The Child Abuse Report Line staff member who takes the call may wish to consult with their own senior staff before answering questions. In these cases, they will call back as quickly as possible with the information required.

### *What if the site disagrees with the response made by the Child Abuse Report Line staff member?*

Site staff members are encouraged to express their concerns about a child or young person if they believe their report has not been appropriately considered and assessed by the Child Abuse Report Line staff member. If, after discussion, the issue remains unresolved, the site staff member should ask to speak with a senior practitioner or supervisor at the Child Abuse Report Line. If the matter is still unresolved after that, the site staff member should contact their sector office for advice.

### *If police and the Child Abuse Report Line are going to be contacted in serious cases, who should be contacted first?*

Generally, it will make sense to contact the police first, particularly if the site is managing a critical situation at the site. However, the important thing is that both agencies are contacted as part of the immediate response. Make sure you inform each agency that you have reported to the other. See above for the information that can be sought from DCP.

### *Why does the checklist emphasise that contact must be made with the DCP case worker if the children or young people involved are under child protection/immigration orders\*?*

When a child or young person is under child protection/immigration orders\*, the delegates administering the orders are responsible for case management and planning for the safety, care and wellbeing of that child or young person. The DCP case worker is, therefore, a key contact.

## 3 Responding to problem sexual behaviour

Children and young people in care are an already vulnerable group. Many of them are in care because they have experienced abuse or chronic neglect. As a result of this background, they may be more vulnerable to being affected by the problem sexual behaviour of others and/or to exhibiting problem sexual behaviour themselves. They may be living in residential situations where their proximity to other children and young people places them or the other children and young people at increased risk of being harmed.

In addition, certain personnel in other agencies have responsibilities to advise the Guardian for Children and Young People about alleged sexual abuse involving children under child protection/immigration orders\*. For all of these reasons, it is essential that the case worker is immediately informed so that appropriate case management processes can be followed and the special circumstances of these children and young people can be properly considered.

### *Why are the affected children or young people kept supervised until parents are contacted?*

Children and young people affected in serious incidents are likely to be highly distressed or may be in shock. They must be supported and supervised by a staff member (and, if appropriate, a peer) until they are collected by their parents or their parents give permission for alternative arrangements to get them home. This helps protect them and helps the site contain the impact of the incident on the broader community.

It also provides the site with an early opportunity to talk with parents about the importance of counselling support and where services can be accessed.

### *How should the site decide if suspension or exclusion is appropriate?*

Site leaders should employ the same judgments and considerations they use when responding to all other serious behaviours of concern. The fact that this behaviour is sexual in nature, or that it may have occurred off the site, does not alter site leaders' responsibilities to respond appropriately. Government site leaders can consider suspension or suspension pending exclusion if:

- the student has threatened or perpetrated violence (either on the school site or off site involving another student)
- the student has acted in a manner that threatens the safety or wellbeing of another student, a member of staff or another person associated with the school
- the student has acted in a manner that threatens the good order of the school by persistently contravening or failing to comply with rules applying within the school related to behaviour.

Site leaders should ask the following questions when considering the use of suspension or exclusion involving problem sexual behaviour:

- Do I believe that the use of suspension or suspension pending exclusion is necessary to:
  - help the child or young person understand and respect community (and site) expectations about respectful behaviour?
  - protect the immediate wellbeing of affected children or young people?
  - keep the school environment safe for all?
  - allow the site staff time to liaise with police and other agencies so that proper support of all involved children and young people is in place?
- Do I believe the above outcomes are of greater protective value to the child or young person than the value of allowing them to remain at the site?
- Have I taken into account the child or young person's physical or developmental capacity?

Generally speaking, if there is a 'yes' answer to any of these questions then suspension is probably an appropriate response.

If the answer is 'no' to all of the questions above then the site leader should reconsider the use of suspension. Would alternative responses keep the site safe and contribute to helping the child or young person understand the impact of their behaviour on others? Other strategies to consider are:

- withdrawal from some or all classes
- change of class placement and timetable
- restricted access to areas
- restricted contact with other children and young people
- increased supervision.

It is important that the concepts of natural justice and procedural fairness are reflected in suspension and exclusion processes.

Children and young people's rights (to know what is alleged, to be heard, to question evidence, to have an advocate of choice, to use appeal or grievance procedures, and to qualified confidentiality) must be respected. Staff must also protect the dignity of children and young people. Staff members should prevent unnecessary embarrassment and give children and young people privacy wherever possible in the responses they make. Following the Department for Education's 'behaviour support policy' and implementation guidelines will help site leaders ensure that these rights are respected.

These considerations are especially critical for children and young people under child protection/immigration orders\*, for whom suspension should always be a last resort.

In government schools, the use of expulsion may be considered for young people beyond the age of compulsory schooling.

## 3 Responding to problem sexual behaviour

### *What actions are appropriate with very young children and those accessing children's services?*

The responses to very young children must be appropriate for their age and their relatively limited understanding about the effect of their behaviour on others. Responses need to be clear about stopping the behaviour and the reasons why it is inappropriate, but they should also be delivered in a calm and non-punitive way. The Education and Early Childhood Services Act prohibits the use of inappropriate discipline, including corporal punishment.

The site will need to plan its support of and communication with affected children and their parents and its strategies for establishing calm and normality with the children.

Sometimes, in order for the site to do this work, it will be necessary for the child who engaged in the behaviour to be taken home for the remainder of the day. In some cases, by negotiation with parents and the sector office, this period at home may need to extend beyond a day.

Follow your sector's requirements for reporting and managing these situations.

### *Can the site use suspension or exclusion/ take home if the police or DCP is going to investigate?*

Yes. The site can use these procedures for all the reasons discussed above. The involvement of police or DCP doesn't mean that the site can't do what is necessary to keep its environment safe and functional. The important point about police or DCP involvement is that **1 agency leads investigations at any one time**.

Consequently, at any time, only 1 of the following situations will apply for sites in the course of responding to a serious incident:

- police/DCP leads and conducts the investigation, interviews and contact with parents, and the site plays only a support and liaison role
- police/DCP requests the site or sector office to conduct some levels of investigation, interviews or contact with parents but police/DCP continues leading the work
- police/DCP decides it will have no role in the incident, in which case the site leader follows normal reporting procedures for their sector and behaviour support processes recommended for the age cohort involved.

It is possible that all 3 of the above situations could occur over the course of an interagency response to 1 incident.

### *Why should staff positively reinforce the actions of children and young people when they report problem sexual behaviour?*

Safe environments rely on people believing they *can and should* report the harmful behaviour of others. One way of creating this belief in children and young people is to ensure that their experience of reporting harmful behaviour (or their observation of others making such reports) is a positive one. Responding to problem sexual behaviour provides the site with opportunities to strongly reinforce and reward the actions of children and young people who speak up to protect themselves or their peers.

### *Why must the site consult with police and DCP before it contacts parents in serious cases?*

It is very important that the site coordinates its actions with those of the police or DCP so that the stress for children or young people, families and staff is limited as much as possible and to avoid the unintentional compromising of an investigation. Sites and police/DCP must decide:

- *who* contacts the parents and when
- *what* is said to the parents.

See below for information on what to do if police and DCP are not able to provide advice before children and young people are due to go home.

Consistency of information, timeliness of actions and limiting the number of interviews are important factors in helping to manage the complexity and emotional nature of these situations. Any risks to staff or to children and young people should be addressed by sharing information held by the site, police and DCP.

Parents of the individual children and young people involved in incidents of problem sexual behaviour should *not* be brought together to discuss the incident.

### *What if the site doesn't get advice from either DCP or the police before the children or young people involved in a serious incident are due to go home or be collected?*

This situation is very unlikely as the 'police attend' number, 13 14 44, should give the site immediate access to police.

*Clear communication between police, DCP and sites will help limit further risks.*

\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

## 3 Responding to problem sexual behaviour

If the site cannot get through on the Child Abuse Report Line the staff member should call the manager of its local DCP office to check any relevant background information about the families the site needs to contact.

However, if the timing of a situation means neither agency is able to be contacted, the site should consider the options below, ideally in consultation with staff in its relevant sector office. Be aware that the emotions of parents in these situations will be highly charged and staff must approach this communication task with care and sensitivity.

### Contact with the parents of the child or young person who has been affected when DCP or police are unable to provide advice before the child or young person is due to go home

Once a site is informed that a child or young person has been affected in a serious incident of problem sexual behaviour, *but is unable to get advice* from police or DCP, the site has a strong moral obligation to inform the parents of the child or young person who has been affected so that appropriate emotional support can be provided at home and professional counselling can be accessed at the earliest opportunity. The only exception to making contact with the parents of an affected child or young person would be if the site believed (through local knowledge and/or the views of the child or young person) that there were serious risks to the safety of others in informing the family. Record these reasons if this is the case. If no serious risks are identified, tell parents:

- what has been reported or witnessed
- that the matter has been referred to the police and DCP
- that one or other of those agencies will be leading the investigation and will be in direct contact with them
- that the site will be required to follow advice from the police and/or DCP
- where they can access support services (refer them to services listed on the Department for Education website—see the ‘Web links’ section)
- the process the site will follow in deciding an appropriate response to the child or young person who engaged in the behaviour
- the importance of letting other agencies do their work and maintaining as much confidentiality as possible while that occurs
- which staff member will be their contact for information, the fact that they can contact and meet with this person at any time and that the contact details of the other agencies will be provided to them as soon as they are known
- the importance of trying to manage their own emotions so that they do not create further stress for their child
- that the name of the child or young person who engaged in the behaviour will be provided by the police, not the site, even if this information may be circulating within the community.

### Contact with the parents of the child or young person who engaged in the behaviour when DCP or police are unable to provide advice before the child or young person is due to go home

- **Example scenario 1:** If several other children or young people are aware of the serious incident that occurred at the site, it is appropriate to proceed with the normal site-based behaviour support processes, which would include contact with the parents of children or young people who engaged in the behaviour. These parents should also be informed that a report has been made to the police and that the site will be following the directions of police once these are received. *Exception:* If the site believes that informing the family without police involvement will create serious risks to the safety of others in the site community then the site should delay action until police officers are in attendance or have provided advice.
- **Example scenario 2:** If the alleged incident did not occur at the site and it is not thought that others within the site community know about it, the site should postpone contact with parents until the police are involved.

### Why is it so important to refer children and young people and their parents to professional counselling services?

Research clearly indicates that a supportive response to children and young people’s disclosure of assault or abuse contributes in a positive way to their potential long term recovery (Gries et al 2000, Kogan 2005).

Education and care staff members play a significant part in the immediate and long-term supportive response provided to affected children and young people. However, education and care staff members are not professional therapists. The specific professional counselling required to support children and young people and their parents in these circumstances must be provided by properly trained and qualified professionals. Helping children and young people and their parents to access these services and establishing links with the professionals involved are responsibilities that the site must meet.

It is worth noting that Principle 2 of the *Declaration of Principles Governing the Treatment of Victims of Crime* states, ‘A victim should be informed about health and welfare services that may be available to alleviate the consequences of injury suffered as a result of the offence’ (Commissioner for Victims’ Rights 2001).

For children and young people who *engage* in problem sexual behaviour, the importance of accessing professional help is also critical. As has been discussed elsewhere in these guidelines, it may be that support services need to be accessed by adult family members as well as the child or young person so that *all* the issues underlying the behaviour are properly addressed. Adult services can support adults to respond appropriately and effectively.

## 3 Responding to problem sexual behaviour

The site's liaison with the professionals involved in providing services to children and young people and/or their family members is essential. Solving the problems that can underlie problem sexual behaviour is a complex process and one that will not be successful without clear coordination and communication between the agencies and services involved. (See below for questions and answers about support and safety plans and behaviour support plans. Refer also to Appendix 2 for information about agency roles and services.)

### *What if parents won't access or refuse counselling support for their children?*

This problem can arise with the parents of children or young people who engage in or are affected by problem sexual behaviour. In these circumstances, sites should liaise with all other involved agencies and services including their sector office. Joint interagency efforts should be made to ensure parents understand the importance of accessing professional counselling and the seriousness of their refusal to cooperate with this priority.

The DCP Mandatory Reporting Guide states that if a parent/carer has not taken protective action and is not able or willing to take appropriate action to address a child or young person's problematic sexual behaviour, a report to CARL is required.

### *What is a support and safety plan?*

A support and safety plan is any kind of formalised, agreed set of actions that the site, the child or young person affected by the behaviour, their parents and involved agencies develop together in response to an incident involving problem sexual behaviour. The purpose of the plan is to outline each person's role in helping the child or young person to be, and feel, safe and supported.

Where a student has an existing individual plan, such as the Department for Education's One Plan, the support and safety arrangements should be integrated into that plan. Different sectors will have their own templates for this kind of individualised programming but the key value of the plan is that it formalises the ongoing monitoring and communication responsibilities of all the relevant parties.

Essential elements of a support and safety plan are:

- information about the requirements or restrictions that have been placed on the other child or young person's behaviour at the site
- the agreed actions that the child or young person will take if they feel unsafe or become aware that the other child or young person is not following the site's directions
- the agreed actions that the parents will take if they feel their child is unsafe
- the professional support that is being accessed and pathways of communication between those professionals and the site
- the agreed indicators of stress (experienced by the child or young person) that will be shared immediately between the child or young person, the site, parents and any other professionals involved.

See an example of a support and safety plan in Appendix 4.

### *What is a behaviour support plan?*

A behaviour support plan is any kind of formalised, agreed set of actions that the site, the child or young person who engaged in the behaviour, their parents and involved agencies develop together in response to an incident involving problem sexual behaviour.

Whatever template is used by a sector or service, its purpose must be to document the responsibilities that each individual has towards remedying the factors contributing to the problem behaviour. While the focus of the site's behaviour support plan will be on an individual child or young person, the plan must also summarise, where relevant, the involvement of *family or adult* services that are aimed at improving the level of care, protection and parenting in the home.

***Intervention with families is at least as important as individual work with the child.***

(Hackett 2004, p 4)

A behaviour support plan might summarise:

- the risk assessment of the child or young person's behaviour
- behaviour goals and methods of positive reinforcement
- the education program
- onsite adult supervision arrangements (eg one-to-one yard support)
- scripts that staff will use when promoting or prohibiting particular behaviour
- agreed actions and consequences in response to repeat incidents
- prohibited areas, contacts or activities, particularly as these relate to children or young people who have been affected by the behaviour.

Importantly, a behaviour support plan should summarise the roles of:

- specialists working with the child or young person (eg an outline of the support being provided through CAMHS) and the connection between that support and the site's actions
- services assisting the family (eg a non-government organisation may be involved in helping the parents establish more protective supervision behaviour with their children).

There are obvious and critical connections between the staff members working with children and young people and those working with parents. The behaviour support plan is one way of ensuring that the connections between these professionals are identified, that their work is understood to be *complementary* and that a commitment to work together is maintained.

See an example of a behaviour support plan in Appendix 4.

## 3 Responding to problem sexual behaviour

### *Why is liaison with the sector office so important?*

Some sectors and services have strict requirements about reporting critical incidents or referring matters of this kind to particular staff whose job it is to respond, advise or investigate. The main importance of liaison with the relevant sector office is that the site can draw on experience, advice and additional on-the-ground support in managing these situations. In particular, a site may wish to use the expertise of a social worker or an educational psychologist to assist it with parent meetings, or a behaviour support specialist to help draft a behaviour support plan. In cases where larger group parent meetings are required, the presence of additional sector office staff may help alleviate the planning and facilitating pressures faced by the site. In extreme cases where parent behaviour threatens the safety of people on the site, the sector office can play a critical role in intervening and can assist with alternative ways of meeting with a family when the site considers normal meeting arrangements are too dangerous. Sector office staff can also advocate on the site's behalf if interagency issues arise. For the site leader, managing very emotional and sometimes aggressive and threatening parents can be overwhelming, particularly if other sections of the parent community become involved. The earlier that sites alert their sector offices to the situation they are managing, the easier it is to deploy the support required at the time the site needs it.

Finally, the sector office can help sites to support staff wellbeing. Some incidents of problem sexual behaviour are highly distressing experiences for staff to observe and to respond to. In addition, staff members who might have been victims of abuse or family violence may not have the capacity to be directly involved in some responses. Site leaders need to be sensitive to this possibility and to give staff members ways of taking up different responsibilities that do not threaten their ability to function at the site.

Contacts for counselling services for staff are listed in the 'Bibliography and web links' section. Staff members who express or demonstrate a need for some support should be encouraged to use these services.

### *How should the site decide what information to share with which parents?*

Every situation is different. In most cases, the site should consult with its sector office (and with the police and/or DCP if they are involved) about the content of the communication with parents. It is important to prioritise and not delay this task. Delays in communication allow the spread of misinformation and invite the community to believe that the site is doing nothing. Reluctance to communicate with the community can create new and more difficult problems for the site to deal with and this can take the site away from its central responsibility to support the specific children and young people and their families involved in the incident.

Most importantly, delays in communication may mean that children or young people who have been harmed are not identified and are therefore not given the support they need.

See the web link provided in the 'Bibliography and web links' section for examples of notices, letters or scripts that can be modified for the site's use.

The three most important factors to consider are whether the site believes that:

- other children or young people may have been affected by the behaviour, currently or in the past
- other children or young people witnessed the incident
- accounts of the incident will be circulating amongst the site community.

If the site believes that any one of these 3 circumstances is likely then it needs to plan communication with the relevant groups of parents. Generally, there will be two kinds of parent groups with whom communication must be considered and planned.

### **Parents who need to be informed of the site's management of a critical incident**

This situation is just like any other communication about, for example, a serious accident or an intruder.

The aims of this kind of communication are to:

- prevent misinformation
- allay fears
- direct parents to the site for more information
- alert parents to dangers
- advise parents to be particularly attentive to their children's wellbeing
- give parents suggested responses to their children's questions
- give parents confidence that the site is managing a situation appropriately.

This kind of communication can be **in writing** and should refer to the incident in general ways that **do not identify individuals**.

### **Parents whose children *may* have been harmed through the problem sexual behaviour of others**

Sites need to consider the possibility that other children or young people may have been harmed no matter what the age group. Communication about this will be particularly appropriate with parents of toddlers and preschool-age children, children or young people with intellectual or communication disabilities, and children or young people whose capacity to recognise or report harmful behaviour is limited. The ideal method of communicating with these parents is in person so that confidentiality and sensitivity issues can be properly explained and addressed.

## 3 Responding to problem sexual behaviour

The aims of these meetings are to:

- advise parents of the incident that has raised concerns for other children or young people **without providing information that might identify the children or young people involved**
- explain what changes in behaviour to look out for
- advise parents about what to report to the site and under what circumstances.

These conversations are not about alarming parents or sensationalising an incident. They are part of the basic duty of care to advise parents about risks to children and young people's safety and wellbeing **without identifying individuals**. See sample parent communications in Appendix 5.

### *How can information be shared with parents, other site leaders and professionals without breaching privacy principles?*

South Australia adopted formal guidelines in October 2008 that are specifically designed to assist people in sharing information to help prevent serious threats to children's safety and wellbeing. The document *Information Sharing: Guidelines for Promoting Safety and Wellbeing* (GSA 2008) is generally referred to as 'ISG' and outlines the main principles and decision-making steps that people should follow when they anticipate a serious threat to safety or wellbeing and want to act to prevent the threat occurring. Following the advice in the ISG means staff members can be confident they are acting in accordance with South Australian Government directions and are not in breach of privacy principles. The ISG is broadly complementary to the *Commonwealth Privacy Act 1988* under which non-government schools operate. Further information is available from your sector office.

Site responses to problem sexual behaviour will often require information sharing with other professionals who have a duty of care for the child or young person or with the parents of children and young people suspected of having been harmed.

Sharing information is not complex if you have consent to do so and this is the recommended approach under the ISG. However, the ISG also recognises that:

- it will not always be safe to seek consent
- people won't necessarily give consent when asked.

In situations involving problem sexual behaviour, both of the possibilities above can arise. For some parents the idea of sharing information about their child's sexual behaviour is extremely uncomfortable and may contradict their views about 'fairness'. Sites must be sensitive to these responses but they must also act to protect against risks to the safety and wellbeing of others. The following scenario provides an example of the way a site leader should approach this kind of situation. It is adapted from the Department for Education's Appendix to the ISG.

*Samantha is in year 5 and has twice engaged in problem sexual behaviour directed at younger children in the school. The second episode was very serious resulting in physical and emotional harm to the other child. The principal meets with Samantha's parents to amend the original behaviour support plan that the site had established with them. The amended plan includes getting their consent for the classroom teacher and counsellor to share information with the Child and Adolescent Mental Health Services worker who will be seeing Samantha on a weekly basis. The parents consent to this.*

*The principal then asks the parents to consent to her sharing information with the director of the out of school hours care (OSHC) service where Samantha attends 3 afternoons a week. Samantha's mother becomes very distressed and expresses her fear that her daughter will be labelled forever and be ostracised by other children. She says she won't consent to the information being shared and her husband backs her up.*

*The principal explains that Samantha would be most harmed if she engages in another incident of coercive sexual behaviour and that the best way for her to establish a positive reputation with her peers will be by ensuring she is protected from the opportunity to harm others. The principal explains that only information relevant to children's safety will be shared. Only the OSHC director would be told the detail of the incidents, the other staff would have instructions about where and with whom Samantha could play and how she would need to be monitored.*

*The principal suggests the parents go home to think further about things but explains that ultimately she will need to talk with the director and her preference is to do so with the parents' consent. The parents give consent the next day by telephone.*

*The principal records this information along with all the actions she has taken in supporting Samantha. She is aware that although the parents have consented, there are still possibilities that the situation may become contentious.*

The main messages of the ISG that are particularly relevant to managing these situations are:

- seek consent wherever it is safe to do so
- share only what is relevant to managing risks to safety and wellbeing
- share only with those whose responsibility it is to manage risks
- share information securely (respecting confidentiality in all possible ways and in keeping with provisions of the Young Offenders Act, see p 14)
- record information sharing decisions, especially if they are made without parental consent (follow your sector's ISG appendix).
- the sharing of information and documents to manage any risk to a child or young person, or class of children or young people (consistent with the ISG) is supported by s152 *Children and Young People (Safety) Act 2017*.

The response checklist suggests that information should be shared with other professionals and site leaders who share a duty of care for the children or young people involved. In the immediate response to these incidents, this means people who, in the next 24 hours, are going to take on that role (eg the OSHC director, boarding house director and/or family day care provider).

## 3 Responding to problem sexual behaviour

Information is shared only in order for people to understand and protect against risks so, in the Samantha case scenario above, the following information sharing might occur.

Individuals involved	Relevant information shared
Primary principal and OSHC director	<ul style="list-style-type: none"> <li>• History of Samantha's behaviour and the site's actions, including the site's behaviour support plan</li> <li>• Samantha's parents' consent for the information sharing</li> <li>• Name of the child attending the OSHC site who has been affected by Samantha's behaviour—Kelly</li> <li>• Kelly's parents' consent for the information sharing</li> </ul>
OSHC director and OSHC staff	<ul style="list-style-type: none"> <li>• Details of Samantha's school behaviour support plan that are relevant to the OSHC site and can be reinforced by OSHC staff (eg not playing with Kelly)</li> <li>• How OSHC staff can redirect Samantha if she doesn't follow her behaviour support plan, and what to report to the OSHC director</li> </ul>
OSHC director, Samantha and Samantha's parents	<ul style="list-style-type: none"> <li>• Information the OSHC staff have been given about how to assist Samantha with her behaviour plan</li> <li>• How OSHC staff can redirect Samantha if she doesn't follow her behaviour support plan, and what to report to the OSHC director</li> </ul>
OSHC director and parents of Kelly, the affected child	<ul style="list-style-type: none"> <li>• Details of Samantha's behaviour support plan that involve contact with Kelly at the site and the instructions OSHC staff have been given to help Samantha follow her behaviour support plan</li> </ul>

### 3 Long term response

#### *What if it is considered unsafe for the children or young people involved to continue their enrolments at the same site?*

Sites are strongly encouraged to work with their sector office in managing these situations.

#### **When is this likely to occur?**

It is likely to occur in serious cases of problem sexual behaviour that:

- are prosecuted by police
- are substantiated by credible witnesses
- provide the site leader with a reasonable belief that an allegation is true
- are considered by the site leader, in consultation with others, to represent an unacceptable risk to the safety or wellbeing of others.

*The focus must be on the rights of children and young people to be and to feel safe in their learning or care environments.*

In schools, this decision is most likely to occur during the suspension or exclusion processes and considerations. In children's services (eg family day care), these situations will be managed with the support of designated staff from the relevant sector office.

#### **How is the decision reached?**

The decision about whether a child or young person's wellbeing or safety is threatened by the continued enrolment of another child or young person will be influenced by the views of many people (eg site leaders, parents, sector staff, therapists) but most importantly the affected children or young people themselves, if they are developmentally capable of articulating their feelings. The guiding principle in these circumstances is that a child or young person should feel safe in their learning or care environment. There are no absolutes about the feelings of children and young people affected by serious problem sexual behaviour. Their reactions are influenced by many factors, eg their relationships with peers and adults at the site, the strength of their family relationships, previous experiences, their age, their gender, their sexual orientation and their developmental capability.

The site's responsibility in these circumstances is to ensure that the affected child or young person has been given accurate information and that they have not been unduly influenced by others.

## 3 Responding to problem sexual behaviour

Site leaders can do this by:

- making sure that the affected child or young person is involved in developing support and safety plans, particularly in understanding the restrictions or requirements that are being placed on the other child or young person
- ensuring that the child or young person is accessing appropriate professional counselling services
- doing everything possible to ensure that the child or young person is not being pressured by others (eg other children or young people, parents, staff) to present a particular viewpoint. In particular, it is not appropriate for affected children or young people to feel that they have responsibilities to contribute to the long-term 'rehabilitation' of the child or young person who engaged in the behaviour.

### What process is followed?

The first and recommended process is by negotiation with children and young people and their families. Many families, in these situations, are quick to agree that the best interests of all parties are served by a move to a different service or site. These are some of the concepts that may be helpful in guiding these discussions:

- If a police investigation and a court process are occurring then contact between the children and young people involved is highly problematic and poses risks that may be impossible for the site to protect against. This includes the potential of other children and young people to contribute negatively to the situation and the possibility that the individual being investigated may attempt to influence witnesses.
- The child or young person who engaged in the behaviour can potentially benefit from the normalising and protective experiences of attending a different site or service.
- The rights of the affected child or young person should be discussed.
- The rights of the site to establish and maintain a safe environment for all members, both children and young people and staff, may also need to be discussed.

### What if parents are unwilling to facilitate their child's move to another site?

Options in these cases differ between sites and services. They also differ between government and non-government schools. Site leaders should work with their sector offices in exploring current options.

The purpose of establishing an alternative learning or care option is two-fold. One is to protect the rights of children and young people to be and feel safe. The other is to support the intervention in a child or young person's serious problem sexual behaviour by continuing to offer them the protective benefits of an alternative learning or care environment.

### What if the parents of the affected child want to move their child to a different site?

The concepts of victim's rights would suggest that the affected child or young person should not have their education interrupted or social networks compromised because of the actions of another child or young person. Sites should do everything possible to remedy a child or young person's fears (or their parents' fears) about remaining at the site. Sites should discourage the decision to move if it is based on factors that the site has some capacity to control and influence.

However, the overall aim is that a child or young person *feels* safe in their learning or care environment and so all means of achieving that outcome should be considered. The view of the child or young person should generally be given the greatest weight. For some children and young people, their sense of safety or wellbeing may be threatened by things that are beyond the site's capacity to influence. For example, they may be most affected by their peer group's knowledge of what happened to them. Staff, parents and friends may want to convince the affected child or young person of the potential long term benefits of 'standing their ground' or encourage the child or young person to 'assert their rights'. However, to do so may not actually allow them to enjoy one of those rights—that is, to *feel* safe. There are no blueprints for how children and young people will feel in these situations. In circumstances where an affected child or young person feels they cannot safely and happily remain at the site, they and the parents, should be supported in exploring alternative enrolments.

### What information should be shared between site leaders when children or young people who have engaged in or been affected by problem sexual behaviour move to a new site?

The new site leader must be provided with relevant information by the previous site leader so that risks are managed and documented and the liaison with other agencies continues (see preceding questions and answers about the ISG).

*The purpose of the information exchange is to give others relevant advice about keeping children and young people safe*

The most secure and respectful way for this information to be shared is by direct conversation between the 2 leaders or their delegates and for the exchange of information to be documented by both according to their sector's ISG Appendix. It is a formal requirement under the ISG to record information if it is shared without the consent of the parents.

## 3 Responding to problem sexual behaviour

### *Who else needs to know about the support plans?*

Any adult who will have responsibilities to follow a support and safety or behaviour support plan should be made familiar with the parts of the plan that connect with their responsibilities. Staff members on yard duty, for example, will need to know what the plan requires of them in terms of their yard supervision but not other parts of the plan, unless relevant to that supervision. The most common people to be forgotten in these situations are short-term contract, itinerant, relieving or out-of-hours staff. Swimming instructors, classroom relieving teachers, tutors/mentors, instrumental music teachers, and out of school hours care or vacation care staff can be overlooked in the 'need to know' considerations. These oversights can place everyone at risk.

Sites should consider whether their internal and external communication processes protect against these kinds of gaps in information sharing (see appendix 1, 'Prevention checklist').

### *Why should the site initiate a planning discussion when behaviour is not managed or improved under the behaviour support plan?*

Part of the original behaviour support plan must include the actions to be taken if the plan is not effective in controlling or improving the behaviour. If this situation arises, it is very important that the child or young person's case is formally discussed again and a new plan or referral to another interagency group is put in place. This may include a referral to a different service or to a different interagency forum. Opportunities for intervention with children and young people do not last long. Adults must show determination and persistence in escalating their interventions and advocacy as necessary. Keeping sector staff involved is important if this advocacy needs to be taken up at different levels.

### *What is a 'site review' and how should it be done?*

In this document, site review means a review of a critical incident. The purpose of a critical incident review is to analyse an incident and to consider, objectively, what could be improved about the way the site managed it and what may help prevent another incident of the same kind. Having a review is an important opportunity for the site leadership and/or the emergency response team (ERT) to acknowledge the commitment, efforts and skills of all members of the site community.

Critical incident reviews are not about apportioning blame. They are about improving systems, environments and understanding. They are most effective when staff see the process as a normal professional activity that will contribute to improving the site's capacity to keep its community safe and engaged.

Review processes vary according to the site and may:

- involve 1 or all of the following groups: staff, children and young people, parents, personnel from agencies or sector offices
- be conducted via a written survey or through informal meetings
- be facilitated by the site leader, the ERT, a nominated staff member or someone not employed at the site.

All review processes will have in common:

- documented summaries including proposed improvements
- how the result of the review will be communicated to the site community.

Site leaders will find appendix 1 'Prevention checklist' useful in guiding their review.

### *What are some examples of review outcomes or improvements?*

A site review might result in some or all of the following:

- adapting what is being taught at a particular year level to more explicitly address issues of respectful relationships and behaviour boundaries
- organising an information session with parents to encourage understanding and support for learning and behaviour programs (eg the Keeping Safe: Child Protection Curriculum)
- establishing systems that provide relieving staff with appropriate information about the needs of specific children or young people
- providing formal opportunities and mechanisms for staff to discuss concerns about children or young people's behaviour and wellbeing
- revising expectations regarding socialising between children and young people where there is a significant age difference
- requesting the support of the police to provide information sessions to children or young people and/or parents (eg on sexual crimes including use of electronic media)
- requesting the support of a specialist service such as SHINE SA to help develop parent information sessions or staff professional learning programs
- reorganising yard duty cover or supervision rosters, supervision of particular areas such as toilet blocks, and locking of classroom blocks during breaks
- modifying or setting play boundaries between particular age groups or for children with special needs
- adapting buddy or peer support programs so risks are addressed
- establishing different rules about the use of toilet blocks during class time or the sending of children or young people on 'errands'
- changing camp or excursion procedures and requirements
- establishing formal systems of daily communication with staff who assume a duty of care for particular children or young people (eg a communication book shared between the OSHC director and school principal).

## 3 Responding to problem sexual behaviour

### Responding to problem sexual behaviour when it is directed at adults

If a child or young person's problem sexual behaviour is directed towards an adult, the adult must take immediate respectful steps to establish physical distance from the child or young person and to communicate that the behaviour is inappropriate and that it must stop. This immediacy is particularly important where other children or young people are witnessing the behaviour.

The incident should be reported and documented immediately with the site leader and the same process followed as is outlined in the 'Response checklist' (pp 16–17); that is, depending on the seriousness of the behaviour, a police report (if sexual assault, threats of sexual assault or persistent stalking of a staff member are involved), contact with parents, developing a behaviour support plan, referral to other services, report to the Child Abuse Report Line, critical incident report and so on.

What is different in this situation is that an adult rather than a child or young person has been affected. In these situations, the site leader has responsibility to document a plan of support appropriate for the adult that includes a risk assessment of future impacts on the adult. This should be undertaken with the support of the relevant sector office. This is particularly important for family day care providers whose relative isolation in responding to these situations places them at higher risk.

In serious cases, the plan may involve negotiating a change of class placement of the child or young person. With the adult's agreement, it could also involve a change to their own placement or work responsibilities. Some adults may feel uncomfortable about the possible judgments others may make of these situations. The site leader must take all possible actions and make all possible efforts to support the adult as required. Not to do so threatens the wellbeing of the adult concerned and the sense of safety at the site for other adults.

### Flirtatious behaviour by children or young people towards adults

Sometimes, problem sexual behaviour may take the form of a young person seeking an inappropriate relationship with an adult. Examples of behaviour that could indicate this are giving the adult gifts of an inappropriate nature or at inappropriate times, flirtatious gestures and comments, inappropriate social invitations, and correspondence or communication (including via text messages and social networking websites) that suggests or invites an inappropriate relationship.

In such circumstances, adults are advised to immediately and respectfully deter the child or young person's actions. They should then report the information to their site leader and seek assistance from a senior staff member, school counsellor, pastoral care coordinator or sector office staff member to manage the situation in a way that respects the emotional wellbeing of the child or young person and provides support to the adult.

The adult and site leader should document the incident that initially prompted concern and the subsequent plan of action. Contact with parents is recommended unless there are reasonable grounds to believe that this will create risks for the child or young person.

For more detailed policy guidance, see *Protective practices for staff in their interactions with children and young people* (Department for Education, Catholic Education South Australia and Association of Independent Schools of South Australia 2019).

## 4 Appendices

### Appendix 1 Prevention checklist

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#### Staff awareness

- The material contained in the guidelines *Responding to Problem Sexual Behaviour in Children and Young People* is known to staff.
- All staff at the site have a current *Responding to Abuse and Neglect—Education and Care* certificate.
- Induction for all new staff (including relief staff and volunteers) explains how concerns about children and young people's wellbeing and safety should be acted on at the site and identifies the staff from whom advice should be sought.
- Staff members in leadership roles are familiar with the *Information Sharing: Guidelines for Promoting Safety and Wellbeing* (ISG).
- Key staff members have accessed professional development in the *Keeping Safe: Child Protection Curriculum* and *Strategies for Managing Abuse Related Trauma* (SMART).
- Staff members are aware of the site's emergency response team, and understand the team members' responsibilities and the site's general emergency procedures.

#### Children and young people's awareness

- Rights and responsibilities regarding physical (including sexual) and emotional safety and wellbeing are understood through explicit teaching programs, for example the *Keeping Safe Child Protection Curriculum*.
- Respectful behaviour codes are understood to apply to all site community members: children and young people, staff, volunteers and visitors.
- Processes for reporting bullying/harassment and violent behaviour involving anyone at the site are understood and are seen as effective.
- Seeking help from adults at the site is easy to do and is seen as useful.

#### Site processes and practices

- Staff meetings, formally and routinely, provide for discussion about issues relating to children and young people's wellbeing and safety.
- All relieving and volunteer staff members are provided with information about special monitoring or behaviour support arrangements for individual children and young people with whom they will have contact.
- Formal processes exist for leadership teams to communicate relevant information about children and young people's wellbeing and safety (eg between principals, preschool directors, OSHC directors, family day care providers, boarding facility directors).
- Parents receive information that encourages them to raise concerns, clarifies the support available to children and young people at the site and explains the site's behaviour expectations and the processes it will follow to intervene with problem behaviour.
- Critical incidents at the site are reviewed.
- Recent risk assessment has been made of the site's layout and staff supervision/yard duty arrangements.
- The site's management of interactions between children and young people of different ages or developmental capability (eg cross-age tutoring, buddy systems, peer support programs) has been reviewed recently.
- Site events such as camps, excursions, formals, discos, 'sleep-overs' and family barbecues are properly supervised, organised and documented to address risks.

## 4 Appendices

### Appendix 2 Roles of key agencies

What role does the agency play in relation to these situations?	SAPOL	Department for Child Protection	Child Protection Services, Women's and Children's Health Network	Child Protection Services, Flinders Medical Centre	Child Protection Services, Northern Adelaide Local Health Network	Child and Adolescent Mental Health Services (Women's and Children's Health Network)
	Investigates allegations of criminal abuse and neglect including sexual abuse involving children and young people and proceeds with charges where appropriate.	Investigates concerns that parents are not protective or do not provide adequate supervision where a child or young person is sexually abused by a child or young person who is not a family member. Investigates concerns of intra-familial sexual abuse that arise from the sexual behaviour of a child towards other children. Refers matters that may involve a criminal offence to police. When a child or young person is under child protection/immigration orders*, DCP participates in the individual education plan meeting with the carer and child or young person to agree on strategies that support and protect the child or young person within and outside the school setting.	Conducts medical assessments for children under 16 who have experienced sexual abuse (at the request of DCP or SAPOL). Conducts forensic interviews of children developmentally under 7 where there is an allegation of sexual abuse. May conduct a 'non- forensic' interview where there are concerns about serious sexualised behaviour between children where 1 of them is considered to have used a significant degree of coercion/force and this child is under 10 years of age. Provides therapy to children under 12 who have experienced abuse and neglect. Provides consultation/advice to DCP, SAPOL, professionals and the general public.	Conducts medical assessments for children under 16 who have experienced sexual abuse (at the request of DCP or SAPOL). Conducts forensic interviews of children developmentally under 7 where there is an allegation of sexual abuse. May conduct a 'non- forensic' interview where there are concerns about serious sexualised behaviour between children where 1 of them is considered to have used a significant degree of coercion/force and this child is under 10 years of age. Provides therapy to children under 12 who have experienced abuse and neglect. Provides consultation/advice to DCP, SAPOL, professionals and the general public.	Conducts medical assessments for children under 16 who have experienced sexual abuse (at the request of DCP or SAPOL). Conducts forensic interviews of children developmentally under 7 where there is an allegation of sexual abuse. May conduct a 'non- forensic' interview where there are concerns about serious sexualised behaviour between children where 1 of them is considered to have used a significant degree of coercion/force and this child is under 10 years of age. Provides therapy to children under 12 who have experienced abuse and neglect. Provides consultation/advice to DCP, SAPOL, professionals and the general public.	Provides counselling and therapy services for children and young people and their families who are affected by or who engage in problem sexual behaviour. Provides community-based services for children and young people up to 18 years. Caters for 12 to 18 year olds through the CAMHS Adolescent Sexual Assault Prevention Program (statewide service) which works with young people who have sexually abused or harassed others.

\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

## 4 Appendices

### Appendix 2 Roles of key agencies

	SAPOL	Department for Child Protection	Child Protection Services, Women's and Children's Health Network	Child Protection Services, Flinders Medical Centre	Child Protection Services, Northern Adelaide Local Health Network	Child and Adolescent Mental Health Services (Women's and Children's Health Network)
<b>How does the agency become involved?</b>	Referral from the Child Abuse Report Line. Report made to police by a member of the public (eg parent) or education or care site (eg site leader). Complaint made by a victim to police. Detection by police.	Report to the Child Abuse Report Line by a mandated notifier or a member of the public. Ongoing case management where a child or young person is under child protection/immigration orders*. Invitation by the school or care site when the child or young person is under child protection/immigration orders*.	Referral for forensic/non-forensic interviews by DCP and/or SAPOL through the CPS intake system. Referral by anyone to the sexualised behaviour therapist through the CPS intake system. Consultations provided through the CPS intake system or directly by the sexualised behaviour therapist. Involvement in a strategy discussion initiated by SAPOL or DCP.	Referral for forensic/non-forensic interviews by DCP and/or SAPOL through the CPS intake system. Consultations provided through the CPS intake system. Involvement in a strategy discussion initiated by SAPOL or DCP.	Referral for forensic/non-forensic interviews by DCP and/or SAPOL through the CPS intake system. Consultations provided through the CPS intake system. Involvement in a strategy discussion initiated by SAPOL or DCP.	Referral by parents. Referral by school staff or other agencies (with the family's consent). Self-referral if 16 years or older.
<b>What limitations apply to how the agency responds to these situations?</b>	Police will not interview children under the age of 7 years. These are referred to CPS for forensic interviewing.	Where it is assessed that it is appropriate and necessary for DCP involvement, response times cannot be guaranteed in all situations. If the DCP response will be delayed, DCP may initiate a strategy discussion, or the school or care site may request a strategy discussion.	Resource limitations may apply, particularly with non-forensic interviews as they may have a lower priority rating. CPS workload may impact on its capacity to respond to schools, particularly in relation to forensic interviews (providing support/advice etc).	Resource limitations may apply, particularly with non-forensic interviews as they may have a lower priority rating. CPS workload may impact on its capacity to respond to schools.	Resource limitations may apply, particularly with non-forensic interviews as they may have a lower priority rating. CPS workload may impact on its capacity to respond to schools.	Accessing CAMHS is voluntary. Children and their families cannot be compelled to attend counselling.

\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

## 4 Appendices

### Appendix 2 Roles of key agencies (*continued*)

	SAPOL	Department for Child Protection	Child Protection Services, Women's and Children's Health Network	Child Protection Services, Flinders Medical Centre	Child Protection Services, Northern Adelaide Local Health Network	Child and Adolescent Mental Health Services (Women's and Children's Health Network)
<b>How will the agency liaise with the education or care site?</b>	<p>All efforts are made to interview off the site where feasible.</p> <p>Police officers will forewarn sites of their actions wherever possible, in accordance with the <i>Interagency Code of Practice: Investigation of Suspected Child Abuse or Neglect</i> (see Appendix 3).</p> <p>Police will maintain communication with sites until cases are concluded.</p>	<p>DCP will maintain communication with sites until the case is closed.</p> <p>If DCP initiates contact with a school or care site, the DCP worker will make all efforts to preserve notifier confidentiality.</p> <p>DCP will provide feedback about the way a notification will be dealt with.</p> <p>If DCP wishes to interview children or young people, it will forewarn sites wherever possible and have appropriate paperwork in accordance with the Interagency Code of Practice: Investigation of Suspected Child Abuse or Neglect (see Appendix 3).</p>	<p>Schools may be involved in the strategy discussion with SAPOL, DCP and CPS.</p> <p>Sexualised behaviour therapist provides consultation to schools and care staff.</p>	<p>Schools may be involved in the strategy discussion with SAPOL, DCP and CPS.</p> <p>Allocated senior social worker or senior clinical psychologist provides consultation to schools and care staff.</p>	<p>CAMHS will liaise with support workers, school staff and other agencies (DCP etc) on the support and monitoring plans that are developed with children and young people and their families.</p>	
<b>What limitations apply to the actions of the education or care site?</b>	<p>Site staff must not:</p> <ul style="list-style-type: none"> <li>investigate allegations that an offence has occurred or interview children or young people or families unless directed by police</li> <li>remove evidence, including electronic forms</li> <li>compromise a crime scene.</li> </ul>	<p>Site staff must not seek to obtain additional information from children or young people or families to support a notification that has been made to DCP unless requested to do so by DCP.</p>				

\*Child protection/immigration orders refer to children and young people under the guardianship or in the custody of the Chief Executive, Department for Child Protection.

## 4 Appendices

### Appendix 3 SAPOL and DCP interviewing on education and care sites

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This appendix is adapted from the Government of South Australia's *Interagency Code of Practice: Investigation of Suspected Child Abuse or Neglect* (2016, pp 30–313).

#### SAPOL

If it is considered necessary to speak to the child or young person at the education or care site, then:

- sufficient time needs to be given to allow the site to arrange for the interview
- a decision must be made as to whether to advise the parents before or after the interview
- parents should be informed as soon as reasonably practicable in the circumstances.

When the initial interview of a child or young person victim is conducted on an education or care site:

- the primary responsibility of the principal/director and staff is the welfare of the child or young person
- all parties need to be sensitive to the needs of the child or young person (consider non-uniformed police officers)
- the presence of the principal/director or a nominated staff member during the interview depends upon the circumstances surrounding the alleged abuse and/or to whom the initial disclosure was made
- if the allegation of abuse or neglect is against a staff member, it is inappropriate for other staff members to be present at the interview.

The person to whom the child or young person first complained of the alleged abuse is a potential witness. Therefore, only in exceptional circumstances will this person be allowed to be present for any subsequent interview of the child, eg if a full statement from that staff member has been taken prior to the child or young person's statement.

#### Department for Child Protection

During any investigation, the investigating case worker will sight and assess the child or young person as part of the investigation process.

If the interview is to be conducted at an education or care site, DCP must provide a letter to the principal/director outlining its authority under the *Children and Young People (Safety) Act 2017*.

Careful consideration should be given to choosing a suitable and sympathetic setting for the interview. The location should be private, quiet, and reasonably comfortable. Care must be taken to safeguard the child or young person's privacy and protect them from the curiosity of others at the site.

If the parents have not been informed before the interview, immediate action must be taken to inform them that this has taken place and about what, if anything, is to happen next. It is important to provide the parents with information about DCP's role and responsibility and the process of any further investigation to take place.

After concluding the interview, the DCP case worker provides the parents with written information about DCP's role and responsibility, the process of investigation, the case worker's name, the supervisor's name, and the DCP office telephone number.

## 4 Appendices

### Appendix 4 Sample behaviour support and safety plans

Sample plans to incorporate into the individual/'one plan' support system used by your sector.

#### Behaviour support plan

Support categories	Support strategies	Responsible person/s
Behaviour expectations	<ul style="list-style-type: none"> <li>• What are the specific expectations regarding behaviour:               <ul style="list-style-type: none"> <li>– in class</li> <li>– in yard</li> <li>– in their contact with others – individuals/age groups</li> <li>– with use of toilets</li> <li>– before and at end of day</li> <li>– in other specific settings on or off the site (eg camps, formals, sports days excursions)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Child or young person.</li> </ul>
Internal support	<ul style="list-style-type: none"> <li>• How are staff supporting the student to achieve the desired behaviour:               <ul style="list-style-type: none"> <li>– in class</li> <li>– in yard</li> <li>– in their contact with others – individuals/age groups</li> <li>– with use of toilets</li> <li>– before and at end of day</li> <li>– in other specific settings on or off the site (eg camps, formals, sports days excursions)?</li> </ul> </li> <li>• Who can the child or young person talk to at the site about personal issues and how they feel about the behaviour plan? How do they access this person?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff directly support the child or young person in the ways listed opposite?</li> <li>• Who is responsible for informing other relevant staff of the support expectations listed opposite – eg other class teachers, yard duty staff, front office staff</li> <li>• Who is responsible for informing relief staff of the behaviour plan?</li> </ul>
Parent/caregiver support	<ul style="list-style-type: none"> <li>• What actions are being taken at home to help reinforce positive behaviours and protect against problem behaviours?</li> <li>• What should the parents/caregivers communicate with the site about and how should this happen?</li> <li>• Are other agencies assisting the family and if so how does their work relate to the behaviour plan?</li> <li>• What tasks do the parent/caregivers have in supporting their child to access services from another agency? (eg transport)</li> <li>• Do parents understand what response the site may make if agreed counselling is not accessed? (see p 24)</li> </ul>	<ul style="list-style-type: none"> <li>• Which parents or caregivers will be undertaking what responsibilities?</li> <li>• Who is the key contact person for parents at the site?</li> </ul>
Teaching and learning support	<ul style="list-style-type: none"> <li>• What learning program is being used to help reinforce the desired behaviours?</li> <li>• How does this relate to the work of other professionals?</li> <li>• How does it relate to actions being taken by parents in the home?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff at the site are responsible for the learning described opposite?</li> <li>• Who is responsible for informing/supporting staff with these requirements?</li> </ul>
External support	<ul style="list-style-type: none"> <li>• Which other agencies or professionals are involved with the child or young person or their family?</li> <li>• What is the nature and length of their support?</li> <li>• How do they liaise with the site?</li> <li>• Have they contributed to the development of this plan and been given a copy?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff at the site will liaise with other involved agencies?</li> </ul>

continued on page 38

## 4 Appendices

### Appendix 4 Sample behaviour support and safety plans *(continued)*

#### Behaviour support plan *(continued)*

Support categories	Support strategies	Responsible person/s
Site response to child or young person not meeting behaviour expectations	<ul style="list-style-type: none"> <li>• What <i>immediate</i> response will the site make to any behaviour expectations not being met?</li> <li>• What <i>reminders</i> will staff give for any behaviour expectations not being met?</li> </ul>	<ul style="list-style-type: none"> <li>• Who makes these decisions?</li> <li>• Who inducts staff about these decisions?</li> </ul>
Plan review	<ul style="list-style-type: none"> <li>• What monitoring of the plan will be made?</li> <li>• When will the plan be reviewed?</li> </ul>	<ul style="list-style-type: none"> <li>• Who keeps a monitoring record?</li> <li>• Who will contribute to the review? (include child or young person)</li> </ul>
Others with a duty of care	<ul style="list-style-type: none"> <li>• Who else needs to know about the plan? For example:               <ul style="list-style-type: none"> <li>– OSHC / vacation staff?</li> <li>– family day care provider?</li> <li>– boarding / residential staff?</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Which site staff member is responsible for discussing the plan with other people who have a duty of care?</li> <li>• Who will decide what information is relevant to share?</li> </ul>
Signatures	<ul style="list-style-type: none"> <li>• The plan is signed by key stakeholders in particular:               <ul style="list-style-type: none"> <li>– Child or young person</li> <li>– site leader</li> <li>– parent / caregiver</li> </ul> </li> </ul>	

## 4 Appendices

### Appendix 4 Sample behaviour support and safety plans *(continued)*

#### Support and safety plan

Support categories	Support strategies	Responsible person/s
Internal support	<ul style="list-style-type: none"> <li>• What changes to the child or young person's routine are in place to support them? eg:               <ul style="list-style-type: none"> <li>– yard duty arrangements</li> <li>– before / after school</li> <li>– classroom / timetable</li> <li>– counselling support</li> </ul> </li> <li>• Has the child or young person been told what restrictions and/or expectations the site has placed on any other involved children and young people?</li> <li>• How is the child or young person expected to alert staff if an involved child or young person does not follow the site's directions? eg:               <ul style="list-style-type: none"> <li>– advise yard duty teacher</li> <li>– move to front office</li> <li>– report directly to director / principal</li> </ul> </li> <li>• Who can the child or young person talk with at the site about personal issues or concerns they have about the plan? How do they access this person?</li> <li>• What signs of stress in the child or young person will be reported immediately by staff to parents/caregivers? How will this communication be made?</li> <li>• What is the agreed verbal response the child or young person will make to questions from others?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff directly support the child or young person in the ways listed opposite?</li> <li>• Who is responsible for informing other relevant staff of the support expectations listed opposite, (eg other class teachers, yard duty staff, front office staff)?</li> <li>• Who is responsible for informing relief staff of the support plan?</li> <li>• Who will coordinate communication with parents?</li> </ul>
Parent/caregiver support	<ul style="list-style-type: none"> <li>• What actions are being taken in the home to help restore the child or young person's sense of safety and wellbeing?</li> <li>• What signs of stress in the child or young person will be reported immediately to the site and other professionals supporting the child or young person?</li> </ul>	<ul style="list-style-type: none"> <li>• Which parents/caregivers will be taking what responsibilities?</li> <li>• Which staff member will be the key contact for parents in all matters relating to the plan?</li> </ul>
Teaching and learning support	<ul style="list-style-type: none"> <li>• What learning programs are being used to:               <ul style="list-style-type: none"> <li>– help reinforce children and young people's rights to physical and emotional safety</li> <li>– promote the reporting of inappropriate behaviour at the site</li> <li>– promote help seeking behaviour at the site?</li> </ul> </li> <li>• How does this learning program relate to the plan and the work of other agencies?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff at the site are responsible for the learning described opposite?</li> </ul>
External support	<ul style="list-style-type: none"> <li>• Which other agencies or professionals are involved with the child or young person or their family?</li> <li>• What is the nature and length of their support?</li> <li>• How do they liaise with the site?</li> <li>• Have they contributed to the development of this plan and been given a copy?</li> </ul>	<ul style="list-style-type: none"> <li>• Which staff member liaises with other involved agencies?</li> </ul>

*continued on page 40*

## 4 Appendices

### Appendix 4 Sample behaviour support and safety plans (*continued*)

#### Support and safety plan (*continued*)

Support categories	Support strategies	Responsible person/s
Plan review	<ul style="list-style-type: none"><li>• What monitoring of the plan will be made?</li><li>• When will the plan be reviewed?</li></ul>	<ul style="list-style-type: none"><li>• Who keeps a monitoring record?</li><li>• Who will contribute to the review? (include child or young person)</li></ul>
Others with a duty of care	<ul style="list-style-type: none"><li>• Who else needs to know about the plan? eg:<ul style="list-style-type: none"><li>– OSHC / vacation staff?</li><li>– family day care provider?</li><li>– Boarding / residential staff?</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Which site staff member is responsible for discussing the plan with other people who have a duty of care?</li><li>• Who will decide what information is relevant to share?</li></ul>
Signatures	<ul style="list-style-type: none"><li>• The plan is signed by key stakeholders, in particular:<ul style="list-style-type: none"><li>– Child or young person</li><li>– Site leader</li><li>– Parent / caregiver</li></ul></li></ul>	

## 4 Appendices

### Appendix 5 Sample parent communication guides

#### Sample written parent communication

The guidelines recommend direct personal communication with parents whose children may have been affected by an incident of this kind. See pages 25 and 26 and the support resource 'parent meeting discussion guide' that follows.

This sample letter is provided for consideration when the site or service believes that discussion within the community about a serious incident is causing or has the potential to cause harm to children or young people and their families.

**Sites must consult with their sector office and any involved agencies before finalising written parent communication.**

Dear *[Name]*

I am writing to all parents in *[Ms Smith's class / year 3 / the centre / the junior primary school]* about an incident of inappropriate behaviour involving *[2 / 3 / a small group of children or young people]*. While I have no information to suggest that other children, including your child, have been affected by this incident I want to alert you to the possibility that your child may have heard about the reported behaviour and therefore may comment on it at home.

Please make contact with *[teacher's name]* on ph: *[phone number]* if your child expresses concern or talks about inappropriate behaviour so that together we can provide the most appropriate response for them and for others.

The parents of the children directly involved in the incident have been informed and we are maintaining our normal monitoring and support of all *[children's/students']* wellbeing. *[A government agency is also involved in responding to this incident and will be liaising with us. / We are also responding to this incident in consultation with other professionals.]*

Please respect the difficulties this incident poses for the particular families involved by directing any questions or comments about this letter *[to me / to the above contact]*. We don't anticipate a need for further communication with you, however we will be in touch if there are any further developments.

Thank you for your support.

*[Signed]*

Site leader

## 4 Appendices

### Appendix 5 Sample parent communication guides *(continued)*

#### Parent meeting – discussion guide

This information may help site staff to discuss an incident of serious problem sexual behaviour with parents whose children *may* have been affected by the behaviour.

The guidelines strongly recommend that site staff hold this discussion personally in a one-to-one situation. Such a discussion is most likely to be appropriate and necessary with parents of very young children or children with communication limitations or disabilities (see p 26). However, staff may judge it appropriate to have this kind of conversation with a small group of parents – based on their confidence about the likely responses and conduct of the group.

**Sites or services must use their sector office support staff in planning and conducting these meetings and a representative of Child and Adolescent Mental Health Services (CAMHS) or Child Protection Services could be consulted and invited to attend meetings to answer parent concerns that require specialist advice. Alternatively, the CPS intake service can be consulted for advice.**

- **Advising the reason for the meeting**

Thanks for making this time. I want to talk with you about an incident that's been brought to our attention that involves some other children *[at this centre/service / in the same class/peer group]*. While your child wasn't involved in this incident I want to be sure that they haven't been affected by it in some way that we're not yet aware of.

It isn't appropriate for me to talk with you about the individual children involved but I can describe some of the incident to help you understand what my concerns are. The incident involves inappropriate and concerning *[sexual touching / talking]* involving *[2/3...]* children and it would appear that this happened *[in the toilets / in the yard / on camp / during rest time]*. The parents of the children concerned have been informed and we have helped organise the support of government agencies for the families involved.

We can't be certain that other children didn't see or hear something of this incident or that they haven't been involved in a similar incident previously. That's why I'm talking with you now because I'd like you to pay particular attention to some things and talk with me about any observations or concerns you have now or over the next few weeks.

- **Explaining what to look out for and what to report**

What we'd like you to look out for is any behaviour that is different to what you would normally see or expect in your child. Are they reacting differently to people or situations? Are they saying things that you find concerning or unusual? Have their patterns of eating or sleeping or toileting changed? Are they happy to come to the *[centre/school/service]*? Is their play different? Let us know as soon as possible if you think there has been a significant, unexplained change in any of these areas. You can ring or come in personally but please just speak with me or if I am not here with *[alternative teacher's name]*.

While we want you to pay attention to these things, we don't want you to become over-vigilant or to ask probing questions of any kind because this could create anxiety or stress for your child unnecessarily. Just noting any changes to their normal expected behaviours is enough. If they ask questions that you think might relate to this incident, let us know straight away and we'll help you with what to say to make them feel reassured and make sure we reinforce the same messages here.

If you or we think it's important to involve another professional we will help make this happen or suggest this to you.

- **What the site/service is doing**

Apart from the particular support and actions we're taking with the children and families directly involved, we are maintaining the *[centre's/site's/service's]* normal routines as much as possible and closely monitoring all children's behaviour in the ways we've been talking about. We have changed some routines in response to this incident and they are *[...be specific about what is happening without naming children...toilet use changes / play time changes / different supervision / changed enrolment / re-locating play equipment / focussing on the Keeping Safe: Child Protection Curriculum]*. We believe this will help maintain safety for everyone.

Obviously this is very distressing for the families concerned and I'd like to ask your support in respecting the difficulties those families are facing and protecting their privacy as much as possible. Please encourage other parents to talk with us if you hear them discussing this incident. We want to make sure all children feel happy and comfortable here and that will be difficult if parents are discussing issues within their children's hearing.



## 5 Bibliography and web links

### Bibliography

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*Young Offenders Act 1993 (SA)*

## 5 Bibliography and web links

### Web links

#### Support resources

These resources will help to support staff in following the Response checklist (pp 16–17) and can be accessed at <http://www.education.sa.gov.au> and entering 'problem sexual behaviour' as keywords in the text search box:

- > Example letters to parents
- > Example behaviour support plans
- > Guidance in responding to children and young people
- > Parent meeting script guide

Government schools should also refer to:

- Reporting Critical Incidents and Injuries Procedure (Department for Education) on the intranet
- Social Work Incident Support Service (SWISS) (Department for Education) on the intranet

#### Counselling support for staff

##### Department for Education:

Employee Assistance Program

Refer to <https://edi.sa.edu.au/EAP> for choice of service providers

##### Catholic schools:

Access-Ocar phone 1300 667 700 or

email <[enquiries@access-ocar.com.au](mailto:enquiries@access-ocar.com.au)>

##### Independent schools:

The AISSA provide support and advice on responding to critical incidents on 8179 1800.

#### General

##### Australian Childhood Foundation:

[www.childhood.org.au](http://www.childhood.org.au)

##### Australian Centre for the Study of Sexual Assault (Australian Institute of Family Studies)

<https://aifs.gov.au/projects/sexual-violence/research>

##### Child and Adolescent Mental Health Service (CAMHS) –

Paradise (formerly the Adolescent Sexual Abuse Prevention Program at Mary St): <http://www.wch.sa.gov.au/services/az/divisions/mentalhealth/index.html>

**Child and Youth Health (Children, Youth and Women's Health Services):** <http://www.cyh.com/>

**Child Family Community Australia (Australian Institute of Family Studies):** <http://www.aifs.gov.au/cfca/>

**Commissioner for Children and Young People:**

<https://www.cryp.com.au/>

**Department for Child Protection, Mandatory Reporting Guide**

August 2018:

<https://www.childprotection.sa.gov.au/sites/default/files/mandatory-reporting-guide.pdf>

**Information Sharing Guidelines (ISG) Department for Education:**

<https://www.education.sa.gov.au/supporting-students/child-protection/information-sharing-guidelines>

**Information Sharing Guidelines (ISG) statewide:**

<https://www.dpc.sa.gov.au/responsibilities/information-sharing-guidelines>

**National Centre on Sexual Behaviour of Youth:**

<http://www.ncsby.org/>

**National Child Traumatic Stress Network:**

[www.NCTSN.org](http://www.NCTSN.org)

**National Society for the Prevention of Cruelty to Children:**

[www.nspcc.org.uk](http://www.nspcc.org.uk)

**Office of the Guardian for Children and Young People:**

[www.gcyp.sa.gov.au/home](http://www.gcyp.sa.gov.au/home)

**Sexual Health Information Networking and Education SA**

**(SHINE SA):** [www.shinesa.org.au](http://www.shinesa.org.au)

**Sexualisation of children in the media:**

<https://www.earlylearningreview.com.au/media-sexualisation-of-children-warps-6-year-old-minds-advocate-says/>

**South Eastern Centre against Sexual Assault and Family**

**Violence:** [www.secasa.com.au](http://www.secasa.com.au)

**True:** [www.true.org.au](http://www.true.org.au)

**Victims of Crime:** [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

**Wellbeing for Learning and Life Framework:**

<https://edi.sa.edu.au/supporting-children/learning-and-plans/wellbeing-for-learning-and-life-framework>

**Yarrow Place Rape and Sexual Assault Services:**

[www.sahealth.sa.gov.au/yarrowplace](http://www.sahealth.sa.gov.au/yarrowplace)







- The purpose of these guidelines is to help education and care staff to respond effectively to incidents of problem sexual behaviour involving children and young people.

The actions of staff in these situations can be critical for:

- the ongoing safety, wellbeing and recovery of children and young people
- intervention in family violence, abuse and neglect
- the safety of people on the site and in the community.

The guidelines are specifically designed for use by staff working with children and young people in the following types of government and non-government education and care settings:

- family day care
- centre-based child care
- out of school hours care
- preschools
- schools (including junior primary, primary, secondary, senior secondary and adult re-entry settings).