
Responding to Allegations of Student Sexual Assault

Procedures for Victorian
Government Schools

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Foreword

The Victorian Government is committed to providing safe and supportive learning environments for all students. Effective schools create learning environments that deliver the best possible educational outcomes for all students and ensure the creation of strong school communities.

Government agencies, including the Department of Education, Victoria Police, the Department of Human Services and the Child Safety Commissioner, are working closely together to ensure there is an integrated and effective approach to children and young people's safety and wellbeing.

Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools is one strategy that builds on such partnerships to ensure the safety of children and young people at school and within their school community.

The Victorian Government's social policy action plan, *A Fairer Victoria*, sets out a series of actions the Government is taking to ensure the delivery of appropriate support to students at critical times in their lives. The procedures detailed in this publication reinforce these key aims and provide school leaders with the advice and guidelines necessary to construct safe and effective learning environments. This publication will assist school leaders to respond to all allegations of student sexual assault in a timely and sensitive manner.

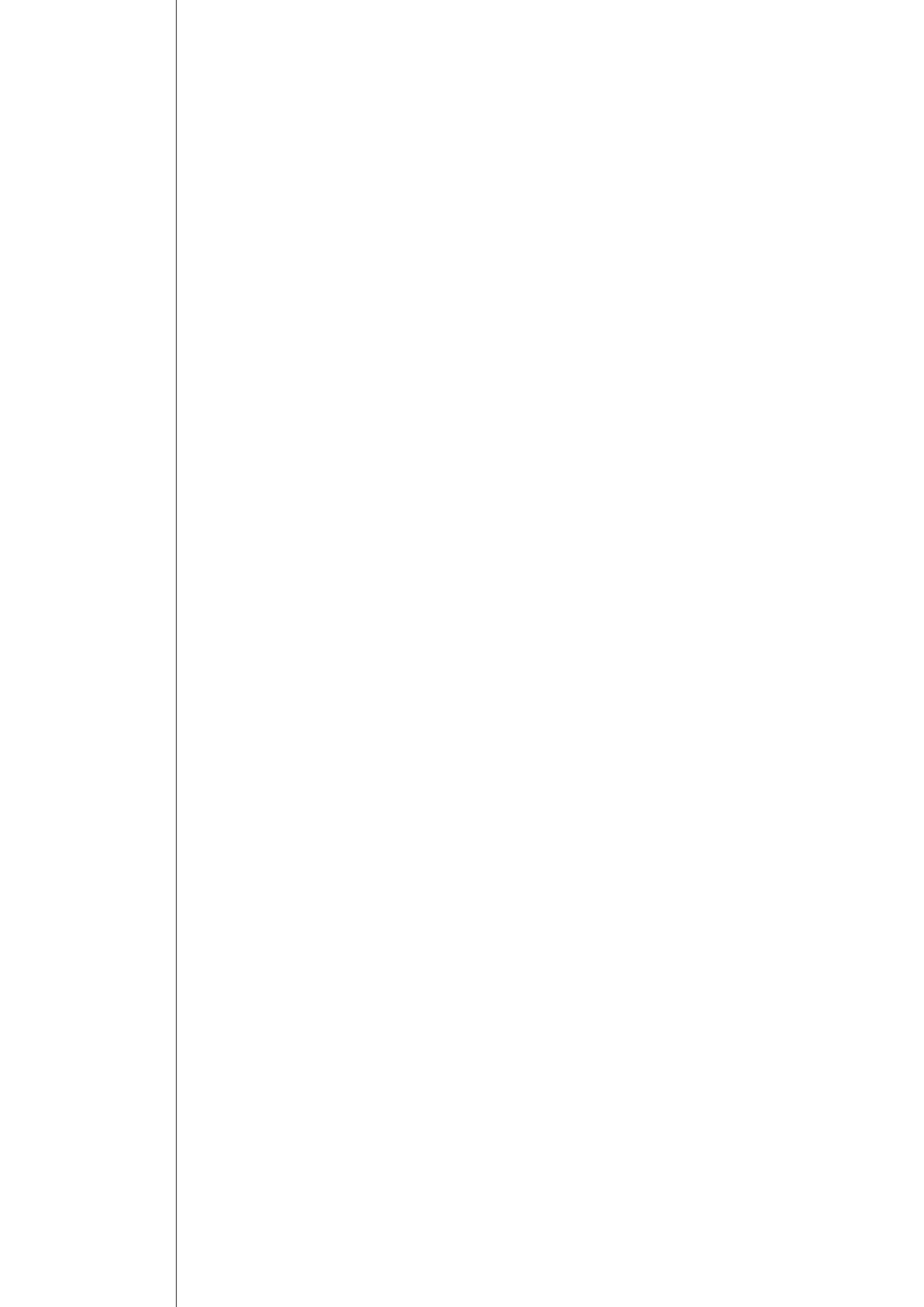
Victorian government schools are required to take immediate action following a disclosure or notification of alleged sexual assault. Parents, students and school staff can be confident that if an allegation of sexual assault is reported in a school, it will be dealt with immediately and in a sensitive manner. Such action is underpinned by comprehensive support structures for all students and their families.

Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools was developed after extensive consultation and provides a sound framework to support school leaders when responding to an allegation of sexual assault.

This publication will assist schools to meet the learning and wellbeing needs of all students, and ensure that every student in every school can feel safe and secure.



JACINTA ALLAN, MP
Minister for Skills, Education Services and Employment



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Introduction

In the course of their careers, Principals may be required to manage an allegation of student sexual assault or a report of inappropriate sexual behaviour.

This publication details the procedures of the Department of Education for responding to allegations of sexual assault or inappropriate sexual behaviour which occur where the school has primary care of the student. These procedures complement the flowchart in Appendix 6 which must be followed step-by-step in responding to allegations of student sexual assault.

While Principals have primary responsibility for managing the school response to allegations of student sexual assault, they must establish a partnership with the Manager, Student Critical Incident Advisory Unit (or nominee) and their Regional Director (or nominee). Victoria Police Sexual Offences and Child Abuse (SOCA) Units have primary responsibility for conducting criminal investigations into allegations of sexual assault. Department of Human Services (DHS) Child Protection has primary responsibility for child protection and welfare issues (sometimes in conjunction with Victoria Police).

In addition to the procedures outlined in this document, all allegations involving a teacher or school employee must be immediately reported to the Conduct and Ethics Branch of the Department of Education.

These procedures apply to instances whereby a student is alleged to be involved in a sexual assault either as victim or perpetrator and the allegation is:

- (a) Disclosed at school; or
- (b) Occurs at school on school premises/grounds; or
- (c) Occurs on the way to or from school; or
- (d) Occurs while a student is otherwise in school care.

This document also contains advice about responding to allegations of inappropriate sexual behaviour involving children under 10, management strategies, and important contact information.

Effective Schools Model

Effective schools are committed to ensuring that schools provide safe and secure learning environments for all students. Effective schools pursue the eight characteristics contained in the Effective Schools model¹ which underpins all strategies and initiatives of the *Blueprint for Government Schools* (Department of Education and Training 2003).



To achieve a safe and secure learning environment for all students, Principals must:

- Remember their duty of care to all students involved
- Take all allegations of sexual assault and inappropriate sexual behaviour seriously
- Follow the Department's mandatory procedures for responding to allegations of sexual assault and inappropriate sexual behaviour including notifying Victoria Police
- Work in partnership with the Student Critical Incident Advisory Unit, the Regional Office and the Victoria Police SOCA Unit when responding to an allegation of student sexual assault
- Understand the roles and responsibilities of the Victoria Police SOCA Unit; DHS Child Protection, including when to make a mandatory report to DHS Child Protection; and the Conduct and Ethics Branch of the Department of Education (where allegations are made against teachers or school employees)
- Work with the Student Critical Incident Advisory Unit, the Regional Office and the Victoria Police SOCA Unit to ensure that communication with parents/ carers, staff, students, the school community and the media is handled sensitively and appropriately
- Provide ongoing monitoring and support for students involved

To download this document or for more information, please refer to the Student Critical Incident Advisory Unit website at http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

1. Adapted from Sammons, Hillman and Mortimore (1995)

Section 1:

Legislative and Policy Context

Section 1: Legislative and Policy Context



Section 1: Legislative and Policy Context

This section summarises the key legal and policy requirements regarding allegations of student sexual assault, of which all Principals and school staff need to be aware.

This information should be read together with the more detailed information in the Victorian Government Schools Reference Guide (<http://www.eduweb.vic.gov.au/referenceguide>). The relevant sections of the guide are provided, where applicable, in each section of these *Procedures*.

1.1 Duty of Care Requirements

Whenever a student-staff relationship exists, the staff member has a special duty of care. This includes Principals, teachers and other staff members responsible for the care of students.

Staff must take measures that are reasonable in the circumstances to protect a student under their care from risks of injury that the staff member should reasonably have foreseen.

One of the most important requirements for schools in meeting their duty of care obligations is adequate supervision of students. This requires not only protection from known hazards, but also protection from those dangers that could arise or that the staff should reasonably have foreseen, and could have taken measures to prevent.

Schools must have in place systems to adequately supervise students in order to meet their duty of care obligations.

In the context of a student to student sexual assault it is important to remember that staff have a duty of care towards all students involved, including the alleged victim, the alleged perpetrator and any other students in the school who may be affected.

Reference: *Victorian Government Schools Reference Guide* sections 4.6.1.2 (Duty of Care) and 4.6.1.3 (Supervision Before and After School).

1.2 Mandatory Reporting Requirements – *Children, Youth and Families Act 2005*

The *Children, Youth and Families Act 2005* is the principal piece of legislation in Victoria aimed at promoting and protecting the safety and wellbeing of children. It replaces the *Children and Young Persons Act 1989* and the *Community Services Act 1970*. The *Child Wellbeing and Safety Act 2005* is the companion legislation providing for coordinated government policy in the provision of services to children, including the establishment of a Child Safety Commissioner.

The key provisions of the *Children, Youth and Families Act 2005* for schools are those that set out the requirements for the mandatory reporting of child abuse and neglect.

If in the course of their duties a teacher or Principal forms the belief on reasonable grounds that a child is in need of protection on the basis that a *child has or is likely to suffer significant harm as a result of physical injury or sexual abuse and that the child's parents have not protected or are unlikely to protect the child from harm of that type*, then that person **must** notify DHS Child Protection of that belief and of the reasonable grounds for it as soon as possible.

Reference: *Victorian Government Schools Reference Guide* section 4.6.2 (Child Abuse and Neglect – Mandatory Reporting).

1.3 Department of Education Policy Requirements

The Department of Education is committed to providing a safe, stimulating and secure environment for all students in Victorian government schools.

It is Departmental policy that while Principals have primary responsibility for managing allegations of student sexual assault on site, on school grounds or while a student is otherwise in school care, Principals **must** establish a partnership with the Manager, Student Critical Incident Advisory Unit (or nominee) and their Regional Director (or nominee) to manage the response.

In the case of an emergency involving student sexual assault, staff must call for medical assistance and the Victoria Police SOCA Unit. It is not the role of Principals and school staff to investigate allegations of sexual assault – this is the role of the Victoria Police SOCA Unit. Any incident involving an allegation of student sexual assault must also be reported to the Department of Education's Emergency and Security Management Unit.

Reference: *Victorian Government Schools Reference Guide* sections 4.6.4.4 (Critical Incidents) and 4.6.15 (Protocol between Victoria Police and Department of Education Concerning Criminal Offences).

The flowchart (Appendix 6) summarises the compulsory actions that Principals must take if an allegation of sexual assault is made by a student. These actions are based on the above legal and policy requirements.

Section 2:

What is Sexual Assault?

Section 2: What is Sexual Assault?



Section 2: What is Sexual Assault?

These procedures apply to instances where a student is alleged to be involved in a sexual assault either as victim or perpetrator and the allegation is:

- a) Disclosed at school; or
- b) Occurs at school on school premises/grounds; or
- c) Occurs on the way to or from school; or
- d) Occurs while a student is otherwise in school care.

2.1 Defining Sexual Assault

For the purposes of this document, **'sexual assault'** is defined as any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation. Sexual assault includes rape, assault with intent to rape, and indecent assault, which are offences under the *Crimes Act 1958*.

'Rape' is the intentional sexual penetration by the penis, finger or an object, of the vagina, mouth or anus of another person without that person's consent. Consent is not a defence to some sexual offences, particularly those relating to the sexual exploitation of young people under the age of 16 years and people with cognitive impairment. Consent is also not a defence to sexual penetration or indecent act with a child under the age of 18 years who is under that person's care or supervision.

'Indecent assaults' are assaults that are accompanied by circumstances of indecency. Examples are unwelcome kissing, touching or massaging in the area of a person's breasts, buttocks or genitals. Indecent assault can also include behaviour that does not involve actual touching, such as forcing someone to watch pornography or masturbation.

'Student sexual assault' includes allegations of sexual assault of a student by another student, by a child under 18 years of age who is not a student, or by an adult. Student sexual assault also refers to allegations that a student is a perpetrator of sexual assault against another student, a child who is not a student or an adult which occur where the school has primary care of the student. This includes during school hours, on school premises, or at school camps or excursions.

In some circumstances, an assault which occurs outside school hours or outside school premises may come within this policy. Any such allegation should be discussed with the Manager, Student Critical Incident Advisory Unit who is available to provide advice and support to schools 24 hours a day.

Generally, a school would not have primary responsibility for the management of an incident that occurred outside the school and outside school hours where the school did not have primary care of the student. However, it is appropriate for a school to provide pastoral care and support to a student where required during school hours.

All allegations that a teacher or school employee has committed a sexual assault must be reported directly to the Victoria Police SOCA Unit and the Conduct and Ethics Branch of the Department of Education which deals with serious misconduct. Principals should then follow the procedures outlined in this document.

'Familial sexual assault' occurs when a member of a family sexually assaults another family member. If the alleged perpetrator is a family member a report must be made to DHS Child Protection. If in doubt, the Victoria Police SOCA Unit will be able to provide further advice.

Reference: *Victorian Government Schools Reference Guide* section 4.6.2 (Mandatory Reporting).

2.2 Sexual Harassment

Sexual harassment is unlawful behaviour under the *Commonwealth Sex Discrimination Act 1984* and the Victorian *Equal Opportunity Act 1995*. It occurs when a person engages in any unwelcome or unreciprocated conduct of a sexual nature (written or verbal), in circumstances which could reasonably be expected to cause offence, humiliation or intimidation.

Where there is an allegation of student sexual behaviour that does not appear to clearly fit the definition of sexual assault Principals must seek advice from the Manager, Student Critical Incident Advisory Unit or the Victoria Police SOCA Unit. This advice must be documented and include the reasons for the actions taken to address the report or incident. Based on the advice provided, the Principal may decide that the matter is not a sexual assault but an incident that can be dealt with by:

- Support from school or regional-based wellbeing staff
- Education about appropriate behaviour
- Creation of a Management Support Plan or a Supportive Behaviour Management Plan (Appendix 5)

2.3 Allegations of Student Sexual Assault in Special Schools

Principals of special schools recognise it is important to consider the context of any allegations of student to student sexual behaviour, taking into consideration not only the students' chronological age but their developmental age and cognitive functioning. Where a decision is made that an allegation is not a sexual assault to be reported to the Victoria Police SOCA Unit, Principals must demonstrate that this decision was based on advice sought from the Student Critical Incident Advisory Unit or the Victoria Police SOCA Unit, as outlined above (Section 2.2). This advice, and the reason for actions taken, must be documented.

2.4 Inappropriate Sexual Behaviour (Children Under 10 Years)

In Victoria, sexual assault alleged to be perpetrated by a child aged less than 10 years cannot be criminally prosecuted. Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. For the purposes of this document the term 'inappropriate sexual behaviour' will be used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute a sexual assault. Although such inappropriate sexualised behaviour cannot be prosecuted, the impact of the assault on the victim is no less serious and this must be recognised by the manner in which schools address such allegations of inappropriate sexual behaviour.

Sexualised behaviour among children less than 10 years old can present on a broad spectrum, ranging from experimental behaviours to behaviours that are very concerning. It is important that Principals respond appropriately to such reports for the safety and wellbeing of the child and of other students.

The information provided in Appendix 3 will assist Principals to assess allegations of sexual behaviour and/or incidents involving children aged less than 10 years and determine the action that should be taken. This assessment should be made in consultation with the parents/carers of the children involved. If a Principal has concerns about the behaviour of children in this age-group, the Manager, Student Critical Incident Advisory Unit and/or the Victoria Police SOCA Unit can advise on the appropriate course of action. If teachers and Principals have protective concerns, they should consider their obligations under the mandatory reporting of child abuse legislation.

Reference: *Victorian Government Schools Reference Guide* section 4.6.2 (Mandatory Reporting).

Section 3:

Managing Allegations of Sexual Assault



Section 3: Managing Allegations of Sexual Assault

3.1 Responsibilities of the Principal and Teachers

Principals have primary responsibility for managing the school response to allegations of student sexual assault in partnership with the Manager, Student Critical Incident Advisory Unit (or nominee) and their Regional Director (or nominee). Victoria Police has primary responsibility for conducting criminal investigations into alleged sexual assault. Department of Human Services Child Protection has primary responsibility for child protection and welfare investigations (sometimes in conjunction with Victoria Police).

Where a disclosure of alleged student sexual assault is made to a staff member, the staff member must inform the Principal as soon as possible. It must be on the same day as the disclosure occurred. Principals and staff should not make judgements about the validity of the allegation. It is not the role of Principals or school staff to prove that sexual assault has occurred.

In the first instance Principal and teacher responsibilities include:

- Responding to a disclosure of sexual assault from a student
- Providing clear information to the student about what will happen next
- Informing the Principal immediately of what is alleged to have occurred
- Providing support to the student who has disclosed sexual assault/sexual abuse

Once a student discloses an alleged sexual assault, the Principal (or delegate) must take **immediate** action. This will assist to minimise the impact of the trauma for the student. There are also longer-term responsibilities that must be undertaken by the Principal (or delegate), to ensure all students involved in an allegation of sexual assault receive effective and ongoing support.

If a Koorie student is involved in an allegation the Principal must inform the Manager, Student Critical Incident Advisory Unit and the Regional Director who will work with the regional Koorie Support Officer to provide support. The Koorie Education Unit will be notified by the Manager, Student Critical Incident Advisory Unit.

Principals in Victorian government schools have a duty of care to students with a student visa for whom the Department has accepted welfare responsibility. The Principal has ultimate responsibility to ensure appropriate measures are taken for the welfare of these students. The International Division within the Department of Education can provide further information. If an international student is involved in an allegation of student sexual assault, the Principal must inform the Manager, Student Critical Incident Advisory Unit who will liaise with the International Division to ensure support is provided for the student.

The Regional Director **must** be consulted if the alleged victim or alleged perpetrator requires a transfer to another school. The Regional Director will advise the Student Critical Incident Advisory Unit of any student transfers in relation to allegations of sexual assault.

Reference: *Victorian Government Schools Reference Guide* section 4.1.3 (*Transfer of Students*). Please see page 15.

3.2 Immediate Response

Principals must ensure that when an allegation of student sexual assault is disclosed, they act in a timely, sensitive and supportive manner. The following information should be viewed in conjunction with the flowchart (see Appendix 6).

It is important to immediately provide a safe environment for the alleged victim. Ensure that the alleged victim and other students involved are separated, and provide staff support for each student. Address duty of care issues for all students involved. Principals may need to take action to preserve evidence in some circumstances.

Reference: *Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools* sections 3.2.1 and 3.2.2.

Principals will need to inform students of their obligation to report the incident to the Department of Education, the Victoria Police SOCA Unit and, if appropriate, DHS Child Protection. In the case of an emergency Principals must call for medical and police assistance.

Reference: *Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools* section 3.2.1

The incident must be reported to the Emergency and Security Management Unit at the Department of Education immediately following the disclosure. The Emergency and Security Management Unit will contact the Student Critical Incident Advisory Unit and the Regional Office.

Principals must inform the Victoria Police SOCA Unit and, if appropriate, DHS Child Protection. Ensure that all allegations against employees are reported to the Conduct and Ethics Branch.

Reference: *Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools* sections 3.2.4 and 3.2.5.

Principals must make contact with the parents/carers of the alleged victim, unless circumstances indicate this should not occur. Document the disclosure and ensure that conversations with the students involved or follow-up actions are also recorded. Remember, this may be significant to later investigation and/or legal proceedings.

Reference: *Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools* sections 3.2.6 and 3.2.7.

3.2.1 Immediate Support for Students

When an allegation of student sexual assault is made, the Principal or staff member must inform the student of their obligation to report the incident to the Department of Education, the Victoria Police SOCA Unit and in some cases to DHS Child Protection. The student must be informed by the Principal or staff member that confidentiality cannot be maintained when the Principal or staff member is concerned that someone is harming the student and/or believes that the student is at risk and/or believes that other people are at risk.

This should be done in language appropriate to the student's age and stage of development. For example:

- To a younger child: *'I am not going to be able to keep your story a secret. I really have to tell someone who is going to be able to help you.'*
- To an older student: *'The information you have given me has made me very concerned for your welfare and I need to tell you that it is my responsibility to report this information to the Department of Education, the police and perhaps the Department of Human Services to help you get some assistance.'*

When an allegation of sexual assault is made, the Principal or staff member should:

- Listen attentively and empathically to what the alleged victim is saying – let the student tell you in her/his own words
- Remain calm and non-judgemental – accept what the student says and give them time to say it
- Give reassurance that telling somebody was the right thing to do
- Reassure the student that ongoing support will be provided and explain what will happen next
- Explain the role of the Victoria Police SOCA Unit and of DHS Child Protection if required

The Principal or staff member should explain to the alleged victim that they need to contact their parents/carers (unless the alleged perpetrator is a parent/carer or sibling). Where the alleged perpetrator is a parent/carer or other family member, Principals must seek advice from the Manager, Student Critical Incident Advisory Unit or the Victoria Police SOCA Unit before attempting to contact the parents/carers.

The student should be encouraged to seek family support but the Principal may exercise discretion about contact with parents/carers if the student is assessed to be of an age to make an independent judgement and has a strong view that the parents/carers should not be informed. For additional information, see the *Information Privacy Act 2000* (Appendix 1).

3.2.2 Preservation of Evidence

Before police commence their investigation, reasonable precautions must be taken to prevent discussion of the incident by and between the alleged victim, alleged perpetrator and any other students involved if the students remain on the school site. If possible, a staff member should be allocated to remain with each student involved, and students should be in separate rooms. The site of the alleged incident and any possible evidence must be secured until police arrive.

3.2.3 Reporting the Incident to the Emergency and Security Management (ESM) Unit

All allegations of student sexual assault must be reported to the Emergency and Security Management Unit of the Department of Education immediately after a disclosure is made. The Emergency and Security Management Unit will immediately notify the Student Critical Incident Advisory Unit who will contact the Principal to provide support. The Regional Office will also be notified by the Emergency and Security Management Unit. The Principal must work in partnership with the Student Critical Incident Advisory Unit and the Regional Office to effectively manage the alleged student sexual assault.

3.2.4 Informing the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit

There is a protocol between Victoria Police and the Department of Education concerning criminal offences, including sexual assaults. This protocol requires school Principals to refer all alleged sexual assaults to the Victoria Police SOCA Unit. If in doubt, the Principal may obtain advice from the Student Critical Incident Advisory Unit. When contacting the Victoria Police SOCA Unit, the Principal must ask police for clear instructions in relation to making contact with the parents/carers of alleged perpetrators and/or others involved, and ask for the name of the investigating officer. Failure to follow this advice may compromise the police investigation.

If an allegation of sexual assault is made against a teacher or school employee, the Principal must contact the Victoria Police SOCA Unit and the Conduct and Ethics Branch of the Department of Education. The procedures outlined in this document, including additional contact with the Conduct and Ethics Branch, should be followed unless the Principal is advised otherwise by the police.

3.2.5 Informing Department of Human Services (DHS) Child Protection

If the Principal is concerned for a student's safety and believes that the parents/carers are unlikely to provide protection, a report must be made to DHS Child Protection. If in doubt, the Student Critical Incident Advisory Unit or the Victoria Police SOCA Unit can provide further advice.

3.2.6 Contacting the Parents/Carers of the Alleged Victim

The parents/carers of the alleged victim must be contacted as soon as practicable. In providing support to the alleged victim's parents/carers, the Principal or staff member should:

- Remain calm
- Listen attentively
- Validate concerns
- Establish limits with confidentiality
- Be empathic to feelings
- Emphasise the need for specialist assistance and offer to assist with a referral to the Centres Against Sexual Assault (CASA) to provide external specialist support
- Inform them that school-based or regional-based student wellbeing staff can provide support

The Principal should advise the alleged victim's parents/carers:

- Of what the student has told them
- Of the action the school has taken to date
- Who is aware of the allegations
- That police have been contacted and police will conduct an investigation (where required)
- Of the name and contact phone number of the officer who is dealing with the investigation
- That they are likely to be contacted by police
- That the investigation may take some time and ask what further information they would like and how the school can assist them

Sensitive and professional contact will also need to be made with the parents/carers of alleged perpetrators who are part of the school community. **However, contact should not be made without approval from the Victoria Police SOCA Unit.** Principals and staff must avoid any action that may compromise a police investigation. Principals should rely on the Victoria Police SOCA Unit as to the advice that can be provided to parents/carers in these circumstances.

When meeting with parents/carers Principals should use the contact card on the inside back cover of the *Procedures*.

A proforma contact card can be downloaded from the Student Wellbeing website at http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

3.2.7 Documentation

Principals and staff must keep written records of all discussions relating to the incident and/or allegations made as close in time as possible to the event. These records should be in hard copy and placed in a separate file. The file must be labelled 'confidential' and held in a secure cabinet, preferably in the Principal's office with access limited to the Principal and his/her delegate.

A documentation proforma is provided (Appendix 4) and is available to download from http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

These records should be clear and legible and include:

- Date, time, place, name/s of persons involved
- Content of the discussions and account of the event
- Signature and dates

They are to be provided to the Principal for the confidential incident file.

Notes should be limited to factual reports and should not contain judgements, views or opinions. Records may be subpoenaed for court hearings.

3.2.8 Privacy Issues

Principals and staff need to be aware of privacy requirements referred to in the *Information Privacy Act 2000* and *Health Records Act 2000* when discussing an allegation of sexual assault with a third party:

- **Collect** only the information you need
- **Inform** the person why you need the information and how you will use it
- **Disclose** only as necessary for the purpose of the service
- **Secure** all information against unauthorised use and disclosure

Principals should check Information Privacy Principle (IPP) 2.1. of the *Information Privacy Act 2000*. This generally authorises release of information to police for the purposes of law enforcement and where there are serious threats to the individual's life, health or safety or threats to public health, safety or welfare.

3.2.9 Advice to the School Community

A response to the school community where necessary should be managed in consultation with the Manager, Student Critical Incident Advisory Unit and the Regional Director. A plan should be developed for advising the School Council and informing the school community of the incident.

3.3 Longer-term Response

The following information will enable Principals to effectively provide a longer-term response to an alleged sexual assault, including:

- Providing support to students during police interviews
- Handling media enquiries
- Providing continuing support to students
- Seeking advice from the Manager, Student Critical Incident Advisory Unit where the Regional Director, in partnership with the regional Koorie Support Officer, may need to be involved
- Seeking advice from the Manager, Student Critical Incident Advisory Unit where the International Division may need to be involved
- Providing support to staff
- Attending court if required
- Undertaking a school level inquiry in certain circumstances
- Communicating with the school community
- Responding to complaints or concerns

3.3.1 Support for Students in Police Interviews

Section 4.6.12 of the *Victorian Government Schools Reference Guide* provides advice to Principals on the interviewing by police of students under the age of 18 years as victim, witness or suspect. The Principal is required to balance the obligation to protect the rights of the student and the parents/carers with the obligation to assist the police in the exercise of their duty. The Principal's responsibility is to ensure that the student is independently supported whether the student is alleged victim or alleged perpetrator.

If a Koorie student is to be interviewed, the Principal must advise the Manager, Student Critical Incident Advisory Unit and the Regional Office, who, together with the regional Koorie Support Officer, will ensure that appropriate support is arranged.

If an International student is to be interviewed the Principal must advise the Manager, Student Critical Incident Advisory Unit to ensure that the International Division is informed and appropriate support arranged.

Student as Victim or Witness

Police should only interview students at school as a matter of urgency or necessity. In these circumstances a request must be made to the Principal (or delegate) who must be advised of the reason for the interview. The student's parent/carer should be present or, if requested by the student or the police, and if the parent/carer is not able to be present, an independent person must be present during the interview. Principals should note that the role of the independent person is to ensure the student understands what is happening and to provide support. Independent persons must refrain from providing their opinions or accounts of events during interviews. Principals or their delegate may if necessary, act as an independent person where the student is a victim, unless they believe it will place them in a conflict of interest to do so.

Student as Alleged Perpetrator

The Principal has a duty of care to all students involved in an allegation of student sexual assault, including alleged perpetrator. Should the police need to speak with an alleged perpetrator at school, this must be done in the presence of the parent/carer or if the matter is urgent, the Principal (or delegate). Such interviews will only ever be preliminary in nature and will not encompass the formal criminal interview process.

3.3.2 Media Issues

If a Principal is contacted by the media, they must immediately contact the Department of Education's Media Unit.

When responding to allegations of student sexual assault that have the potential for media interest, the Principal must contact the Department of Education's Media Unit for advice.

The Media Unit will provide assistance to ensure that Principals do not breach confidentiality or compromise a police investigation.

If contacted by the media, the Principal must indicate that **they will respond to the request on that school day**. Following this, the Principal must consult with the Regional Director and be guided by advice and assistance from the Media Unit.

Principals should be aware that it is an offence to publish or cause to be published any particulars that would lead to the identification of the victim of a sexual offence (*Judicial Proceedings Reports Act 1958*).

Principals should also be aware that even confirming to the media that an allegation involves the school can lead to the identification of a victim.

3.3.3 Continuing Support for Students

Continuing support must be provided to all students involved in an allegation of sexual assault.

The Department of Education has a duty of care to all students involved in an allegation of sexual assault. It is therefore important that strategies are in place to ensure that the health and wellbeing of all students is the highest priority. Ensuring continuity of care is a key strategy for responding appropriately to critical incidents, including allegations of student sexual assault.

The Principal should:

- Continue liaising with the police and/or DHS Child Protection until the investigation is completed
- Develop short-term action plans for all students involved in an allegation of sexual assault, including the alleged perpetrator, in consultation with a regional support person and the Student Critical Incident Advisory Unit
- Continue to monitor the situation and provide ongoing support for the students and families involved, which may extend over a period of time
- Consult with the Regional Office and the Student Critical Incident Advisory Unit on a regular basis
- Ensure ongoing education and support services are provided for all students involved
- Continue liaising with the Regional Director and the regional Koorie Support Officer where they have been involved
- Continue liaising with the International Division where they have been involved
- Develop a Management Support Plan with individual students and their parents/carers, (including external support agencies where appropriate)
- Maintain ongoing contact with the parents/carers
- Assist with arranging specialist counselling where required
- Address concerns as they arise
- Provide school-level supports (e.g. home room staff, year level and student welfare coordinator)
- Assist the student's return to school
- Monitor the student's health and wellbeing
- Review any Management Support Plan in place on a regular basis

The Management Support Plan is an individual plan to assist the school to take a structured approach to the ongoing welfare of the student. Suggested strategies for developing a Management Support Plan are provided (Appendix 5).

3.3.4 Supporting Staff

Support must be provided to staff members involved in assisting or supporting students involved in an allegation of sexual assault.

Principals, in consultation with the Manager, Student Critical Incident Advisory Unit, should make external support available to school staff where required. The Department of Education provides a support service for staff requiring support or counselling following their involvement in an allegation of sexual assault. Staff should be encouraged to make use of this facility. School and regional staff can contact the Employee Assistance Program to access this support. (See Appendix 2 for contact information).

3.3.5 Court Attendance

Principals and staff must be aware of their responsibility to respond to subpoenas to attend court.

Section 4.6.13 of the *Victorian Government Schools Reference Guide* provides advice about the responsibility of Principals and staff to respond to subpoenas to attend court. This advice confirms the need for staff and Principals to keep clear, concise and factual documentation of their involvement in any allegation of sexual assault as documents may be subpoenaed for court hearings.

3.3.6 School-level Inquiry

In certain circumstances a school-level inquiry may need to be undertaken by the Principal.

All allegations of sexual assault by one student against another should be referred to the Victoria Police SOCA Unit and reported to the Emergency and Security Management Unit. However, there may be some circumstances where a school-level inquiry is required to establish the facts and inform future action. The inquiry will be guided by advice from the Manager, Student Critical Incident Advisory Unit and the Regional Director and may include the interviewing of staff and students involved, examination of relevant documents, and review of decisions and actions against Departmental policies and procedures and local school procedures.

These circumstances include:

- Where the Principal judges that the matter is not a sexual assault which must be reported to the Victoria Police SOCA Unit (after seeking expert advice from the Manager, Student Critical Incident Advisory Unit or the Victoria Police SOCA Unit as advised in Section 2.2)
- Where the Victoria Police SOCA Unit advises that, for a variety of reasons the investigation will not proceed and there are no grounds to report the matter to DHS Child Protection

There will be circumstances where a suitably experienced and qualified independent person should be appointed to conduct an inquiry or to provide support to the Principal to conduct the inquiry. The Manager, Student Critical Incident Advisory Unit and the Regional Director, in partnership with the Principal, will determine the best person to conduct an inquiry.

The Principal **must** consult the Manager, Student Critical Incident Advisory Unit and the Regional Director before beginning an inquiry.

3.3.7 Responding to Complaints or Concerns

There may be concerns or complaints about the school's management of an incident, in particular by parents/carers. This is a very stressful time for parents/carers, and concerns which they do not believe have been dealt with fairly may quickly escalate, with risks to the welfare and reputation of all involved. Principals are advised to:

- Seek advice from the Manager, Student Critical Incident Advisory Unit and the Regional Director
- Where the initial allegation is against an employee, advice should be sought from the Conduct and Ethics Branch
- Meet the complainants to clarify their concerns. A face-to-face meeting with the Principal will often resolve the matter
- Document the concerns, clarify the issues, explain and gain agreement to further action
- If the issues are not quickly resolved, link the complainants to the responsible Regional Officer (e.g. the Regional Director or the Senior Education Officer)
- If not resolved through regional channels, the region will advise the complainant to write to the Manager, Community and Stakeholder Relations, Department of Education
- Advise complainants of internal and external supports including the role of parent groups to provide independent advice and support
- Advise complainants of their right to write to the Victorian Ombudsman if they have exhausted the internal procedures and remain dissatisfied

Section 4:

Support for Schools



Section 4: Support for Schools

4.1 Department of Education Supports

Within the Department of Education, there are a number of supports available to schools who are dealing with allegations of student sexual assault, including the Emergency and Security Management Unit, Regional Offices, Student Support Services Officers, Student Critical Incident Advisory Unit, Conduct and Ethics Branch and the Media Unit.

4.1.1 Emergency and Security Management Unit

Any allegation of student sexual assault must be reported to the Emergency and Security Management Unit as soon as practicable after the disclosure. The Emergency and Security Management Unit provides a 24-hour communications centre for schools and Departmental staff. It provides advice and assistance when the incident is reported. On receiving notification of a critical incident, the Emergency and Security Management Unit immediately communicates with the Student Critical Incident Advisory Unit, the Regional Emergency Coordinator and, depending on the allegation, the Conduct and Ethics Branch.

4.1.2 Regional Offices

Principals are required to maintain ongoing contact with their Regional Office which plays a vital role in supporting schools in dealing with allegations of student sexual assault. Principals may be in contact with the Regional Director or Assistant Regional Director, Senior Education Officers, Student Support Services Officers, Regional wellbeing staff or Regional Emergency Coordinators.

Once notified of a critical incident, the Regional Emergency Coordinator coordinates the Regional Office response to the incident. The Regional Emergency Coordinator provides a key contact with the Student Critical Incident Advisory Unit, provides advice and support to schools during and after incidents, and assists schools to minimise the effects of trauma and enhance recovery. This can include the provision of additional resources, such as Student Support Services Officers, Regional wellbeing staff and Senior Education Officers. Where a school-level inquiry is required, the Regional Director **must** be involved.

4.1.3 Student Support Services Officers (SSOs)

The role of the Student Support Services Officer is not to investigate but to provide support to schools including:

- Obtaining necessary information and involving relevant staff
- Establishing a relationship with students and possibly their families
- Providing a supportive, calm approach and acknowledging the issues raised
- Clarifying the needs of the student
- Evaluating the student's present strengths and resources
- Evaluating possible ways of accommodating student-identified needs, such as referral for specialist counselling and school-based supports
- Documenting information and actions
- Identifying process for follow-up and review
- Ascertaining which intervention programs are most appropriate in meeting individual student's needs
- Working with the school on the appropriate strategies and supports needed

4.1.4 Student Critical Incident Advisory Unit

The Student Critical Incident Advisory Unit is within the Student Wellbeing Branch of the Department of Education. The Student Critical Incident Advisory Unit ensures appropriate supports are in place to maximise the health and wellbeing of students involved in sexually based incidents. The Student Critical Incident Advisory Unit is notified by the Emergency and Security Management Unit as soon as an incident is reported. The Manager, Student Critical Incident Advisory Unit is on 24-hour call and immediately liaises where required with the School, Regional Office, Victoria Police SOCA Unit or DHS Child Protection and the Conduct and Ethics Branch, if required.

The Student Critical Incident Advisory Unit will:

- Provide timely and appropriate advice
- Support regions and schools to respond to critical incidents
- Ensure schools meet their legal obligations and duty of care responsibilities
- Assist Principals and senior school staff to manage sexually based incidents in a manner that ensures adverse impact on the school community is minimised
- Monitor the progress of school management of such incidents
- Ensure that appropriate recovery measures such as counselling are provided to support those involved in allegations of sexual assault
- Facilitate the provision of a suitable level of support to school staff and members of the school community on whom the incident has impacted

The Student Critical Incident Advisory Unit also prepares statewide procedures for schools to ensure appropriate management of allegations of sexual assault. The Student Critical Incident Advisory Unit, the Regional Office and the school will manage incidents of sexual assault in partnership. The Student Critical Incident Advisory Unit works closely with other key agencies, such as Victoria Police and the Department of Human Services, and with organisations such as the Centres Against Sexual Assault Childwise, The Australian Childhood Foundation, the Children's Protection Society, the Royal Children's Hospital Gatehouse Unit and the Child Safety Commissioner to support student wellbeing in schools.

4.1.5 Conduct and Ethics Branch

The Conduct and Ethics Branch is responsible for the implementation of policy and the provision of advice on complaint resolution procedures, unsatisfactory performance, serious misconduct (which would include allegations of sexual assault) and equal opportunity complaints. The branch also manages discipline matters involving members of the teaching service (including Principal Class Officers), School Support Services Officers and public servants. A key role of the branch is to support Principals or designated officers in their management of processes, and provide advice to them concerning legislative and procedural frameworks.

The Branch must be contacted on all issues of alleged serious misconduct including allegations of sexual assault or sexual harassment which involve a Department of Education staff member. This includes teachers and Principals.

4.1.6 Media Unit

The Media Unit is part of the Department of Education Communications Division and manages all Department of Education media liaison. Media Unit staff are experienced in journalism and interaction with the media and are available to assist government schools handling enquiries from the media.

The Principal in consultation with the Regional Director must seek advice and assistance from the Media Unit before deciding on how best to respond to a particular media enquiry to ensure comments are appropriate and do not compromise privacy or a police investigation.

Most members of the media are aware that they are not allowed on school grounds without the Principal's consent. Principals should be aware that it is an offence to publish or cause to be published any particulars which would lead to the identification of the victim of a sexual offence. (*Judicial Proceedings Reports Act 1958*)

Principals should also be aware that even confirming to the media that an allegation involves the school can lead to the identification of a victim.

4.2 External Support Agencies

There are a number of external support agencies that can assist schools in dealing with allegations of sexual assault. However, the main contacts for schools will be the Victoria Police SOCA Units, DHS Child Protection and the Centres Against Sexual Assault.

4.2.1 Victoria Police Sexual Offences and Child Abuse (SOCA) Units

Victoria Police SOCA Units are staffed by experienced and qualified police members specially trained to assist with responding to and investigating adult sexual assault and child sexual and physical assault. There are 31 Victoria Police SOCA Units across Victoria, varying in size depending on their location and work requirements. Members perform work in either plain clothes or police uniform depending on the type of job they are attending. Victoria Police SOCA Units work with police detectives and Centres Against Sexual Assault to ensure that the best response is provided to those involved.

When responding to sexual assault, police members operate within a set of guidelines known as *The Victoria Police Code of Practice for the Investigation of Sexual Assault*.

Any allegation of student sexual assault must be reported to the local Victoria Police SOCA Unit as soon as practicable after the disclosure. Protocols between Victoria Police SOCA Unit and DHS Child Protection require that each agency notifies the other about cases of suspected child abuse. Allegations that a child has been sexually abused or has suffered significant harm as a result of physical injury may lead to both criminal charges and protective intervention. In these cases the Victoria Police SOCA Unit and DHS Child Protection may perform joint investigative work.

For additional information, and to access the *The Victoria Police Code of Practice for the Investigation of Sexual Assault*, please see the Victoria Police SOCA website at http://www.police.vic.gov.au/content.asp?Document_ID=757

Where schools need general advice to assist in identifying the appropriate course of action, Principals can contact Victoria Police SOCA Units directly. Contact numbers for Victoria Police SOCA Units across the state can be found on the Student Critical Incident Advisory Unit website at http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

4.2.2 Department of Human Services (DHS) Child Protection

In Victoria, DHS Child Protection is authorised under the *Children Youth and Families Act 2005* to protect children by:

- Accepting notifications or reports of suspected child abuse and neglect (up to 17 years of age)
- Conducting investigations of specified concerns in consultation with police (up to 18 years of age)
- Taking action, if necessary, through the Children’s Court to protect children (up to 18 years of age)

Where matters proceed to the Children’s Court, DHS Child Protection has an ongoing responsibility for children and their families/parents/carers. The nature of these responsibilities is determined by the Children’s Court.

DHS Child Protection operates an after-hours protection service that provides a 24-hour telephone information and referral service. DHS, through its regional centres, has statutory responsibility to investigate complaints of suspected child abuse and neglect. Planning and the provision of services for children and young people who have been placed on Children’s Court orders are also undertaken by DHS Child Protection.

DHS Child Protection can be contacted for advice at any stage, but a notification should only be made to DHS Child Protection if the Principal is concerned for the student’s safety and believes that the parents/carers are unlikely or unable to provide protection.

4.2.3 Centres Against Sexual Assault (CASA)

The Centres Against Sexual Assault are government-funded organisations that provide services on a 24-hour basis to victims of rape or sexual assault. Some of the services provided by CASA that may be of use to Principals are:

- Counselling
- Media assistance
- Advocacy support
- Crisis care
- Support groups
- Community education and prevention programs
- Secondary consultation

CASA can be contacted for advice about providing support for students involved in an allegation of sexual assault. Principals should emphasise the need for specialist assistance and refer students and their parents/carers to CASA for counselling where possible.

Appendices



Appendix 1

Useful Links, References and Resources

Appendix 1: Useful Links, References and Resources



Appendix 1: Useful Links, References and Resources

Government Websites

Victorian Government Schools Reference Guide

<http://www.eduweb.vic.gov.au/referenceguide/>

Student Wellbeing Branch

<http://www.sofweb.vic.edu.au/wellbeing/>

Student Critical Incident Advisory Unit

http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

Emergency and Security Management

<http://www.sofweb.vic.edu.au/emerg/whoarewe/index.htm>

Victoria Police Sexual Offences and Child Abuse Unit

http://www.police.vic.gov.au/content.asp?Document_ID=757

Department of Human Services (Office for Children) Child Protection

<http://www.office-for-children.vic.gov.au/cp>

Office for Youth

<http://www.youth.vic.gov.au/>

Office of the Child Safety Commissioner

<http://www.ocsc.vic.gov.au/>

International Division

<http://www.study.vic.gov.au/>

Koorie Education Unit

<http://www.sofweb.vic.edu.au/koorie/>

Support Centres Websites

Centres Against Sexual Assault

<http://www.casa.org.au/>

South Eastern Centre Against Sexual Assault

<http://www.secasa.com.au/>

Child and Adolescent Mental Health Service

www.health.vic.gov.au

Gatehouse Centres, Royal Children's Hospital

http://www.rch.org.au/gatehouse/index.cfm?doc_id=1151

Children's Protection Society

<http://www.cps.org.au/>

Australian Childhood Foundation

<http://www.childhood.org.au/website/default.asp>

Male Adolescent Program for Positive Sexuality

<http://www.office-for-children.vic.gov.au/jj/library/publications/mapps>

Victorian Aboriginal Education Association Inc.

<http://www.vaeai.org.au/>

References

Children, Youth and Families Act 2005

<http://www.childrencourt.vic.gov.au/CA256CA800011129/page/Resources-Papers-New+Act?OpenDocument&1=50-Resources~&2=5-Papers~&3=30-New+Act~>

Child Wellbeing and Safety Act 2005

http://www.austlii.edu.au/au/legis/vic/consol_act/cwasa2005218/

Crimes Act 1958

[http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/The+Justice+System/Justice+Legislation/JUSTICE+-+Crimes+Act+1958+\(Legislation\)](http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/The+Justice+System/Justice+Legislation/JUSTICE+-+Crimes+Act+1958+(Legislation))

Safe Schools are Effective Schools

<http://www.sofweb.vic.edu.au/wellbeing/safeschools/bullying/index.htm>

Information Privacy Act 2000

http://www.austlii.edu.au/au/legis/vic/consol_act/ipa2000231/index.html

Health Records Act 2001

[http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/2184e627479f8392ca256da50082bf3e/c47b931f1384fb01ca256fd9000cd15c/\\$FILE/01-2a011.doc](http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/2184e627479f8392ca256da50082bf3e/c47b931f1384fb01ca256fd9000cd15c/$FILE/01-2a011.doc)

Judicial Proceedings Reports Act 1958

[http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/0/50235e7ebdb009b0ca2570cf000e22b2/\\$FILE/58-6280a032.doc](http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/0/50235e7ebdb009b0ca2570cf000e22b2/$FILE/58-6280a032.doc)

Resources

Child Protection

http://www.sofweb.vic.edu.au/wellbeing/welfare/child_protection.htm

Age Appropriate Sexual Behaviour in Children and Young People – Information Booklet for Carers and Professionals

www.secasa.com.au/infosheets.html

National Centre on Sexual Behaviour of Youth – *Sexual Development and Sexual Behaviour Problems in Children 2-12*

<http://www.ncsby.org/pages/publications.htm>

NetAlert Cyber Safe Schools

<http://www.netalert.net.au/03711-CyberSafe-Schools.asp>

Appendix 2

Important Contact Information

Appendix 2: Important Contact Information



Appendix 2: Important Contact Information

24-hour Services – General Telephone Numbers

| | |
|--|----------------|
| Victoria Police Sexual Offences and Child Abuse Unit | 000 |
| Department of Human Services Child Protection after hours crisis line (after 5.00 pm) | 131 278 |
| Centres Against Sexual Assault | 1800 806 292 |
| Gatehouse Centre, Royal Children's Hospital (For specialist counselling and medical assistance) | (03) 9345 6391 |

Department of Education Contact Numbers

| | |
|--|-----------------------------|
| Emergency and Security Management Unit | (03) 95896266 |
| Student Critical Incident Advisory Unit | (03) 96372934 |
| | (03) 96372487 |
| | 0438 569 293 (after 5pm) |
| Employee Assistance Program for Departmental staff | 1300 361 008 |
| Employee Health | (03) 9637 2395 |
| Conduct and Ethics Branch | (03) 9637 2595 |
| Privacy Unit | (03) 9637 3601 |
| Legal Unit | (03) 9637 3146 |
| Media Unit | (03) 9637 2871 |
| International Division | (03) 9651 3976 |

Other Important Contact Information

| | |
|---|----------------|
| Children's Protection Society | (03) 9458 3566 |
| Australian Childhood Foundation | (03) 9874 3922 |
| Child and Adolescent Mental Health Services | (03) 9594 1274 |
| Male Adolescent Program for Positive Sexuality (for adolescents charged with a sexual offence) | (03) 9389 4272 |
| Victorian Aboriginal Education Association, Inc. | (03) 9416 3833 |
| Child Safety Commissioner | (03) 8601 5884 |

Appendix 3

Sexual Behaviour in Children Under 10 Years

Appendix 3: Sexual Behaviour in Children Under 10 Years



Appendix 3: Sexual Behaviour in Children Under 10 Years

This information will assist Principals and parents/carers to make an assessment of allegations of sexual behaviour and/or incidents involving children under 10 years, and to determine the action that should be taken. Where appropriate, this decision should be made in consultation between the Principal and the parents/carers. If a Principal has concerns about the behaviour of children in this age-group, the Manager, Student Critical Incident Advisory Unit and/or the Victoria Police SOCA Unit can advise on the appropriate course of action. If teachers and Principals retain protective concerns they should consider their obligations under the mandatory reporting of child abuse legislation.

There are many activities that schools can undertake to positively influence appropriate child and adolescent sexual behaviour, including appropriate sex education sessions, personal safety lessons and parent information sessions.

Age-appropriate sexual behaviour can become disrupted in children and adolescents by a number of factors, including exposure to sexually explicit material or exposure to sexual activity.

In Victoria, sexual assault alleged to be perpetrated by a child aged less than 10 years cannot be criminally prosecuted. Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. For the purposes of this document the term 'inappropriate sexual behaviour' is used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute a sexual assault.

Principals and parents/carers should understand that sexualised behaviour among children under 10 years old can present on a broad continuum, ranging from experimental behaviours to behaviours that are very concerning. It is important to consider the context of any alleged sexual behaviour of students, taking into consideration their developmental age and cognitive functioning, so that an informed decision about appropriate action can be made. It is important to understand that some children are likely to engage in some level of sexualised behaviour, that it does not necessarily indicate a problem, and that it is part of the child's development to learn behaviour that is appropriate at school.

Research carried out by the National Centre on Sexual Behaviour of Youth (2004) has described typical sexual behaviours between boys and girls aged 2–12 years. Research identifies a continuum of sexual behaviours from common sexual play through to concerning sexual behaviour. A link is provided to this research to assist Principals, teachers and parent/carers to assess how to respond to such behaviour (Appendix 1).

Where a school becomes aware that young children are engaging in sexual play at school, the children must be advised that this behaviour is not appropriate at school and monitored to ensure the behaviour stops. The Principal will consult with parents/carers unless there are reasonable grounds for believing that this will not be in the best interests of the child. Parent/carers can assist the school to ensure children are aware of the conduct appropriate in the school environment. Schools may also need to consult with School Support Services Officers and review their provision of sex education and personal safety lessons.

If the inappropriate behaviour continues despite intervention, Principals should seek advice from the Manager, Student Critical Incident Advisory Unit.

Concerning sexual behaviour in children under 10 years includes:

- Frequent, repeated behaviour – for example, compulsive masturbation
- Occurrences between children who do not know each other well
- High-frequency occurrences that interfere with normal childhood activities
- Occurrences associated with emotional distress
- Occurrences between children of different ages, size and developmental levels
- Aggressive, forced and/or coerced interaction between children
- Behaviour that does not stop once the child is told to stop, or occurs in secrecy
- Behaviour that causes harm to the child or other children

Children with sexual behaviour problems include those children less than 10 years of age demonstrating developmentally inappropriate and/or aggressive sexual behaviour. Concerning sexual behaviour is defined to also include self-focused sexual behaviour, for example frequent public masturbation, or intrusive and/or aggressive sexual behaviour towards other children that may be coercive or forceful. While the term 'sexual' is used, the child's intent or motivation for the exhibited behaviour may be unrelated to sexual gratification.

Research suggests that only a small number of children develop concerning sexual behaviour. Professionals need to consider whether the behaviour is aberrant, whether the child should be referred for specialist assistance, and when to report an incident to the appropriate agencies.

Principals, teachers and parents/carers are advised to remember:

- Inappropriate sexual behaviour in children is not a clear indicator that a child has been sexually abused, but advice may need to be sought from DHS Child Protection
- That the majority of children will stop the behaviour if told to do so and if they are well supervised and praised for appropriate behaviour

If the sexual behaviour is concerning, referral to a mental health professional is appropriate in consultation with the parents/carers. The Principal or teacher will need to consider whether mandatory reporting to DHS Child Protection is required.

Appendix 4

Documentation Proforma

Appendix 4: Documentation Proforma



Appendix 4: Documentation Proforma

| Log of Actions Response to Allegation of Sexual Assault | | | |
|--|------|--------------|----------|
| Incident details | | | |
| Date of incident | | | |
| Time of incident | | | |
| Who reported the incident | | | |
| Incident location | | | |
| Who was involved in the incident | | | |
| Who witnessed the incident | | | |
| Any actions taken in responding to an allegation of sexual assault should be included in the | | | |
| Date | Time | Action taken | Noted by |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appendix 5

Management Support Plans and Supportive Behaviour Management Plan



Appendix 5: Management Support Plans and Supportive Behaviour Management Plan

A Management Support Plan for the alleged victim may include:

- Advice that confidentiality will be maintained, where possible
- Support provided for return to school
- Support available from external counselling agencies
- Support provided at the school level
- Key teacher identified to provide ongoing support
- Reinforcement of personal safety strategies
- Development of a personal safety plan

A Management Support Plan for alleged perpetrators or students with inappropriate sexualised behaviour attending school may include:

- Increased supervision requirements to be met
- Support provided at the school level (i.e. have the student identify a teacher, school counsellor)
- Referral to an appropriate intervention program from an external agency
- Referral for external counselling
- Monitoring of student
- Mental health assessment
- Assistance with school study plan

Management Support Plans should include input from the student, their parents/carers, relevant school personnel and may include input from key agencies working with the student.

It may also be appropriate to develop a Supportive Behaviour Management Plan for alleged perpetrators or students with inappropriate sexualised behaviour, which may be incorporated as part of the Management Support Plan.

A Supportive Behaviour Management Plan for alleged perpetrators or students with inappropriate sexualised behaviour may include:

- Describing the concerning behaviour
- Setting behavioural goals
- Developing a plan for teaching and supporting the new behaviour
- Describing the criteria for judging appropriate new behaviour
- Developing a plan for implementation
- A timeline for review

Please see the Management Support Plan on page 47 for further suggestions.

Sample Management Support Plan

Student Name:

Year Level:

An individual Management Support Plan must be specifically developed for each student involved in an allegation of sexual assault. The Management Support Plan must be developed with the student, the parents/carers and relevant staff. It is advisable that external agencies providing support are involved. The Management Support Plan must be signed by the Principal, parents/carers and the student.

The purpose of a student-specific Management Support Plan is to maintain safety and wellbeing and meet the school's duty of care to all students.

This information is confidential and should be kept securely.

| Categories | Management Strategies | Responsible Person |
|--|--|--------------------|
| Internal and External Support | <ul style="list-style-type: none"> • <i>What supports are currently in place for the student (i.e. counselling and return to school strategies)?</i> • <i>Have you identified a key teacher to provide support?</i> • <i>Does the student require a Personal Safety Plan?</i> • <i>Is an individual intervention program required?</i> | |
| Educational Support | <ul style="list-style-type: none"> • <i>If the student is absent from school for more than one week, what school work is being provided to the student?</i> • <i>Who will provide feedback to the student on their performance and out of school work?</i> • <i>Is extra support required (i.e. tuition)?</i> | |
| Yard Duty | <ul style="list-style-type: none"> • <i>Has the teacher on yard duty been provided with sufficient information to provide a safe environment for the student?</i> | |
| Start of the Day | <ul style="list-style-type: none"> • <i>Does someone need to meet the student?</i> | |
| End of the Day | <ul style="list-style-type: none"> • <i>Does someone need to wait for the student to be collected?</i> | |
| Whole School Events, Camps or Excursions | <ul style="list-style-type: none"> • <i>What advice does the supervising teacher need?</i> • <i>What strategies need to be put in place to ensure the safety of all students?</i> | |
| Review | <ul style="list-style-type: none"> • <i>When, how frequently and by whom will the Management Support Plan be reviewed?</i> | |

Appendix 6

Flowchart - Responding to Allegations of Student Sexual Assault

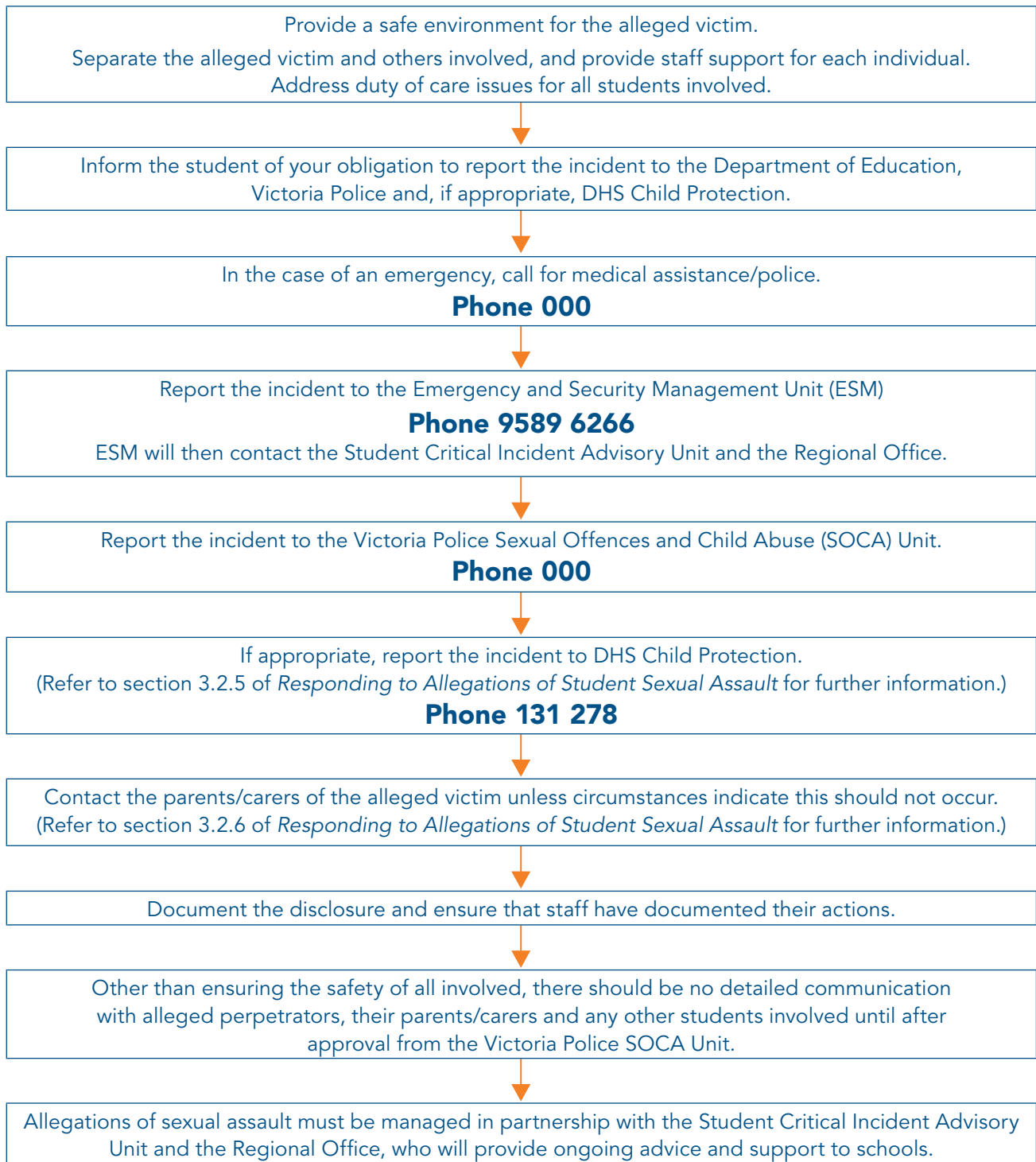


Responding to Allegations of Student Sexual Assault

Compulsory Actions for Principals

This flowchart must be read in conjunction with *Responding to Allegations of Student Sexual Assault – Procedures for Victorian Government Schools*.

The flowchart must be followed step by step in dealing with allegations of student sexual assault. This is Departmental policy and a mandatory requirement of all Principals.



Police are the investigating body.

It is the responsibility of the Principal to develop a partnership with the Manager, Student Critical Incident Advisory Unit and the Regional Director.

Sample Contact Card

This contact card should be filled out at meetings with parents/carers. One copy should be kept by the school and the other should be provided to the parents/carers. To download a proforma contact card go to http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm

| | |
|-----------------------------------|---|
| Meeting date | |
| Meeting time | |
| Meeting location | |
| Persons present | Include full names and titles (if relevant) of all persons attending the meeting. <i>Example: Principal – Allan Brown, Mother – Janet Smith, Student Welfare Officer – Jane Doe</i> |
| Subject of meeting | Why is the meeting being held? <i>Example: To inform the parents/carers that their daughter Kat disclosed an allegation of sexual assault at school</i> |
| Action taken | Include details of actions taken to date. <i>Example: Police contacted by the Principal, Department of Education informed. Student Welfare Officer spoke to Kat and her mother, Janet Smith</i> |
| Contact names and contact details | Include contact details of all people that parents/carers will need to contact. <i>Example: Sgt Edwards of Sexual Offences & Child Abuse Unit – 9111 1111, Jane Doe, Student Welfare Officer – 9222 2222, Alan Brown, Principal – 9333 3333</i> |
| Future action | Include any actions to be taken by the Principal, school staff, parents/carers, the student or any other persons/organisations involved. Include any relevant contact numbers. <i>Example: Sgt Edwards will contact parents/carers. Student Welfare Officer will liaise with CASA for counselling (phone CASA 9444 4444). Student Welfare Officer will be available for contact with parents/carers and student. The Principal will make contact with the parents/carers within a few days</i> |
| Signature of parents/carers: | |
| Signature of Principal: | |

Student Critical Incident Advisory Unit

http://www.sofweb.vic.edu.au/wellbeing/welfare/critical_incidents.htm