

## RESPONDING TO STUDENT SEXUAL OFFENDING POLICY



### Policy and Guidance

- If school staff witness an incident, receive a disclosure or form a suspicion that a student is a victim of student sexual offending and/or a student has engaged in sexual offending, you must follow the Four Critical Actions: Responding to Student Sexual Offending.
- School staff must keep clear and comprehensive notes about incidents, disclosures and allegations of student sexual offending.
- Schools should call the Department of Education and Training (DET) Incident Support and Operations Centre on 1800 126 126 for support.
- Student sexual offending means sexual behaviour 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.
- Under Victorian law:
  - Children between 12 and 15 years can only consent to sexual activity with another child no more than 2 years older (therefore sexual contact by a student with a child outside of this age range may be student sexual offending).
  - For a person to consent to sexual activity, they must have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact by a student involving a person with a cognitive impairment or affected by alcohol or other drugs may be student sexual offending.

### What is problem sexual behaviour in children under 10?

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of typical development. Research identifies a continuum of sexual behaviours from common sexual play through to very concerning sexual behaviour. Children with problem sexual behaviour means children less than 10 years of age demonstrating developmentally inappropriate and/or aggressive sexual behaviour.

Problem sexual behaviour in children under 10 years may include:

- 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 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

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

## Purpose

- The purpose of this policy is to ensure Tarneit Rise Primary School understands how to identify and respond to:
  - incidents, suspicions or disclosures of student sexual offending
  - problem sexual behaviour in children under 10 years of age

## Definitions

**Sexual offending** includes unwanted sexualised touching, indecent acts, sexual assault and rape by a child over 10 years of age.

### **Problem sexual behaviour**

Developmentally inappropriate and/or aggressive sexual behaviour by a child under 10 years of age.

## Implementation

- The safety of every child is a high priority for this school.
- The school has a zero tolerance of child abuse.
- School staff must act by following the Four Critical Actions: Responding to Student Sexual Offending as soon as they witness an incident, receive a disclosure or form a suspicion that a student is a victim of student sexual offending and/or a student has engaged in sexual offending.
- If staff are unsure whether a behaviour (or suspected behaviour) is student sexual offending you should seek further advice and follow the Four Critical Actions.
- Staff must also act if they form a reasonable belief that a student's sexual offending is a result of child abuse by following the:  
Four Critical Actions: Responding to Student Sexual Offending, and  
Four Critical Actions: Responding to Incidents, Disclosures and Suspicions of Child Abuse  
Refer to Principal checklist: responding to student sexual offending
- The Principal will ensure all staff are fully informed about their obligations in connection with responding to incidents, disclosures and suspicions of child abuse and are expected to act as follows:

### Critical Action 1 – Responding to an Emergency

- If the child is at immediate risk of harm, separate the alleged victim and others involved
- Administer first aid if required
- Call 000 for urgent medical and/or police assistance
- Inform the school's Child Safe Officer - the point for contact for children who feel unsafe or who wish to disclose abuse – for future liaison with police

### Critical Action 2 – Reporting to Authorities

**As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual assault may amount to a criminal offence.**

- If the source of suspected abuse comes from within the school, all concerns involving a staff member, contractor or volunteer must be reported to Victoria Police.
- The staff member must report to DET Incident Support and Operations Centre on 1800 126 126
- If the source comes from the family or community, staff must report to DHHS Child Protection if the child is considered to be in need of protection from child abuse

and/or is at risk of being/has been harmed and the harm has had or is likely to have a serious impact on a child's safety, stability or development.

- All instances of suspected sexual abuse, including grooming, must be reported to Victoria Police.
- The staff member must also report to the Principal/Leadership Team.

#### Critical Action 3 – Contacting Parents/Carers

- The Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers.
- They may advise **not to contact parents/carers** e.g. in circumstances where the parents/carers are alleged to have engaged in the abuse or to contact the parents/carers as soon as possible (preferably on the same day) and provide agreed information.

#### Critical Action 4– Providing Ongoing Support

- The school must provide support for children impacted by abuse. This should include a Student Support Plan in consultation with professionals. Please note: this is an essential part of the school's duty of care requirements.
- For incidents involving sexually related incidents, the school will contact DET's Student Incident and Recovery Unit (SIRU). The SIRU will provide timely advice, ensure appropriate supports are in place to maximise the health and wellbeing of students involved in sexually related incidents including advice, assisting the Principal/Leadership Team to manage incidents in a manner that minimises the adverse impact on the community, monitor the progress of school management of incidents, ensuring appropriate recovery measures such as counselling are provided.
- The above action will be taken every time a staff member becomes aware of a further instance or risk of abuse. This includes reporting new information to authorities.
- For all students who are under 10 years of age and who engage in problem sexual behaviour, school staff should consider:
  - consulting with wellbeing professionals (including student support services) to support the student displaying problem sexual behaviours
  - convening a student support group
  - developing a student support plan to determine and document support strategies for students displaying problem sexual behaviours and strategies to maintain the safety of other students and school community members
  - whether the child may be the victim of child abuse and the problem sexual behaviour may be a physical or behavioural indicator that this may be occurring

#### **What else do you need to know?**

##### **Document the incident and your actions**

Staff must keep clear and comprehensive notes relating to incidents, disclosures and allegations of student sexual offending. It is strongly recommended that staff use the following template and store securely:

Responding to Student Sexual Offending: template (Word)

Responding to Student Sexual Offending: template (PDF)

School staff must take all reasonable steps to protect a student under their care from reasonably foreseeable risks of harm. We have systems in place to adequately supervise students to meet their duty of care obligations.

For student sexual behaviours, we note that staff have a duty of care towards all students involved, including the alleged victim, the child alleged to have engaged in the offending behaviour and any other students who may have been affected.

- Please refer also to the school’s *Duty of Care Policy, Protecting Children – Reporting and Other Legal Obligations Policy, Police & DHHS Interviews Policy, Mobile Phones – Student Use Policy* and the Child Safe Standards.

**Evaluation**

- This policy will be reviewed as part of the school’s three-year review cycle or if guidelines change (latest DET update mid-June 2020).

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
Sept 2020	2023	67	3	Sept 2017

**Reference:**

<https://www2.education.vic.gov.au/pal/student-sexual-behaviours>  
Identifying and Responding to Student Sexual Offending Guide