

# PROTECT

## Identifying and Responding to Student Sexual Offending



# Introduction



This content has been developed to support all school staff (principals, teachers, education support staff, allied health professionals, contractors and administrative staff etc.) in all Victorian schools (government, Catholic and independent) take action if they suspect, or are witness to student sexual offending.

This resource includes procedures and guidance on:

- Defining Student Sexual Offending (pg. 40)
- Knowing your Obligations (pg. 7)
- **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10)

These procedures must be applied in any circumstance where there is an incident, allegation or you form a suspicion that a student is victim to a student sexual offence and/or a student has committed a sexual offence. This includes suspected offences that have taken place outside of school grounds and hours.

Victorian Law holds that students under 10 years of age cannot commit a sexual offence. For guidance on responding to problem sexual behaviour in students under 10 and other forms of student sexualised behaviours which do not constitute student sexual offending please see Appendix 1.

Where you believe that a child\* is subject to any other form of child abuse (sexual abuse by an adult), you must follow the procedures outlined in *Identifying and Responding to all Forms of Child Abuse in Victorian Schools* ([www.education.vic.gov.au/about/programs/health/protect/](http://www.education.vic.gov.au/about/programs/health/protect/)).

## Key references

- What is Student Sexual Offending? – (pg. 40)
- **Four Critical Actions for Schools: Responding to Student Sexual Offending** – (pg.10)
- *Responding to Suspected Student Sexual Offending: Template for all Victorian Schools*

\*This resource uses the term child to refer to any person under the age of 18.

# Table of Contents

<b>Defining Student Sexual Offending</b>	<b>5</b>
<b>Knowing your Obligations</b>	<b>7</b>
Duty of Care Obligations	7
Reporting a Child in Need of Therapeutic Treatment	8
Mandatory Reporting	8
Criminal Offences	9
Ministerial Order No. 870 – Child Safe Standards	9
<b>Four Critical Actions for Schools: Responding to Student Sexual Offending</b>	<b>10</b>
You MUST Act	11
Witnessing an Incident	11
Forming a Suspicion	11
Receiving a Disclosure (Current Student)	12
Receiving a Disclosure about Former Students	13
<b>1: Responding to an Emergency</b>	<b>15</b>
Ensuring Immediate Safety	15
Preserving Evidence	15
<b>2: Reporting to Authorities</b>	<b>16</b>
Reporting to Victoria Police	16
Reporting to DHHS Child Protection	17
Report internally	17
Reporting if the incident, disclosure or suspicion relates to an international student	18
How should you proceed if the Principal/leadership team advises you not to make a report?	18
Making additional reports	18
<b>3: Contacting Parents/Carers</b>	<b>20</b>

<b>4: Providing Ongoing Support</b>	<b>22</b>
Working together and planning support	23
Providing wellbeing support for students who are victims to a student sexual offence	23
Providing wellbeing support for students who have engaged in student sexual offending	24
Providing developmentally and culturally appropriate support	25
Providing support for other impacted children	26
Providing support for impacted school staff members	26
Supporting children who are Interviewed at school	26
Complying with subpoenas or court attendance	28
Responding to complaints or concerns	28
 <b>Privacy and Information Sharing</b>	 <b>29</b>
Information Sharing with School Staff	29
Information Sharing with DHHS and Victoria Police	30
Information sharing with Family Services	30
Information Sharing with the School Community	30
 <b>Contact Details and More Information</b>	 <b>31</b>
Support Roles within the Department of Education and Training	31
Support roles within Catholic Education and Independent Schools	33
Roles of Other Relevant Authorities	34
Counseling/Support Organisations	35
Contact Information	36
 <b>Appendix 1: Sexual Behaviour in Children Under 10 Years</b>	 <b>40</b>
What is Problem Sexual Behaviour in Children under 10?	41
How to Respond to Problem Sexual Behaviour	41

# Defining Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*. See **Definitions** on the next page for a detailed breakdown of these offences.

Additionally under Victorian Law:

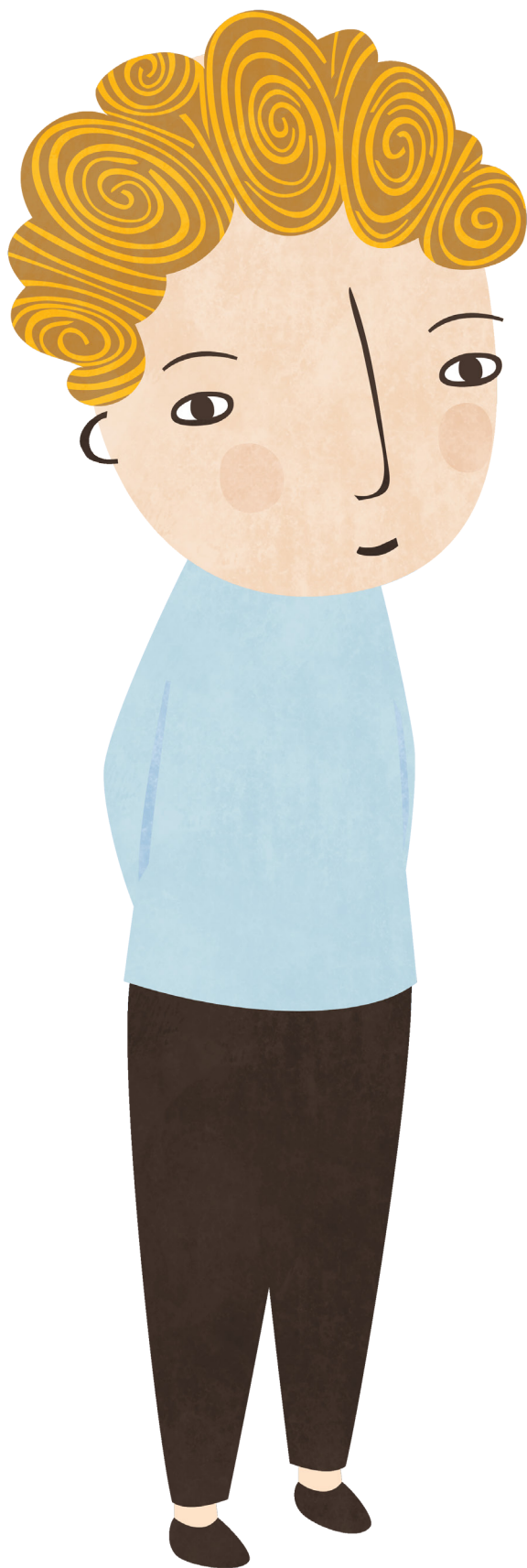
- children between 12-15 can only consent to sexual activity with a peer no more than two years their senior (therefore sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending)
- in order for a person to consent to sexual activity they have to have the capacity to understand the context and possible consequences of the act (therefore sexual contact led by a student involving a person with a cognitive impairment or affected by alcohol and other drugs may also amount to student sexual offending).

As a school staff member you **must** respond to any incidents, allegations and suspicions that a student is victim to student sexual offending and/or a student has committed sexual offending by following the **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10), which includes instructions on when to act (including when to report a child in need of therapeutic treatment).

It may be difficult to determine whether student sexual behaviour amounts to sexual offending. As outlined in the **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10) you must always seek further advice if you are unsure whether behaviour, or suspected behaviour constitutes student sexual offending, and/or whether it is indicative of any underlying abuse.

**See Appendix 1 for further advice on sexual behaviour of children under 10 years and strategies to manage these behaviours.**

Please also note that there are separate procedures for addressing sexting (the act of electronically creating, sharing, or sending sexually explicit messages or images), which can be found at [www.education.vic.gov.au/about/programs/bullystoppers/Pages/advice sexting](http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/advice sexting)



## DEFINITIONS

### Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student who is over 10 years of age and which may amount to a sexual offence.

A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*. There are many sexual offences that may amount to student sexual offending. Some of these are explained below.

### Sexual Assault

‘Sexual assault’ refers to circumstances where:

- A person (A) intentionally touches another person (B), and
- the touching is sexual, and
- B does not consent to the touching, and
- A does not reasonably believe that B consents to the touching.

### Rape

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, and refers to circumstances where:

- A person (A) intentionally sexually penetrates another person (B), and
- B does not consent to the penetration, and
- A does not reasonably believe that B consents to the penetration.

### Indecent Acts

A person must not wilfully commit, or wilfully take part in an indecent act with a child under the age of 16, or in their presence.

In the context of student sexual offending this relates to indecent acts where the student engaging in the offence:

- is more than 2 years older than the child and
- cannot demonstrate a belief on reasonable grounds that the child was aged 16 or older.



# Knowing Your Obligations

As community members, we all have a moral obligation to protect any child under our care and supervision from foreseeable harm.

As school staff members, you play an especially critical role in responding to student sexual offending and **must comply** with a range of legal obligations to do so.

The easiest way to comply with your legal and moral obligations is to remember that:

- you have a duty of care towards **all students** impacted by student sexual offending, (including an alleged victim, student engaging in the behaviour and any other impacted students)
- you **must** respond to any incidents, allegations and suspicions that a student is victim to student sexual offending and/or a student has committed sexual offending by following the **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10)

## DUTY OF CARE OBLIGATIONS

As a school staff member you have a duty to take reasonable steps to protect children under your care and supervision, from harm that is reasonably foreseeable (this applies to **ALL** school staff).

The question of what constitutes “reasonable steps” will depend on the individual circumstances of each case.

You may breach your duty of care towards a student if you fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected student sexual offending, reasonable steps may include (but are not necessarily limited to):

- acting on concerns and suspicions of student sexual offending quickly or as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- reporting the suspected student sexual offending to appropriate authorities such as the Victoria Police and DHHS Child Protection
- arranging counselling and/or other appropriate welfare support for impacted students, including the alleged victim and student who has allegedly engaged in student sexual offending.
- providing ongoing support to the alleged victim and student who has allegedly engaged in student sexual offending – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings
- sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the student(s) .

You must follow the **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10) to ensure that you fulfil your duty of care obligations for all children impacted by student sexual offending, including the alleged victim and student who has allegedly engaged in the student sexual offending.

Your duty of care also extends to:

- all incidents, allegations and suspicions that a student is victim of, or has engaged in student sexual offending, regardless of whether the suspected offence has taken place inside or outside of school hours and/or the school premises.
- all students regardless of their age.

## REPORTING A CHILD IN NEED OF THERAPEUTIC TREATMENT

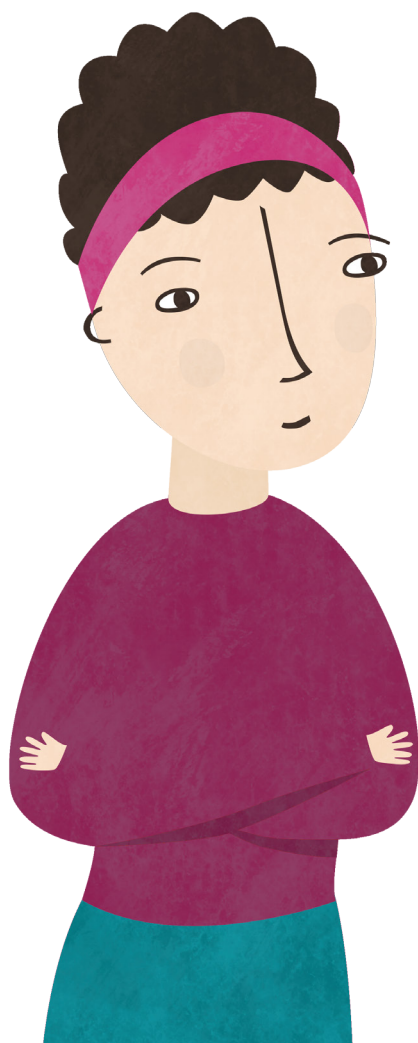
Any member of the public is able to report concerns about a child's (who is aged at least 10 and under 15 years) sexually abusive behaviour to DHHS Child Protection.<sup>1</sup>

DHHS Child Protection may make an application to the Children's Court for a therapeutic treatment order if it assesses that:

- a child is in need of therapeutic treatment, and
- the child or the child's parent(s) or carer(s) are unable or unwilling to access treatment.

These orders require the child who is the subject of the order to attend an appropriate treatment program to address their sexually abusive behaviours. They may also have conditions requiring the child's parent(s) or carer(s) to take any necessary steps to enable the child to attend the treatment.

Reporting to DHHS Child Protection in relation to a child who may be in need of therapeutic treatment does not replace your requirement to report student sexual offending to Victoria Police.



## MANDATORY REPORTING

There are certain classes of professionals, who are classified as "mandatory reporters". Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including Principals)
- staff who have been granted permission to teach by the VIT
- registered doctors and nurses.

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and / or sexual abuse, and
- the child's parents have not protected the child, and are unable or unwilling to protect, the child from harm of that type.

**It is a criminal offence not to report in these circumstances.**

In relation to suspected student sexual offending mandatory reporters must follow the **Four Critical Actions for Schools: Responding to Student Sexual Offending** (pg. 10) to ensure they fulfil all of their legal obligations.

<sup>1</sup> In relation to children and young people exhibiting sexually abusive behaviour:

- children under 10 years old cannot be held criminally liable
- children aged 10 - 15 years can be granted a therapeutic treatment order as an alternative pathway to treatment that does not involve criminal prosecution
- therapeutic treatment orders are not available for children over 15 years of age.



## CRIMINAL OFFENCES

In response to the *Betrayal of Trust Report*, the Victorian Government has introduced new criminal offences to protect children from sexual abuse. Under these reforms a failure to report, or take action in relation to suspected child sexual abuse can now constitute a criminal offence, including a:

### ■ Failure to disclose

This offence applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age and fail to report this information to the Victoria Police.

Failing to disclose a sexual offence only applies to student sexual offending in circumstances when the student who has allegedly engaged in sexual offending is 18 years of age or over.

### ■ Failure to protect

This offence applies to a person in a position of authority within an organisation who:

- ▣ knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractors, volunteer, visitor); and
- ▣ negligently fails to remove or reduce the risk of harm.

*This offence does not apply to student sexual offending, unless you form a reasonable belief that a staff member, contractor, volunteer or visitor may have also engaged in the offence.*

## MINISTERIAL ORDER NO. 870 - CHILD SAFE STANDARDS

All Victorian schools must comply with the new *Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools* in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA).

The Order came into effect on 1 August, 2016 and specifies how every Victorian schools must:

- embed a culture of 'no tolerance' for child abuse
- comply with the prescribed seven minimum child safe standards.

In meeting the requirements of *Ministerial Order No. 870*, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

This resource will support schools to meet their obligations under the Order (Standard 5 - Section 11), by assisting them to develop clear procedures for responding to allegations of suspected abuse.

School governing authorities (which includes government School Councils, Principals and nominated school leaders) will have responsibility for ensuring that schools meet all of the obligations set out within the Order.

# Four Critical Actions for Schools: Responding to Student Sexual Offending

## FOUR CRITICAL ACTIONS

**1 RESPONDING TO AN EMERGENCY** PAGE 26

**2 REPORTING TO AUTHORITIES** PAGE 27

**3 CONTACTING PARENTS/CARERS** PAGE 32

**4 PROVIDING ONGOING SUPPORT** PAGE 34



This section outlines four critical actions which must be taken if you witness an incident, receive a disclosure, or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in student sexual offending.


For easy reference a summary of these actions is available at [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect) as a printable PDF A3 Poster.

You should read this summary in conjunction with the following advice, which includes critical detail and links to supporting documents (including the **Responding to Suspected Student Sexual Offending: Template** which must be completed when responding to any form of suspected student sexual offending).

### FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Student Sexual Offending



#### YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act by following the 4 critical actions as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending.
- You **must** act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence).
- You **must** use the **Responding to Student Sexual Offending template** to keep clear and comprehensive notes.

### 1 IMMEDIATE RESPONSE TO AN INCIDENT

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

### 2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you **must** report incidents, suspicions and disclosures of student sexual offending as soon as possible:

#### VICTORIA POLICE

All instances on **000**

#### DHHS CHILD PROTECTION

If you believe that:

- the victim's parent/carers are unable or unwilling to protect the child
- the student who is alleged to have engaged in the student sexual offending is:
  - aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
  - may be displaying physical and behavioural indicators of being the victim of child abuse\*.

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see **Action 3**).

\*See the *Four Critical Steps for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances.

#### INTERNALLY

ALSO report internally to:

- School Principal and/or leadership team (all instances)
- Government Schools DET Security Services Unit
- Catholic Schools: Diocesan education office

### 3 CONTACTING PARENTS/CARERS

Your Principal **must** consult with **Victoria Police** or **DHHS Child Protection** to determine what information can be shared with parents/carers of all impacted students. They may advise:

- not to contact the parents/carers** (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a **Victoria Police** investigation or where the student is a mature minor and has requested that their parent/carer not be notified)
- to contact the parents/carers** and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

### 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of your duty of care requirements.

This support should include the development of a **Student Support Plan** in consultation with wellbeing professionals, outlining support strategies. Strategies may include the development of a safety plan, direct support and referral to wellbeing professionals.

#### CONTACT

<b>DHHS CHILD PROTECTION</b> <b>AREA</b> North Division <b>1300 664 9777</b> South Division <b>1300 655 795</b> East Division <b>1300 360 391</b> West Division (Rural) <b>1800 075 599</b> West Division (Metro) <b>1300 664 9777</b> <b>AFTER HOURS</b> After hours, weekends, public holidays <b>13 12 78</b>	<b>CHILD FIRST</b> <a href="http://www.dh.vic.gov.au">www.dh.vic.gov.au</a> <b>VICTORIA POLICE</b> <b>000</b> or contact your local police station <b>DET SECURITY SERVICES UNIT</b> <b>(03) 9589 6266</b> <b>STUDENT INCIDENT AND RECOVERY UNIT</b> <b>(03) 9637 2934</b>	<b>EMPLOYEE CONDUCT BRANCH</b> <b>(03) 9637 2595</b> <b>DIOCESAN OFFICE</b> Melbourne <b>(03) 9267 0228</b> Ballarat <b>(03) 5337 7135</b> Sale <b>(03) 5622 6600</b> Sandhurst <b>(03) 5443 2377</b> <b>INDEPENDENT SCHOOLS VICTORIA</b> <b>(03) 9825 7200</b>
--	---	---

## YOU MUST ACT

### CRITICAL INFORMATION

- As a school staff member, you **must** act as soon there is an incident or allegation or you form a suspicion that a student is victim to student sexual offending and/or a student has committed student sexual offending.
- You must act even if you have not directly observed the student sexual offending (e.g. if the victim or another person tells you about the student sexual offending).
- If you are unsure whether a behaviour (or suspected behaviour) constitutes student sexual offending you should seek further advice and follow the Four Critical Actions.
- You must also act if you form a reasonable belief that a student's sexual offending is a result of underlying child abuse by following the *Four Critical Actions for Schools: Responding to Suspected Student Sexual Offending* and the *Four Critical Actions for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* ([www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)).
- You should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However, once a reasonable belief has been formed, it is not your role to investigate. This is the role of DHHS Child Protection or Victoria Police.

This section steps you through when and how to respond if you:

- Witness an Incident
- Form a Suspicion
- Receive a Disclosure (Current Student)
- Receive a Disclosure (Former Student).

### Witnessing an Incident

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of children involved. Go straight to:

- **Action 1: Responding to an Emergency** (pg. 15) if there is an immediate risk to health and safety
- **Action 2: Reporting to Authorities** (pg. 16) if there is no immediate risk to health and safety.

### Forming a Suspicion

All suspicions that a student is a victim of a student sexual offending and/or a student has engaged in student sexual offending **must** be taken seriously. This includes an offence that is suspected to have occurred outside of school premises and/or outside school hours.

If you form a suspicion that a student is victim of student sexual offending and/or a student has committed student sexual offending, you must act, even if you have not directly witnessed the student sexual offending. See *Disclosures* (pg. 13).

In some circumstances, you may also form a belief that a student's sexual behaviour is indicative of their own experience of child abuse. Physical or behavioural signs may be the only indication that a child is impacted by abuse.

See physical and behavioural indicators of sexual abuse (pg. 42) for advice on how to recognise these signs. If you form a reasonable belief that a student is engaged in student sexual offending and may have also been impacted by child abuse you must follow:

- these **Four Critical Actions for Schools: Responding to Suspected Student Sexual Offending**
- AND the **Four Critical Actions for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse**, which will support you in reporting your suspicions to the appropriate authorities (available at [www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf))

### Situations where you must respond to suspected student sexual offending may include:

- witnessing an incident which you believe to be student sexual offending
- a student or another child or young person states that they are a victim of student sexual offending
- a student or another child or young person states that they know someone who has been a victim of student sexual offending (sometimes the student or child may be talking about themselves)
- someone who knows the student or child or young person who is the victim of student sexual offending states that the student or child or young person has been a victim of student sexual offending
- someone who knows the student who has engaged in the student sexual offending discloses that the student has engaged in student sexual offending
- signs of sexual abuse lead to a belief that the student or child or young person has been victim to student sexual offending

### Receiving a Disclosure (Current Student)

If:

- a current student discloses that they have been, or are in danger of becoming a victim of student sexual offending, or
- a person (child or adult) discloses that they believe a current student has been, or is at risk of being a **victim** of student sexual offending, or
- a person (child or adult), discloses that they believe that a current student **has engaged**, or is at risk of engaging in student sexual offending,

you **must** treat the disclosure seriously, and take immediate action by following these **Four Critical Actions For Schools: Responding to Student Sexual Offending**.

For further guidance on managing the disclosure see **Strategies for Managing a Disclosure** (pg. 14).

### Documenting your actions

As a school staff member, you must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the *Responding to Suspected Sexual Offending: Template*.

Your aim should be to provide as much information within the template as possible. These records will be helpful in making a report of the abuse to the relevant authorities.

This information may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support their decisions (see **Responding to Subpoenas or Court Attendance** on pg. 28 for further information).

## Receiving a Disclosure (Former Student)

If you receive a disclosure that a **former student** of your school is a victim of historical student sexual offending, you **must** act.

If any student involved in the alleged historical student sexual offending is **currently of school age and attending a Victorian school** you must follow these **Four Critical Actions For Schools: Responding to Student Sexual Offending**.

If all impacted students are no longer of school age or attending a Victorian school you **must** also still act.

Please visit: <http://www.education.vic.gov.au/about/contact/Pages/reportingabuse.aspx>

This guidance will support you to:

- report any allegations of abuse, by contacting your local Victoria Police station and/or by contacting the SANO Task Force at [sanotaskforce@police.vic.gov.au](mailto:sanotaskforce@police.vic.gov.au)
- respond to a belief that you or another person is at immediate risk by contacting Victoria Police on **000**.

This guidance will also support:

- **Victorian government** schools to report to relevant areas within the Department (this may include the Principal of the school, the regional office, and the Security Services Unit)
- **Catholic** schools to contact their Diocesan education office
- **Independent** schools to notify their School Board.

## Strategies for Managing a Disclosure

When managing a disclosure of student sexual offending, it is important that you respond in an appropriate and supportive manner. All disclosures of student sexual offending must be taken seriously and addressed immediately by following these **Four Critical Actions For Schools: Responding to Student Sexual Offending**.

It is the role of school staff members to listen and respond appropriately to a student or another person's (adult or child) concerns. When a disclosure of student sexual offending is made **you must inform the student or the other person (adult or child) that their confidentiality cannot be maintained**.

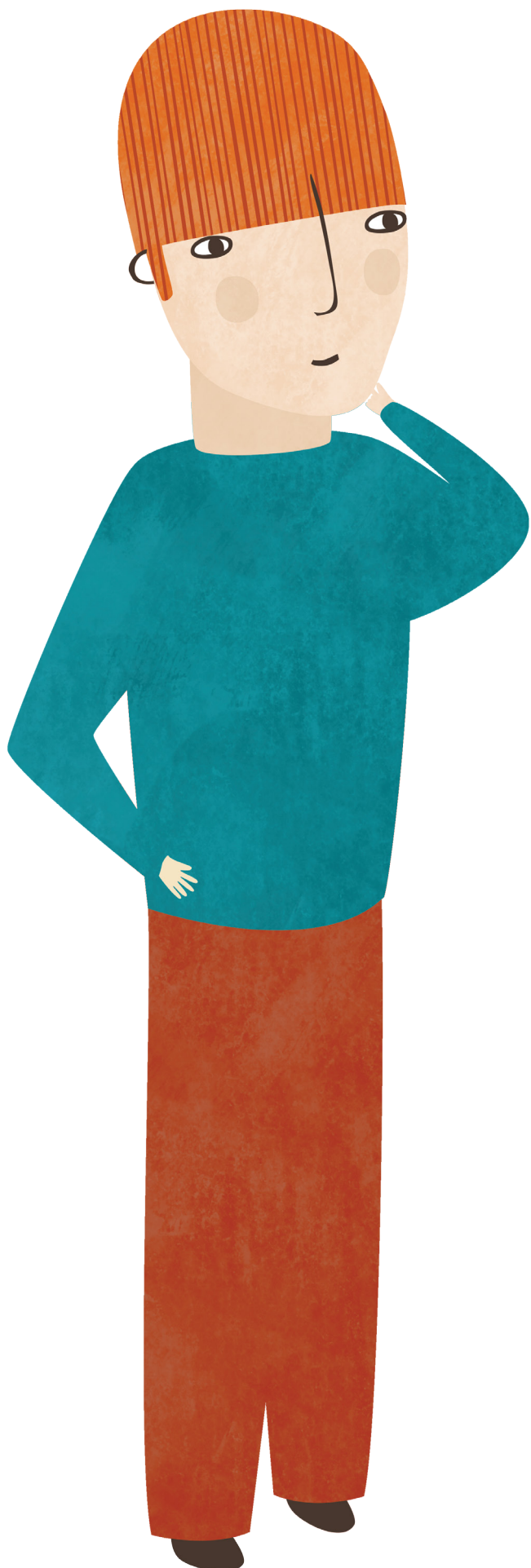
This should be done in language appropriate to the person's age and stage of development.

For example:

- To a younger student: '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/the other person.'
- To an older student: 'The information you have given me has made me very concerned for your welfare/the welfare of the other person and I need to tell you that it is my responsibility to report this information to the Department of Education and Training and Victoria Police to help you/the other person get some assistance'.

You **must** document any disclosures within the **Responding to Suspected Student Sexual Offending: Template**. This may be critical for further investigations and/or legal proceedings.

The tables on the next page include advice on how best to manage a disclosure and what to avoid.



#### When managing a disclosure, staff should:

- listen to the child and allow them to speak
- stay calm and not display expressions of panic or shock
- use a neutral tone with no urgency and where possible use the child's language and vocabulary
- be patient and non-judgmental throughout
- highlight to the child that they are doing the right thing in telling you about what has happened and that it is not their fault
- be patient and allow the child to talk at their own pace and in their own words
- reassure the child that you believe them and that disclosing the matter was the right thing to do
- use verbal facilitators such as, "Okay, I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way
- tell the child you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate.

#### When managing a disclosure, staff should AVOID:

- asking questions that are investigative and potentially invasive. This may make the child feel uncomfortable and may cause the child to withdraw
- going over the information time and time again (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- asking leading questions, but instead, gently ask, "What happened next?" rather than "Why?"
- pressuring the child into telling you more than they want to.



# ACTION 1: RESPONDING TO AN EMERGENCY

## CRITICAL INFORMATION

If student sexual offending has just taken place, or is at risk of taking place you must take reasonable steps to protect all impacted students. These steps include:

- separating the alleged victim and others involved, ensuring all impacted students are supervised by a school staff member
- arranging and providing urgent medical assistance where necessary by:
  - administering first aid assistance
  - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics.
- calling 000 for urgent police assistance if the student who is alleged to have engaged in the student sexual offending poses an immediate risk to the health and safety of any person (you should also identify a contact person at the school for future liaison with police).
- taking reasonable steps to preserve the environment, the clothing, other items, and potential witnesses until Victoria Police or other relevant authorities arrive on the premises.

## Ensuring Immediate Safety

If student sexual offending has just taken place, or is at risk of taking place you must take reasonable steps to protect all impacted students.

These include:

- separating the alleged victim and others involved, ensuring all parties are supervised by a school staff member
- arranging and providing urgent medical assistance where necessary by:
  - administering first aid assistance
  - calling **000 for an ambulance** and following any instructions from emergency service officers/paramedics.

- calling **000 for urgent police assistance** if the person who is alleged to have engaged in the student sexual offending poses an immediate risk to the health and safety of any person. (You should also identify a contact person at the school for future liaison with police).

## Preserving evidence

Where an incident of suspected student sexual offending occurs at the school, you may need to take action to preserve any items that may amount to evidence of the student sexual offending. Consider all of the following:

### ■ Environment

**Do not clean up the area** and do preserve the sites where the alleged incidents occurred. Cordon off the relevant area/room/building and take reasonable steps to ensure that no one enters these areas.

### ■ Clothing

You may also need to ensure impacted students remain in their clothing and, if this is not possible, ensure that the clothes are not washed, are handled as little as possible, and stored in a sealable bag.

### ■ Other physical items

If there are any other items that may amount to evidence (e.g. weapons, bedding, condoms), **try to ensure that these things remain untouched.**

### ■ Potential witnesses

Given that suspected student sexual offending may become a criminal matter, reasonable precautions must be taken to prevent discussion of the student sexual offending between those involved in the alleged student sexual offending (including any other students who may have witnessed the student sexual offending).

A staff member should be allocated to remain with each student involved in separate rooms and until advice is sought from Victoria Police.

## ACTION 2: REPORTING TO AUTHORITIES

### CRITICAL INFORMATION

As soon as immediate health and safety concerns are addressed you must report incidents, disclosures and suspicions of student sexual offending as soon as possible to:

- Victoria Police on 000 (all instances)
- DHHS Child Protection if you believe that:
  - the victim's parent/s are unable or unwilling to protect the child
  - the student who is alleged to have engaged in the student sexual offending is aged over 10 and under 15 years, is exhibiting sexually abusive behaviours, and may be in need of therapeutic treatment to address these behaviours.
  - the student who is alleged to have engaged in the student sexual offending may be displaying physical and behavioural indicators of being the victim of child abuse – see the *Four Critical Actions for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances (at [www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)).
- ALSO report internally to:
  - School Principal and/or leadership team (all instances)
  - Government Schools: DET Security Services Unit
  - Catholic Schools: Diocesan education office
  - Independent Schools: School Principal and/or school chairperson.

You **must** identify a contact person at the school for future liaison with Victoria Police and/or DHHS Child Protection and seek advice about contacting parents/carers (see **Action Three** (pg. 20).

Following any incident, suspicion or disclosure of student sexual offending you **must** make a report as soon as possible. This section steps you through the process for making a report, including:

- Reporting to Victoria Police
- Contacting DHHS Child Protection
- Reporting Internally
- Reporting if the incident, suspicion or disclosure relates to an international student
- Making Additional Reports (in circumstances where a report has already been made)

### Reporting to Victoria Police

If there is an incident, allegation or you form a suspicion that a student is victim of a student sexual offending and/or a student has committed student sexual offending, you **must** report to Victoria Police.

Victoria Police will refer the report to their Sexual Offences and Child Abuse Investigation Team for appropriate action and follow up (SOCITs are teams of specialist detectives trained to investigate the complex crimes of sexual assault and child abuse).

You **must** also identify a contact person at the school for future liaison with Victoria Police and seek advice about contacting parents/carers (see Step Four on pg. 22).

## Reporting to DHHS Child Protection

In addition to reporting all incidents, disclosures or suspicions of student sexual offending to Victoria Police, you **must** also make a report to DHHS Child Protection **if** you believe that:

- the victim's parent/s are unable to protect the child
- the student who is alleged to have engaged in student sexual offending is:
  - over 10 and under 15 years of age and may be in need of therapeutic treatment to address their sexually abusive behaviours.
  - displaying physical and behavioural indicators which lead you to believe that they may be a victim of child abuse – see **Four Critical Actions for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse** for further guidance in these circumstances (at [www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)).

You **must** also identify a contact person at the school for future liaison with DHHS Child Protection and seek advice about contacting parents/carers (see Step Four on pg. 22).

When contacting DHHS Child Protection you should be aware that they work with children under 17, but can still be contacted with concerns relating to students 17 and over for referral and advice. Victoria Police work with all age groups.

## Report Internally

Following any incident, disclosure or suspicion of student sexual offending you must also report internally to:

- School Principal and/or leadership team (all instances), highlighting:
  - the details of the suspected student sexual offending, including the names of those involved
  - any immediate actions taken to protect the safety of the students and others involved
  - your report or intention to report to Victoria Police and/or DHHS Child Protection
  - possible steps that can be taken to contact parents/carers (if appropriate) and support the students who are impacted by the student sexual offending
- **Government Schools:**
  - DET Student Incident and Recovery Unit on **(03) 9637 2934**
  - DET Security Services Unit on **(03) 9589 6266**
- **Catholic Schools:** Diocesan education office, including:
  - Archdiocese of Melbourne: Office of Professional Conduct, Ethics & Investigation on **(03) 9267 0228**
  - Diocese of Sale: Child Protection Officer on **(03) 5622 6600**
  - Diocese of Ballarat: Child Safety on **(03) 5337 7135**
  - Diocese of Sandhurst: Child Protection Officer on **(03) 5443 2377**

Principals have primary responsibility for managing the school response to incidents, disclosures or suspicions of student sexual offending. The Principal's responsibilities are outlined in the *Responding to Student Sexual Offending: Principal Checklist*.

Important Note – reporting internally does not mean that your reporting obligations have been met. You **must** also report to Victoria Police (and DHHS Child Protection in appropriate circumstances).

## Reporting if the incident, disclosure or suspicion relates to an international student

If the incident, disclosure or suspicion relates to an international student you will most likely be required to make an additional report:

- Government schools must also contact International Education Division on **(03) 9637 2990**.
- Catholic and independent schools will need to contact the VRQA on **(03) 9637 2806** or via email at [vrqa.schools@edumail.vic.gov.au](mailto:vrqa.schools@edumail.vic.gov.au) if your school has issued a *Confirmation of Appropriate Accommodation and Welfare* (CAAW) letter in relation that student (thereby assuming responsibility for approving the child's accommodation, and providing support and general welfare).

## How should you proceed if the Principal/leadership team advises you not to make a report?

In some circumstances the Principal and/or leadership team may advise you not to proceed with reporting suspected student sexual offending.

Regardless of this advice, if you hold a reasonable belief that a child has been, or is at risk of student sexual offending you **must** still make a report to Victoria Police and, in some circumstances, DHHS Child Protection. These reports may be critical in protecting a child from student sexual offending.

If you fail to report, you may not discharge your duty of care obligations. In some circumstances, a failure to report can also amount to a criminal offence.

If you decide not to report, this decision should be documented within the *Responding to Suspected Student Sexual Offending: Template*.

Advice on the actions that must be taken in the event that a report has already been made are covered in the next section.

## Making Additional Reports

### Reporting further reasonable grounds for belief

You must make a new report in any circumstance where you become aware of any further incidents, or disclosures, or form a new suspicion that a child is a victim of student sexual offending, or has engaged in student sexual offending. Every report is critical to protecting a child by building evidence and enabling authorities to gain a clearer understanding of the risks.

This means that you must make a report to protect a child even if:

- DHHS Child Protection, or Victoria Police were previously involved or are already involved with the child and/or their family
- staff are aware that another party, such as a family member, has already raised concerns with the relevant authorities.



### **What if another person has already made a report?**

Your obligation to report student sexual offending is separate from the obligations or actions of other people.

In addition, it is important to consider that other people may not have access to the specific detail you have. The information you provide through your report may assist the relevant authority to take further action to investigate and respond to the student sexual offending.

However, there may be times when two or more school staff members, for example a teacher and a Principal, have formed a belief about suspected student sexual offending, involving the same child/ children, on the same occasion, and based on the same information. In this situation it is sufficient that only one of the staff members make a report about the suspected student sexual offending. The other is obliged to ensure that the report has been made and that all the information that they have in relation to the suspected student sexual offending was included in the report made by the other person.

In instances where two staff members form different views about whether or not to make a report (e.g. you and another staff member), if you continue to hold a reasonable belief that a child is in need of protection, then you are legally obliged to make a report.

## ACTION 3: CONTACTING PARENTS/CARERS

### CRITICAL INFORMATION

Following an incident, disclosure or suspicion of student sexual offending, timely communication with parents/carers of impacted students can be critical.

However before contacting parents/carers of the impacted students, Principals must seek advice from DHHS Child Protection or Victoria Police (depending on who the report was made to) and request their direction on informing parents/carers.

This is critical to ensure the safety and welfare of the impacted students, as well as to avoid compromising the investigations being conducted by the relevant authorities.

Where advised that it is appropriate to do so, school staff should make sensitive and professional contact with parents/carers of the impacted students as soon as possible, on the day that school staff became aware of the incident, disclosure or suspicion of student sexual offending.

In most cases where it is suspected that a student is a victim of student sexual offending and/or has allegedly engaged in or witnessed student sexual offending, it is extremely important that parents/carers are notified as soon as practicable.

This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further student sexual offending.
- ensure that their child receives the support that they require.

However there are some circumstances where contacting parents/carers may impact on a child's safety or welfare, or compromise an investigation. This is why before contacting the parent/carer of any impacted students, your Principal (or delegate) must contact Victoria Police or DHHS Child Protection (depending on who the report has been made to). They will advise your Principal (or delegate) about whether it is appropriate to contact parents/carers at this stage.

Your Principal (or delegate) will be advised not to contact the parents/carers in circumstances where:

- a disclosure to the parent/carer may subject the child to abuse
- the student is an adult and has requested that their parent /carer not be notified
- the student is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf) and has requested that their parent/carer not be notified (in these circumstances ideally the child will nominate another responsible adult who can be contacted)
- contacting the parents/carers is likely to adversely affect a Victoria Police or DHHS investigation of the student sexual offending.

All communication with parents/carers must be recorded within the *Responding to Suspected Student Sexual Offending: Template*.

Where possible all impacted students should also be encouraged to seek family support as soon as possible.

The box on the next page includes advice on making sensitive and professional contact with parents/carers.

For further advice:

- **Government schools** can contact the Student Incident and Recovery Unit on **(03) 9637 2934** or **(03) 9637 2487**
- **Catholic schools** should contact their Diocesan education office including:
  - Archdiocese of Melbourne: Legal Services on **(03) 9267 0228**
  - Diocese of Sale: Child Protection Officer on **(03) 5622 6600**
  - Diocese of Ballarat: Legal Services on **(03) 5337 7135**
  - Diocese of Sandhurst: Assistant to the Director: Legal, Industrial & Human Resources on **(03) 5443 2377**
- **Independent schools** can contact Independent Schools Victoria on **(03) 9825 7200**.





**When a Principal and/or delegate contacts the parents/carers of a student who is suspected to have committed or become victim to a student sexual offending, they should:**

- Remain calm
- Be empathic to feelings
- Acknowledge concerns
- Provide appropriate details of the incident, disclosure and/or suspicion of student sexual offending
- Outline the action the school has taken to date
- Inform them of who the incident, disclosure and/or suspicion has been reported to
- Provide the name and contact phone number of DHHS Child Protection and/or the police officer who is investigating
- Provide information on whether they are likely to be contacted by DHHS Child Protection or Victoria Police
- Inform them that the investigation may take some time and ask what further information they would like and how the school can assist them.
- Assure them that school wellbeing staff can provide support to the student (for Victorian government school students a referral can be made to the Network Student Support Services Officer)
- Invite them to attend a Student Support Group meeting where a ***Student Support Plan*** can be developed to ensure appropriate support can be provided for their child

For more advice on what information can be shared about student sexual offending and for guidance on sharing information about student sexual offending with the school community please refer to **Sharing Information and Managing Privacy** (pg. 29).

## ACTION 4: PROVIDING ONGOING SUPPORT

### CRITICAL INFORMATION

- In addition to reporting suspected student sexual offending, you have a critical role to play in supporting impacted students (including students who are victim of student sexual offending, students who have engaged in student sexual offending, and students who have witnessed or otherwise been impacted by student sexual offending).
- Support can include direct support from wellbeing professionals available at the school, referral to external wellbeing professionals and community services (eg. Centre Against Sexual Assault), and should also include the development of a Student Support Plan. Where appropriate this support should be provided in ongoing partnership with the child's parent/carer.
- Principals are responsible for ensuring all impacted students are supported during interviews at school conducted by Victoria Police or DHHS Child Protection.
- Principals and other staff involved in responding to, managing, and supporting students impacted by student sexual offending may be compelled to produce documents and/or attend court to give evidence.
- Support must also be provided to impacted staff members.

Allegations and instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of school community members.

Schools play a central role in addressing wellbeing issues of any students who are victims of student sexual offending, students who have engaged in student sexual offending, and any other students who are impacted by the student sexual offending (e.g. witnesses).

School staff have a duty of care to take reasonable steps to ensure that all students feel safe and supported at school. Continuing support must be offered to all students involved in an allegation of student sexual offending.

This section outlines actions that school staff must take, where appropriate, to support students who are impacted by student sexual offending:

- Working together and planning support
- Providing wellbeing support for students who are victim to student sexual offending
- Providing wellbeing support for students who have engaged in student sexual offending
- Providing developmentally and culturally appropriate support
- Providing support for impacted school staff members
- Supporting students in interviews conducted at school
- Responding to subpoenas or court attendance
- Responding to complaints or concerns

## Working together and planning support

Providing holistic support to address the trauma and wellbeing issues associated with student sexual offending is best achieved through careful planning and working in partnership with wellbeing professionals, parents/carers and educators.

Principals (or their delegates) must continue to ensure ongoing management of student sexual offending by working in partnership with:

- Student Incident and Recovery Unit and their Regional Office (government schools)
- Diocesan education office (Catholic schools)
- Victoria Police (Sexual Offences and Child Abuse Investigation Team) (where appropriate)
- DHHS Child Protection (where appropriate).

School staff must also establish regular communication and ongoing partnerships between school staff and the parent/carers of impacted students (if appropriate) to discuss a student's progress, wellbeing and the success of planned strategies.

## Providing wellbeing support for students who are victims to a student sexual offence

In consultation with the Student Incident and Recovery Unit (government schools), Diocesan Office (Catholic schools) and Victoria Police and/or DHHS Child Protection (if appropriate), schools:

- **must** develop a *Student Support Plan* to determine and document support strategies for students who are the alleged victim/s and students impacted by student sexual offending to address their wellbeing (this template will help you to develop a strengths based plan and prompt you to complement any existing support or education plans)
- should (where appropriate) convene a Student Support Group to inform planning. Student Support Groups usually comprise school wellbeing staff, teachers, allied health professionals and where appropriate the student and/or their parent/carer.
- should (where appropriate) consult with wellbeing professionals (including Student Support Services Officers in government schools) to support the student. Allied health and wellbeing professionals can provide intensive support to students and their families as well as critical input into *Student Support Plans* and advice to school staff members on how to appropriately support the student.
- should (where appropriate) make referrals into specialised non-school based supports, including Centres Against Sexual Assault who provide expert support for victims of sexual assault (a list of Counselling/Support Organisations are on pg.39).

## Providing wellbeing support for students who have engaged in student sexual offending

In consultation with the Student Incident and Recovery Unit (government schools), Diocesan Office (Catholic schools) and Victoria Police and/or DHHS Child Protection, schools:

- must develop and regularly review a Student Support Plan to establish and implement safety and support strategies, including return to school strategies (suggested strategies are included within the Student Support Plan template) for students who have engaged in student sexual offending
- should (where appropriate) convene a Student Support Group to inform the Student Support Plan, (Student Support Groups usually comprise school wellbeing staff, teachers, allied health professionals and where appropriate the student and/or their parent/carer)
- should (where appropriate) engage with wellbeing professionals (including Student Support Services Officers in government schools) to support the student who has engaged in student sexual offending.

*Allied health and wellbeing professionals can provide intensive support to students and their families as well as critical input into **Student Support Plans** and advice to school staff members on how to appropriately support the student who has engaged in student sexual offending.*

- should (where appropriate) make referrals into specialised non-school based supports, including Child and Adolescent Mental Health Service (CAMHS) who provide specialist clinical mental health treatment and care (a list of these services is at Counselling/Support Organisations on pg. 39).

If as a result of student sexual offending, a student needs to transfer to another school:

- government schools must contact their Regional Director and the Student Incident and Recovery Unit (contact details on pg. 36)
- Catholic schools must contact their Diocesan education office (contact details on pg. 36).

In some cases children aged over 10 and under 15 years may be referred to Sexually Abusive Behaviour Treatment Services (SABT- contact details on pg. 39). These services provide treatment for 12 to 24 months to ensure that early intervention services are provided to prevent ongoing and more serious sexual offences in adulthood. Often this referral will be made by DHHS Child Protection and a young person may be placed on a Therapeutic Treatment Order and/or a Therapeutic Treatment Placement Order. Children, young people and their families are also able to access treatment programs in a voluntary capacity.

### For further detail on available local support services for ALL students, schools can also contact their:

- local government (all schools)
- Regional Office and the Student Incident and Recovery Unit (**government schools**) – contact details on pg. 36
- Diocesan Office (**Catholic schools**) – contact details on pg. 36
- Independent Schools Victoria (**independent schools**) – contact details on pg. 36

For advice on ensuring that support is culturally appropriate see **Providing developmentally and culturally appropriate support** (pg. 25).

## Providing developmentally and culturally appropriate support

Whilst a child's background should not impact on a decision to report suspected abuse, school staff need to be sensitive to a child's individual circumstances when providing support and working with families impacted by abuse.

It is a requirement under the *Ministerial Order 870* that school governing authorities must "take account of the diversity of all children", including (but not limited to) the needs of:

### Children with disabilities

When supporting a child with a disability who has been impacted by child abuse it is critical to consider the child's:

- chronological age, developmental age and their cognitive functioning in order to tailor developmentally appropriate support strategies
- vulnerability to on-going abuse (children with disabilities disproportionately fall prey to child abuse, in particular child sexual abuse) when considering the need to make a further report and/or implement risk mitigation strategies.

See *Responding to Student Sexual Offending* for advice on strategies for supporting children with disabilities who may have engaged in sexual offending.

### Aboriginal and Torres Strait Islander Children

When supporting an Aboriginal or Torres Strait Islander child who has been impacted by child abuse it is essential that school staff provide culturally appropriate support.

Principals from **Government schools** must notify their Regional Office (pg. 50) to ensure that the Koorie Engagement Support Officer can arrange appropriate support for the child and/or advise on culturally appropriate support strategies.

Principals from **Catholic schools** must notify their Diocesan education office (pg. 50) to ensure that the Diocesan Aboriginal and Torres Strait Islander Education Officer can arrange appropriate support for the child and advise on culturally appropriate support strategies.

Principals from **Independent schools** may choose to contact Independent Schools Victoria for advice.

### Children from Culturally and Linguistically Diverse (CALD) backgrounds

When supporting a child from CALD backgrounds who has been impacted by child abuse it is essential that schools provide culturally appropriate support. However this should not detract from ensuring the child's safety and wellbeing.

Where possible schools should work with relevant cultural support services (ensuring that the confidentiality of the student and family is maintained) and engage an interpreter when communicating with the student's family if needed.

### Students with refugee backgrounds

When working with children from refugee backgrounds who have been impacted by child abuse it is important to recognise that they (and their families) may also be experiencing trauma, dislocation and loss. This trauma may significantly affect family wellbeing and parenting capacity and whilst these issues also require sensitive consideration, they should not detract from ensuring the child's safety and wellbeing (or impact on decisions to report suspected abuse).

School staff should consider contacting services that specialise in providing support to refugees (ensuring that the confidentiality of the child and their family is maintained).

Schools should also engage an interpreter when communicating with the student's family if needed.

### International students

Principals must ensure appropriate measures are taken for the welfare of international students. This may require additional support given that the child's family may not be present to provide support within the home environment.

See *Reporting if the Incident, Disclosure or Suspicion Involves an International Student* (pg. 29) for details on who must be contacted in the event that an international student is involved in suspected abuse.

## Providing Support for Other Impacted Children

It can be stressful for other children involved in any incidents, disclosures or suspicions of child abuse. Principals must ensure that other impacted children are offered and provided appropriate support.

## Providing Support for Impacted School Staff Members

It can also be stressful for staff involved in any incidents, disclosures or suspicions of child abuse. Principals must support impacted staff members to access necessary support.

School staff requiring wellbeing support can contact:

- **Government Schools:** DET Employee Assistance Program (EAP) on **1300 361 008**
- **Catholic Schools:**
  - ▣ Archdiocese of Melbourne: School's Employee Assistance Program (EAP) provider and/or seek further advice from Office of Professional Conduct, Ethics & Investigation on **(03) 9267 0228**
  - ▣ Diocese of Sale: ACCESS EAP on **1300 66 77 00**
  - ▣ Diocese of Ballarat: Child Safety on **(03) 5337 7135**
  - ▣ Diocese of Sandhurst: ACCESS EAP on **1800 222 125**.
- **Independent schools** can contact Independent Schools Victoria on **(03) 9825 7200**.

## Supporting Children who are Interviewed at School

All children (including children who are alleged to have perpetrated abuse) must be independently supported in any interviews conducted by Victoria Police or DHHS Child Protection at school.

Where possible and appropriate the child's parents/carers should be present for these interviews. However if this is not appropriate or practicable the Principal (or delegate) may be identified as the independent person or support person for the child for the purpose of the interview.

### Police interviews

In the event Victoria Police schedule an interview with a child at the school, the Principal (or delegate) must advise the child's parents/carers (where advised to be appropriate) as well as:

- **Government schools:**
  - ▣ Student Incident and Recovery Unit on **(03) 9637 2934**
  - ▣ Koorie Engagement Support Officer if the child is Aboriginal or Torres Strait Islander
  - ▣ International Division if the child is an international student on **(03) 9637 3990**.
- **Catholic schools:**
  - ▣ Archdiocese of Melbourne: Policy 2.19a Police and Department of Human Services Interview Protocols at [www.cem.edu.au](http://www.cem.edu.au) and Student Wellbeing Information Line on **(03) 9267 0228**
  - ▣ Diocese of Sale: Child Protection Officer on **(03) 5622 6600**
  - ▣ Diocese of Ballarat: Child Safety on **(03) 5337 7135**
  - ▣ Diocese of Sandhurst: Assistant to the Director: Legal, Industrial & Human Resources on **(03) 5443 2377**.



The table below includes critical detail on when and how police interviews are conducted at school and what role the Principal or delegate should play if they are nominated as the support person.

#### **Police interviews at school where the child is the alleged victim or witness**

- Police should only interview children at school as a matter of urgency or necessity
- A request must be made to the Principal (or delegate) who must be advised of the reason for the interview.
- The child's parents/carers should be present where it is practical and appropriate to make these arrangements. If a parent/carer is not able to be present, an independent person must be present during the interview (the role of the independent person is to ensure the child understands what is happening and to provide support).
- Principals (or delegate) may if necessary, act as an independent person where the child is a victim, unless they believe it will place them in a conflict of interest to do so.
- As an independent person, school staff must refrain from providing their opinions or accounts of events during interviews.

#### **Police interviews at school where a student has allegedly abused another child**

- If the police need to speak with a student who has allegedly abused another child this should preferably be done in the presence of the parents/carers, or another independent person that is not a school staff member.

#### **DHHS Child Protection interviews**

DHHS Child Protection may conduct interviews of children at Victorian schools without parental knowledge or consent of the parents/carers (although this will only occur in exceptional circumstances and if it is in the child's best interests to proceed in this manner). The table below includes critical detail on when and how DHHS Child Protection interviews are conducted at school and what role the Principal or delegate should play if they are nominated as the support person.

#### **DHHS Child Protection interviews at School**

- DHHS Child Protection will notify the school staff of any intention to interview a child at the school. This may occur regardless of whether the school staff member is the source of the report to DHHS Child Protection.
- When DHHS Child Protection practitioners arrive at the school, the school Principal or their nominee should ask to see their identification before allowing DHHS Child Protection to have access to the child. For further advice on Visitors in Schools, see: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/visitorsinschool.aspx>
- Children should be advised of their right to have a supportive adult present during interviews. If the child is too young to understand the significance, a supportive adult should be provided even though the child may not have consented or requested this to occur.
- A staff member may be identified as a support person for the child during the interview. Prior to the commencement of the interview, the DHHS Child Protection practitioner should always authorise the staff member of the school to receive information regarding DHHS Child Protection's investigation. This could be conducted verbally or in writing using the relevant DHHS Child Protection proforma.
- As an independent person, school staff must refrain from providing their opinions or accounts of events during interviews.

## Complying with Subpoenas or Court Attendance

A subpoena/witness summons is a Court Order that compels you to produce documents, or attend Court and give evidence, or to do both of these things.

You are usually issued with a subpoena/witness summons because one of the parties to the legal proceedings believes that you may have information/documentation that is relevant to the legal proceeding.

If a government school staff member receives a subpoena/witness summons in the context of their employment with the DET, they should contact the Legal Division on **(03) 9637 3146** for advice and assistance in meeting their legal obligations.

## Responding to Complaints or Concerns

There may be concerns or complaints about the school staff's management of an incident, in particular by parents/carers. This is a very stressful time for parents/carers, and concerns that they do not believe have been dealt with fairly may quickly escalate.

As a first step school staff must consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse. You must follow the **Four Critical Steps: Responding to Incidents, Disclosures or Suspicions of Child Abuse** if any new information comes to light which leads you to believe that a child may be subject to, or at risk of any unreported abuse.

### Government school complaint process

Principals or delegates of government schools should follow the Department's standard parent complaints process, including:

- meeting the complainants to clarify their concerns (a face-to-face meeting with the Principal will often resolve the matter)
- documenting the concerns, clarifying the issues, explaining and gaining agreement to further action

- linking the complainants to the responsible Regional Office (e.g. the Regional Director) if the issues are not quickly resolved
- advising complainants of internal and external supports including the role of parent groups to provide independent advice and support
- advising complainants of their rights to:
  - escalate their complaint, in writing, to: Deputy Secretary Regional Services Group
  - write to the Victorian Government Ombudsman if they have exhausted the internal procedures and remain dissatisfied.

If the complaint related to sexual abuse, government school Principals or delegates should seek advice from the Student Incident and Recovery Unit on **(03) 9637 2934** and the Legal Division on **(03) 9637 3146**.

For additional information on managing parent complaints please refer to: <http://www.education.vic.gov.au/school/Principals/spag/community/Pages/parentcomplaints.aspx>

### Catholic school complaint process

For support in managing complaints Catholic schools should contact:

- Archdiocese of Melbourne: Office of Professional Conduct, Ethics & Investigation on **(03) 9267 0228**
- Diocese of Sale: Senior Education Consultant on **(03) 5622 6600**
- Diocese of Ballarat: Child Safety on **(03) 5337 7135**
- Diocese of Sandhurst: Assistant to the Director: Legal, Industrial & Human Resources on **(03) 5443 2377**.

### Independent school complaint process

Independent schools should follow their own complaints process. If support is required, they can contact Independent Schools Victoria on **(03) 9825 7200**.

# Privacy and Information Sharing

## CRITICAL INFORMATION

As a school staff member you are permitted to share certain information about a child who has been impacted (or is suspected to have been impacted) by abuse with:

- other staff members in order to enable staff to best support and protect that child
- an officer from DHHS Child Protection, if the information requested may be of assistance to DHHS Child Protection in their investigation of protective concerns
- Victoria Police if the information may assist in the investigation of potential criminal offences, or may aid in the immediate protection and safety of the child.

This section provides detail on the specific information sharing requirements, including:

- Information Sharing with School Staff
- Information Sharing with DHHS and Victoria Police
- Information Sharing with Family Services
- Information Sharing with the School Community.

**Government school** Principals can contact the Department's Legal Division on **(03) 9637 3146** for advice and assistance if they are unsure of when information can be shared.

**Catholic school** Principals can contact:

- Archdiocese of Melbourne: Student Wellbeing Information Line on **(03) 9267 0228**
- Diocese of Sale: Child Protection Officer on **(03) 5622 6600**
- Diocese of Ballarat: Child Safety on **(03) 5337 7135**
- Diocese of Sandhurst: Assistant to the Director: Legal, Industrial & Human Resources on **(03) 5443 2377**.

**Independent school** Principals can contact Independent Schools Victoria on **(03) 9825 7200**.

## INFORMATION SHARING WITH SCHOOL STAFF

Privacy laws allow school staff to share a child's personal and health information to enable other school staff to:

- support the education of the student, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the student
- fulfil duty of care obligations to the student, other students, staff and visitors
- make reasonable adjustments if the student has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

Therefore as a school staff member you are permitted to share certain information about a child with other staff members, without the consent of a parent/guardian and without breaching privacy laws.

The type of information that may be appropriate to share with other school staff about a child who is impacted, or suspected to be impacted by child abuse may include:

- that the child is in a difficult situation
- that the child should be monitored and may need support
- the content of any *Student Support Plan*, including any signs or symptoms that the child may display when they are in need of support, and any strategies or support services that have been put in place to support the child while they are at school.

## INFORMATION SHARING WITH DHHS AND VICTORIA POLICE

As a school staff member, privacy legislation permits you to disclose personal information about a child to DHHS Child Protection if it is authorised or permitted by law, or if it is necessary to lessen or prevent a serious and imminent risk to the health, safety or welfare of any person.

Reporting suspected child abuse to DHHS Child Protection or Victoria Police **does not** constitute a breach of Victorian or Commonwealth privacy laws because these disclosures are specifically permitted under the *Children Youth and Families Act 2005* and the *Privacy and Data Protection Act 2014*.

Disclosure of information to DHHS Child Protection in good faith **does not** constitute unprofessional conduct or a breach of professional ethics. This means that you cannot be successfully sued or suffer formal adverse consequences in your work.

If you've made a report or referral your identity will be protected, unless you consent to its disclosure or the disclosure is specifically authorised by a Court/tribunal.

If you receive a request from an officer from DHHS Child Protection or Victoria Police for information relating to a child who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- obtain the request for information in writing
- ensure that the written request includes the following information:
  - the name of the officer, the organisation in which they work, and their contact details
  - a description of the information and documents that are being sought
  - the reasons why the information and documents are being sought
  - what authority the person or their organisation believes that they have to access the requested information and documents.

In these cases, you may be permitted to share the requested information and documents but you are not compelled to do so.

## INFORMATION SHARING WITH FAMILY SERVICES

Once a family service (or other service agency) commences providing services to a child and their family, as a school staff member you can only share information with this agency with the consent of the child's parents (and the child if they are old enough to consent).

This is because service provision in these circumstances is by voluntary agreement between the family and the service provider.

Family services are allowed to consult with DHHS Child Protection at any time, if necessary.

## INFORMATION SHARING WITH THE SCHOOL COMMUNITY

Planning and care should be taken before providing any information about child abuse to the school community. You and your Principal should be aware that that even confirming the existence of an allegation can lead to the identification of a victim.

If Principals are uncertain about how to respond to a particular request for information and documentation, they can contact:

- **Government schools:** Legal Division on (03) 9637 3146
- **Catholic schools:**
  - Archdiocese of Melbourne: Student Wellbeing Information Line on (03) 9267 0228
  - Diocese of Sale: Child Protection Officer on (03) 5622 6600
  - Diocese of Ballarat: Child Safety on (03) 5337 7135
  - Diocese of Sandhurst: Assistant to the Director: Legal, Industrial & Human Resources on (03) 5443 2377
- **Independent schools** can contact Independent Schools Victoria on (03) 9825 7200.

See *Requests for Information About Students* for the Department's detailed policy on information sharing at <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx>

# Contact Details and More Information

## SUPPORT ROLES WITHIN THE DEPARTMENT OF EDUCATION AND TRAINING

Within the Department of Education and Training, there are a number of supports available to Victorian government schools responding to incidents, disclosures or suspicions of child abuse, including:

### Security Services Unit (SSU)

The Security Services Unit provides a 24-hour communications centre for schools and Departmental staff to report a range of incidents. On receiving notification of an incident involving child abuse the Security Services Unit immediately alerts the Student Incident and Recovery Unit (SIRU) and relevant staff within the Central and Regional Office.

### Regional Offices

Principals of Victorian government schools are required to maintain on-going contact with their Regional Office throughout any incidents, disclosures or suspicions of child abuse.

Each region has an emergency management contact/s. These officers can provide initial advice and support to Victorian government schools during and after incidents, and assists schools to minimise the effects of trauma and enhance recovery.

### Student Incident and Recovery Unit (SIRU)

The Student Incident and Recovery Unit (SIRU) works with Victorian Government schools following incidents of a sexual nature to ensure appropriate advice and supports are in place that prioritises the health and wellbeing of the children involved. The SIRU is notified by the Security Services Unit as soon as an incident involving sexual abuse (or problem sexual behaviour) is reported.

The SIRU will:

- provide timely and appropriate advice to Victorian Government schools
- support regions and Victorian Government schools to respond to critical incidents of a sexual nature
- advise Victorian Government schools to meet their legal obligations and duty of care responsibilities
- assist Principals and senior school staff from Victorian Government schools to manage incidents of a sexual nature in a manner that ensures adverse impact on the school community is minimised
- monitor the progress of school management of such incidents.
- provide advice on appropriate response measures, such as counselling and management strategies to support those involved in allegations of sexual offending or problem sexual behaviour
- provide advice on the provision of a suitable level of support to school staff and members of the school community on whom the incident has impacted.

The SIRU works closely with other key agencies, such as Victoria Police SOCIT and the DHHS, and with organisations such as the Centre against Sexual Assault (CASA) to support student wellbeing in Victorian Government schools.

## Student Support Services

The role of the Student Support Services is to provide support to Victorian Government schools including:

- establishing a relationship with students and possibly their families
- providing a supportive, calm approach and acknowledging the issues raised
- clarifying the needs of the child
- evaluating the child's present strengths and resources
- evaluating possible ways of accommodating the child's identified needs, such as referral for specialist counselling and school-based supports
- documenting information and actions
- identifying the process for follow up and review
- ascertaining which intervention programs are most appropriate in meeting an individual child's needs
- working with the school staff on the appropriate strategies and supports needed for individual children.

## Employee Conduct Branch

The Employee Conduct 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 child abuse), criminal records checks and police liaison, as it relates to Victorian Government school and DET employees.

The branch also manages discipline matters involving members of the teaching service (including Principal Class 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 Employee Conduct Branch must be contacted on all issues of alleged serious misconduct including allegations of child abuse and grooming which involve a staff member employed by the Department. This includes teachers and Principals.

## Legal Division

The Department's Legal Division provides specific advice to government school Principals in relation to incidents, disclosures and suspicions of child abuse.

## Communications Division

The Department's Communications Division manages all Departmental media liaison, and can support Principals of Victorian government schools in responding to media enquiries relating to incidents, disclosures and suspicions of child abuse.





## SUPPORT ROLES WITHIN CATHOLIC EDUCATION AND INDEPENDENT SCHOOLS

### Catholic Education

Within Catholic education, there are a number of supports available to schools when responding to incidents, disclosures or suspicions of child abuse. Catholic schools should contact their Diocesan education office for support and advice.

- Archdiocese of Melbourne: Student Wellbeing Information Line on **(03) 9267 0228**
- Diocese of Sale: Child Protection Officer on **(03) 5622 6600**
- Diocese of Ballarat: Child Safety on **(03) 5337 7135**
- Diocese of Sandhurst: Child Protection Officer on **(03) 5443 2377**.

### Independent Schools

Independent Schools Victoria can provide guidance and support to independent schools and can be contacted on **(03) 9825 7200**.

## ROLES OF OTHER RELEVANT AUTHORITIES

### DHHS Child Protection

Under the *Children Youth and Families Act 2005* the Department of Health and Human Services (DHHS) has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18.

The main functions of DHHS Child Protection are to:

- receive reports from people who believe that a child is in need of protection or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where it is believed that a child is at risk of significant harm
- refer children and families to services that assist in providing for the on going safety and wellbeing of children.

DHHS Child Protection will also intervene and bring cases before the Children's Court if a child's safety cannot be managed without intervention. DHHS Child Protection has a responsibility to provide adequate supervision, care and protection for children in accordance with orders granted by the Children's Court.

### Child FIRST

Child and Family Information, Referral and Support Teams (Child FIRST) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including school staff.

Child FIRST is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Child FIRST teams work closely with community-based DHHS Child Protection workers.

The role of Child FIRST includes:

- providing a point of entry to a local network of family services
- receiving reports about vulnerable children where there are significant concerns about their wellbeing

- undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DHHS Child Protection and other services
- identifying appropriate service responses for families.

### Victoria Police

Both DHHS and Victoria Police have statutory responsibilities under the *Children Youth and Families Act 2005* in relation to the protection of children. DHHS Child Protection is the lead agency responsible for the care and protection of children, while Victoria Police is responsible for criminal investigations into alleged child abuse.

Members of Victoria Police are protective interveners and mandatory reporters under the *Children, Youth and Families Act 2005*. The predominant role of police in child abuse incidents is to detect and investigate alleged child physical and sexual abuse and to initiate legal proceedings where appropriate, against the alleged offender/s.

The key responsibilities of Victoria Police in relation to child abuse are to:

- ensure all police members are aware of relevant legislation and their responsibilities
- ensure all police accept and carry out their responsibilities under the Act
- conduct all investigations on the basis that the safety and welfare of the child are paramount
- plan investigations in collaboration with other, relevant agencies
- work with other agencies in accordance with agreed work practices
- provide information to other, relevant agencies
- provide training for staff, and, jointly, with relevant agencies.

Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) have been established to ensure that appropriately trained and qualified police officers are available to respond to and investigate allegations of child abuse and sexual offences.

## COUNSELING/SUPPORT ORGANISATIONS

### The Centre Against Sexual Assault

There are 15 Centres Against Sexual Assault, which work to ensure that women, children and men who are victim/survivors of sexual offending have access to comprehensive and timely support and intervention to address their needs.

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

1800 806 292

### Gatehouse Centre, Royal Children's Hospital

Provides support and assistance to children and young people affected by sexual offending or problem sexual behaviours.

[http://ww2.rch.org.au/gatehouse/index.cfm?doc\\_id=1151](http://ww2.rch.org.au/gatehouse/index.cfm?doc_id=1151)

### Children's Protection Society

Provide advice and support to children and families to help them break out of the cycle of abuse, neglect, poverty and disadvantage through a creative portfolio of programs, resources and services.

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

(03) 9450 0900

### Australian Childhood Foundation

Provide recognised programs that counsel and support children to recovery; help professionals who work with children to better support at risk children; raise awareness of the causes and consequences of abuse.

<http://www.childhood.org.au/home/>

1800 176 453

### Victorian Aboriginal Legal Service

The Victorian Aboriginal Legal Service Co-operative Limited provides legal advice and representation for the Koorie community.

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

(03) 9322 3555 or country toll free on 1800 015 188

### Child Wise

Child Wise is Australia's leading international child protection charity committed to the prevention and reduction of sexual abuse and exploitation of children around the world.

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

(03) 9695 8900

### Aboriginal Family Violence Prevention and Legal Services

Provides assistance to victims of family violence and sexual offending and to work with families and communities affected by violence.

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

### Headspace

Headspace is the National Youth Mental Health Foundation providing early intervention mental health services to 12-25 year olds, along with assistance in promoting young peoples' wellbeing. This covers four core areas: mental health, physical health, work and study support and alcohol and other drug services.

Information and services for young people, their families and friends as well as health professionals can be accessed through this website, headspace centres, online counselling service eheadspace, and postvention suicide support program headspace School Support.

<http://headspace.org.au/>

## CONTACT INFORMATION

### 24 Hour Services

Victoria Police	000
Department of Health and Human Services Child Protection	131 278
Department of Education and Training Security Services Unit	(03) 9589 6266

### Department of Education and Training

Security Services Unit	(03) 9589 6266
Student Incident and Recovery Unit	(03) 9637 2934 or (03) 9637 2487
Legal Division	(03) 9637 3146
Employee Assistance Program	1300 361 008
Employee Health	(03) 9637 2395
Employee Conduct Branch	(03) 9637 2595
Privacy Unit	(03) 9637 3601
International Division	(03) 9651 3976
Communications Division	(03) 9637 2871

### Catholic Education

Archdiocese of Melbourne: ■ Office of Professional Conduct, Ethics & Investigation ■ Legal Services ■ Student Wellbeing Information Line ■ Communications & Marketing Unit (Media Advisor)	(03) 9267 0228
Diocese of Sale	(03) 56 22 6600
Diocese of Ballarat	(03) 5337 7135
Diocese of Sandhurst	(03) 5443 2377

### Independent Schools

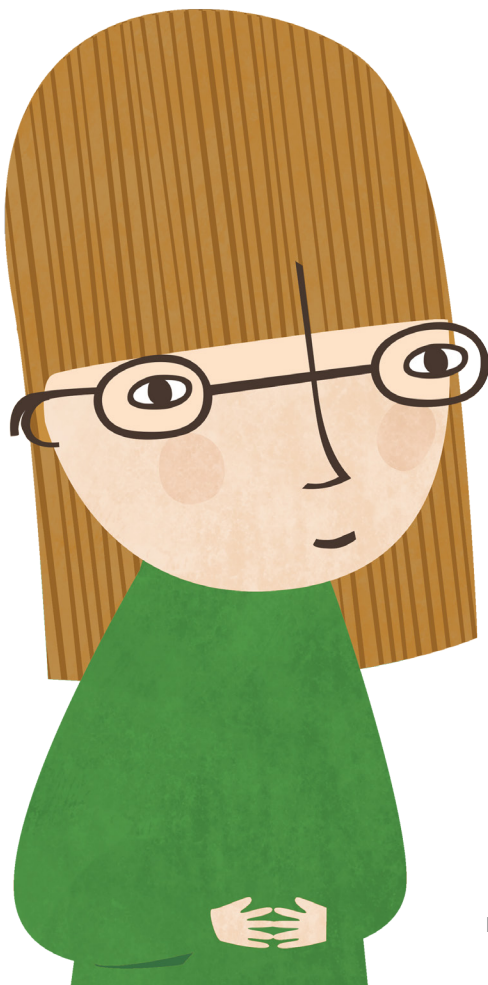
Independent Schools Victoria	(03) 9825 7200
------------------------------	----------------

### Regional

<b>North Eastern Victoria</b>	
General enquiries	1300 333 231
Benalla office	03 8392 9500
Glen Waverley office	03 8392 9300
<b>North Western Victoria</b>	
Bendigo office	03 5337 8444
Coburg office	03 9488 9488
<b>South Eastern Victoria</b>	
Dandenong office	03 8765 5600
Moe office	03 5127 0400
<b>South Western Victoria</b>	
General enquiries	1300 333 232
Ballarat office	(03) 5337 8444
Footscray office	(03) 8397 0300
Geelong office	(03) 5225 1000
Horsham office	(03) 5310 5300
Warrnambool office	1300 333 232

## Department of Health and Human Services Child Protection

Region	Local Government Areas (LGAs)	Phone No
Northern and western suburban LGAs	Banyule, Brimbank, Darebin, Hobsons Bay, Hume, Maribyrnong, Melbourne, Melton, Moonee Valley, Moreland, Nillumbik, Whittlesea, Wyndham, Yarra.	1300 664 977
Eastern suburban LGAs	Boroondara, Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges.	1300 360 391
Southern suburban LGAs	Bayside, Cardinia, Casey, Frankston, Glen Eira, Greater Dandenong, Kingston, Mornington Peninsula, Port Phillip, Stonnington.	1300 655 795
West Rural and Regional LGSs	Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera, Yarriambiack, Colac-Otway, Corangamite, Glenelg, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool.	1800 075 599
North-western rural and regional LGAs	Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mildura, Mount Alexander, Swan Hill.	1800 675 598
North-eastern rural and regional LGAs	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta, Wodonga.	1800 650 227
Eastern and south-eastern rural and regional LGAs	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington.	1800 020 202



## Child First

Alpine	1800 705 211
Ararat	1300 783 341
Ballarat	1300 783 341
Banyule	(03) 9450 0955
Bass Coast	(03) 5662 5150
Baw Baw	1800 339 100
Bayside	1300 367 441
Benalla	1800 705 211
Boroondara	1300 762 125
Brimbank	1300 138 180
Buloke	1300 665 218
Campaspe	1800 260 338
Cardinia	(03) 9705 3939
Cardinia - Aboriginal children and families	(03) 9794 5973
Casey	(03) 9705 3939
Casey - Aboriginal children and families	(03) 9794 5973
Central Goldfields	1800 260 338
Colac-Otway	(03) 5232 5500
Corangamite	(03) 5232 5500
Darebin	(03) 9450 0955
East Gippsland	(03) 5152 0052
Frankston	1300 721 383
Gannawarra	1300 665 218
Glen Eira	1300 367 441
Glenelg	1300 543 779
Golden Plains	1300 783 341
Greater Bendigo	1800 260 338
Greater Dandenong	(03) 9705 3939
Greater Dandenong - Aboriginal children and families	(03) 9794 5973
(Greater Geelong	1300 551 948
Greater Shepparton	1300 854 944
Hepburn	1300 783 341
Hindmarsh	1800 195 114
Hobson's Bay	1300 775 160
Horsham	1800 195 114
Hume	1300 786 433
Indigo	1800 705 211
Kingston	1300 367 441
Knox	1300 369 146
La Trobe	1800 339 100
Loddon	1800 260 338
Macedon Ranges	1800 260 338

Manningham	1300 762 125
Mansfield	1800 705 211
Maribyrnong	1300 775 160
Maroondah	1300 369 146
Melbourne	1300 775 160
Melton	1300 138 180
Mildura	1300 625 533
Mitchell	1800 663 107
Moir	1300 854 944
Monash	1300 762 125
Moonee Valley	1300 775 160
Macedon Ranges	1300 783 341
Moorabool	1300 786 433
Moreland	1300 721 383
Mornington Peninsula	1800 260 338
Mount Alexander	1300 543 779
Moyne	1800 663 107
Nillumbik	(03) 9450 0955
Northern Grampians	1800 195 114
Port Phillip	1300 367 441
Pyrenees	1300 783 341
Queenscliff	1300 551 948
South Gippsland	(03) 5662 5150
Southern Grampians	1300 543 779
Stonnington	1300 367 441
Strathbogie	1300 854 944
Surf Coas	1300 551 948
Swan Hill	1300 665 218
Towong	1800 705 211
Wangaratta	1800 705 211
Warrnambool	1300 543 779
Wellington	(03) 5144 7777
West Wimmera	1800 195 114
Whitehorse	1300 762 125
Whittlesea	(03) 9450 0955
Wodonga	1800 705 211
Wyndham	1300 775 160
Yarra	(03) 9450 0955
Yarra Ranges	1300 369 146
Yarriambiak	1800 195 114





### Other Services

Centres Against Sexual Assault (CASA) – Emergency Counselling & Support Line 1800 806 292	<b>1800 806 292</b>
Australian Childhood Foundation	<b>1800 176 453</b>
Children's Protection Society	<b>(03) 9450 0900</b>
Child Wise	<b>(03) 9695 8900</b>
Vic Aboriginal Education Association	<b>(03) 9481 0800</b>
Child Safety Commission	<b>1300 782 978</b>
Office of the Children's eSafety Commissioner	<b>1800 880 176</b>
Victorian Aboriginal Child Care Agency (VACCA)	<b>(03) 9287 8800</b>
Victorian Aboriginal Community Controlled Health Organisation (VACCHO)	<b>(03) 9411 9411</b>

### Sexually Abusive Behaviour Treatment Services Providers:

Aust Childhood Foundation	<b>(03) 9874 3922</b>
Children's Protection Society	<b>(03) 9450 0900</b>
Berry St	<b>(03) 5822 8100</b>
Mallee Sexual Assault	<b>(03) 5025 5400</b>
South Eastern CASA	<b>(03) 9928 8741</b>
Ballarat CASA	<b>(03) 5320 3933</b>
Barwon CASA	<b>(03) 5222 4318</b>
Campaspe CASA	<b>(03) 5441 0430</b>
Gippsland CASA	<b>(03) 5134 3922</b>
Goulburn Valley CASA	<b>(03) 5831 2343</b>
Upper Murray CASA	<b>(03) 5722 2203</b>
Wimmera CASA	<b>(03) 5381 9270</b>

# Sexual Behaviour in Children under 10 years

## This advice should be used as a guide only

If you are unsure of any form of sexual behaviour or have protective concerns for a child, you must seek further professional advice by consulting with:

- your school leadership team
- the Student Incident and Recovery Unit on **(03) 9637 2934** or **(03) 9637 2487** (government schools)
- Diocesan education office (Catholic Schools)
- DHHS Child Protection on 131 278 and/or
- Victoria Police.

If you suspect that a student is a victim of sexual abuse (other than student sexual offending), please see **Identifying and Responding to All Forms of Child Abuse** at [www.education.vic.gov.au/Documents/about/programs/health/protect](http://www.education.vic.gov.au/Documents/about/programs/health/protect)

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development. Sexual behaviour can present itself along a broad continuum, with research suggesting that only a small number of children and young people develop problem sexual behaviour.

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 level of sexual behaviour does not necessarily indicate a problem.

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 including abuse.

Once a child is 10 years or over, some sexual behaviour can constitute a sexual offence. All suspected sexual offences must be reported to Victoria Police, by following the **Four Critical Actions For Schools: Responding to Student Sexual Offending**.

This resource has been designed to support Victorian school staff and Principals in assessing and responding to student sexual behaviour.

## WHAT IS PROBLEM SEXUAL BEHAVIOUR IN CHILDREN UNDER 10?

Research identifies a continuum of sexual behaviours from common sexual play through to very concerning sexual behaviour.

Concerning sexual behaviour in children under 10 years includes:

- Frequent, repeated behaviour – for example, compulsive masturbation
- Sexual behaviour between children who do not know each other well
- High-frequency occurrences of sexual behaviour that interfere with normal childhood activities
- Sexual behaviour associated with emotional distress
- Sexual behaviour 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. You 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. You may need to seek professional advice in the first instance.

## HOW TO RESPOND TO PROBLEM SEXUAL BEHAVIOUR

If you suspect that a student under 10 years of age has engaged in concerning sexual behaviour, the Principal (or delegate) should advise the parents/carers of the student who is engaging in the behaviour (unless there are reasonable grounds for believing that this would not be in the best interests of the child). In many instances, the parents/carers can assist school staff to ensure that the child is aware that their behaviour and conduct is not appropriate in a school environment.

In these circumstances, it is also necessary and appropriate to notify the parents/carers of the students who have been impacted by the concerning sexual behaviour and to offer them school based support, or a referral to external support services (if appropriate or necessary in the circumstances).

In the event of very concerning sexual behaviour:

- **government** schools must contact the Student Incident and Recovery Unit on **(03) 9637 2934** or **(03) 9637 2487** who will advise on next steps
- **Catholic** and **independent** schools are advised to seek advice from:
- DHHS Child Protection on **131 278** and/or
- Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT) on **000**.

All Victorian Government schools must also notify the International Education Division if there is an incident involving an international student on **(03) 9637 2990**.

School staff can provide education and support to the student who engages in the concerning sexual behaviour to build their understanding of age-appropriate sexual behaviour.



For all students who are under 10 years of age and who engage in concerning sexual behaviour, school staff should consider:

- consulting with wellbeing professionals (including Student Support Services in government schools) to support the student displaying concerning sexual behaviours
- convening a Student Support Group
- developing a Student Support Plan to determine and document support strategies for students displaying concerning sexual behaviours and strategies to maintain the safety of other school community members
- whether the child may be the victim of child abuse and the concerning sexual behaviour may be a physical or behavioural indicator that this may be occurring. Concerning sexual behaviour in children is not a clear indicator that a child has been sexually abused, however if you form a reasonable belief that the child is being abused, and their parents/carers are unable or unwilling to protect the child from that abuse, you must report your reasonable belief to DHHS Child Protection and/or Victoria Police. Follow the **Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse** (at [www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf))

For any students who are impacted by the concerning sexual behaviour, school staff should

- develop a *Student Support Plan*
- offer school based support or refer the student to appropriate external support services
- (Government schools) contact their Regional Koorie Education Coordinators to provide culturally appropriate support in instances where the child (or impacted children) is Aboriginal or Torres Strait Islander).

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.

Schools should document their actions. This must be stored with the *Student File*.