ADDRESSING THE RISK OF CHILD SEXUAL ABUSE IN PRIMARY AND SECONDARY SCHOOLS

DECD Submission

Topic A: General Questions

Finding evidence on the effectiveness of education-based policies in preventing or limiting child abuse, in particular intra-familial abuse is difficult. Potential indicators such as mandatory reporting statistics are impacted by too many other factors to shed an accurate light on the effectiveness or otherwise of one sector’s actions. Nevertheless the commitment to child protection practices in education is based on the assumption that without such practices more abuse and neglect would occur undetected and for longer periods of time.

For example, it is assumed that if children are taught and understand what abuse is, if they believe they will be helped by speaking to an adult, and if they receive an appropriate intervention following their disclosure then it is likely that exposure to abuse will be at least minimized across the population of children and at best, prevented in some cases. Some theorists suggest that a child’s articulation of their right to physical safety (or general demeanor suggesting this) can be an effective deterrent to adults who may otherwise attempt to abuse that child. These assumptions form the rationale for the mandatory delivery of SA’s Keeping Safe: Child Protection Curriculum from preschool to year 12 (previously provided in Notice to Produce C-NP-86).

It is also assumed that if, in addition to the above, schools screen the adults who are engaged in their environments, if they establish clear codes of conduct for adults’ relationships with children, clear obligations to report inappropriate conduct, consistent and reliable systems responses to allegations and consistent sanctions/dismissals of adults who breach behaviour boundaries, then children are genuinely safer from the risks of extra-familial abuse by adults.

Finally, if behaviours between children and young people are properly understood for their impact on others - whether they involve bullying or sexual abuse - and if children see that these behaviours are not tolerated, and if the behaviour is intervened in and young people are ‘treated’ with appropriate remedial counselling or family interventions, then schools and possibly some home environments become safer and less abuse is experienced. Potentially all of the above may help to break intergenerational cycles of all forms of family violence.

The DECD Child Protection in Schools Early Childhood Education and Care Services Policy (attachment 1) is based on the above assumptions and formalizes those commitments.
Staff compliance with child protection policies and practices is best achieved through staff believing in their value – not just their value to community safety and wellbeing but to the contribution they make to quality teaching and learning in schools. Child protection policies should merge almost invisibly with the core aim of making schools safe places where everyone is recognised and everyone can expect to be treated respectfully. Vulnerable children and ‘difficult to engage’ children are especially protected in schools where this occurs because staff understand what lies behind their difficulties and are committed to ‘hanging in’ with them.

Staff training in child protection is covered under Topic E and plays a critical role in describing these expectations but also in reminding educators that quality teaching is an enormously protective factor for children, in and of itself. All efforts to keep children ‘in sight, on site and on track’ are efforts that will help identify and support children who are experiencing, or at risk of, abuse and neglect.

Sanctions for failing to meet child protection responsibilities are also critical and must be applied consistently. It is not only those staff who directly harm children who should be barred from child-related work, but also those who fail to address the misconduct of others when it is an employment responsibility that they do so. Professional bodies such as teacher registration boards, regulatory and licensing authorities, government and non-government employer groups, industrial appeal boards, parent bodies and education unions must be on the same page regarding the non-negotiable nature of these child safety ‘standards’ and be committed to their roles in upholding those standards. Strong and clearly expressed legislation on child rights and safety, assist in achieving this. Related information is provided under Topic F.

In 2004 the SA Government and non-government education sectors established a commitment to jointly develop child protection-related policies and programs. A committee and governance structure was established to support that commitment and this continues to the present day. The policies and programs listed at the end of Topic A are all examples of this collaboration.

The value of this collaboration is that children and families can, and should, expect the same standards of child protection in SA schools whether they are Catholic, Independent or Government. Despite different influences and mandates (both secular and religious) and different forms of governance, the three sectors have been able to establish agreed child protection programs regarding staff training, staff conduct, responding to allegations against adults, responding to problem sexual behaviour between children and young people, responding to youth suicide and exchange of information about personnel of concern.
Policies/programs relevant to this section:

- **Responding to Problem Sexual Behaviour in Children and Young People Policy** (attachment 2).
- **Protective Practices for Staff in their Interactions with Children and Young People guidelines** (attachment 3) and associated Parent Brochure (attachment 4).
- **Managing Allegations of Sexual Misconduct Policy** (attachment 5).
- **Responding to Abuse and Neglect - Education and Care training** (refer C-NP-86)
- **Suicide Postvention Guidelines** (attachment 6).

DECD has an overarching **Child Protection in Schools Early Childhood Education and Care Services Policy** that describes the scope of obligations that must be met to maintain child safe environments, including the provision of child protection curriculum (see under Topic B). This Policy reflects and reinforces the nine elements of the National Safe Schools Framework (NSSF). All DECD schools are encouraged to audit their practices against the National Safe Schools Framework school audit tool (attachment 7). The audit tool asks schools to consider all aspects of safety and wellbeing including policies and step by step procedures when responding to child abuse and neglect.

Following the Cossey Review of Procedures and Processes in the Department of Education and Children’s Services (DECS) Related to Bullying and Violence in Schools (May 2011), attachment 8, information sessions for principals on Safer DECD Schools were conducted. These sessions encompassed this whole school approach for safe and supportive school communities including a focus on the use of the nine principles of the NSSF and the audit tool (which was specifically adapted for this purpose – see attachment 7).

**Topic B: Governance and Leadership**

Please see DECD **Child Protection in Schools Early Childhood Education and Care Services Policy** that outlines the specific child protection responsibilities held by different personnel across DECD.

As part of the DECD External School Review process, the Principal of a school being externally reviewed is required to complete and sign the policy compliance document (attachment 9). Where the principal indicates they are not compliant with a particular policy they are required to indicate what actions and timelines are being undertaken to address the non-compliance. This information is reported in the External School Review report and it is expected that the Education Director will follow up to ensure compliance is achieved.

The **Child Protection in Schools Early Childhood Education and Care Services Policy** is strengthened when parent communities understand and support its intent and have a clear sense of what they are expected to do to provide this support. This is more than simply training.
parent volunteers on their child protection responsibilities or informing parents about the delivery of child protection curriculum or advising parents at enrolment about the limits to the school’s confidentiality in terms of concerns about children’s safety and wellbeing.

It means direct invitation to parents to report their concerns about any matters they believe or suspect to be outside appropriate behaviour boundaries, or to be a threat to children’s safety. In addition to parents being given clear expectations, they must also be provided with reliable parent complaint mechanisms if individual schools do not respond to parent concerns appropriately. Ultimately parents should also have recourse to relevant statutory offices.

Under the SA Teacher Registration and Standards Act teachers are mandated to access child protection training Responding to Abuse and Neglect-Education and Care (RAN-EC). Non-teaching employees are also mandated to access this training as an employment pre-requisite. Volunteers are required to undertake the volunteer version of this training as part of their induction to a school.

The government and non-government education sectors jointly update this training program on a three yearly basis and all employees are required to complete this update via an online course. All staff training is recorded electronically.

The RAN-EC training program outlined above provides a clear message that failure to act in the protection of children will threaten an individual’s career and employment. Dismissal of employees, de-registration of teachers and unsuccessful teacher appeals have served to reinforce this obligation.

**Topic C: Protection and Support Services for Children and Specific Student Populations**

It is a requirement under the DECD Child Protection in Schools Early Childhood Education and Care Services Policy that all children and young people in DECD preschools and schools will access the approved child protection curriculum every year and the teachers that deliver it have been trained in its use.

In recognition of the over-representation of children with disabilities and Aboriginal children in the child protection system, specific resources have been developed and targeted to these groups. This includes students in special schools, units and centres. Specific support materials (‘Keeping Safe: Child Protection Curriculum: Support materials for educators working with children and young people with disability and additional needs’ and ‘Keeping Safe: Child Protection Curriculum: Support materials for educators working with children and young people from culturally and linguistically diverse backgrounds’, previously provided in C-NP-86) have been developed for teachers working with students with disabilities and those students with English as an additional language/ dialect in the implementation of the curriculum.
The Keeping Safe: Child Protection Curriculum (KS:CPC) focuses on two main themes: we all have the right to be safe and we can help ourselves to be safe by talking to people we trust. The themes are explored through four focus areas (the right to be safe, relationships, recognizing and reporting abuse and protective strategies) through topics and activities of increasing complexity in accordance with the age/ability of the learners.

The KS:CPC documents, resources and online update course are available to educators on the DECD Child Protection Portal.

Parent/carer information about the child protection curriculum has been translated into 17 separate languages and is available to schools for distribution in the school community. A set of brochures are also available for parents/carers on the sa.gov website http://www.sa.gov.au/topics/education-skills-and-learning/health-wellbeing-and-special-needs/safety/child-protection-in-education (attachment 10).

DECD has a formalised guideline to ensure support is provided for victims and others affected by child sexual abuse - Provision of Counselling for Children and Young people, Parents and Employees when Responding to Critical Incidents of a Sexual Nature (attachment 11).

The aim of the guideline is to ensure that counselling support is provided to children and young people, parents and families and employees as part of the DECD coordinated response to critical incidents of a sexual nature. In critical incidents of a sexual nature children and young people, parents and families will be supported to access counselling services by site leaders, in conjunction with the Incident Management Division (IMD) and Support Services.

Supporting the above process, DECD Integrated Support Services provide a range of immediate support for victims and others affected by child sexual abuse. This immediate support is provided by DECD social workers in the Incident Management Team. Ongoing therapeutic services for victims and others affected by the abuse are managed by Child, Adolescent and Mental Health Services (CAMHS). CAMHS is usually part of the immediate response and referrals for ongoing therapeutic support to external providers are made through CAMHS. Site leaders, with the support of IMD, will advise parents of the most appropriate services to access and support referrals to those services. If parents do not follow through with the therapeutic support, it is required that DECD makes a report to the Child Abuse Report Line regarding this.
In relation to Boarding schools, DECD provides grant funding under the SA Rural Student Accommodation Program (SARSAP) for three boarding houses located in the rural towns of Cleve, Lucindale and Burra.

Two of the boarding facilities (Cleve and Lucindale) are operated and governed by the local public school's Governing Council (Cleve Area School and Lucindale Area School respectively). The Burra facility is operated by an incorporated entity called Burro Community Student Boarding Facility Inc. with representation from the Burra Community School Governing Council.

In addition, DECD operates the Wiltja Residential facility for Aboriginal students from the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands to complete their secondary schooling in Adelaide. This facility is operated by Departmental staff.

The three school-based boarding facilities are required to provide compliance documentation for the following sections of Boarding Australia’s National Standards prior to receipt of grant funding:

- **Staffing structures provide for the delivery of quality boarding services in accordance with the Standards listed in this document.**

Successful implementation of the standards outlined in this document requires an appropriate staffing structure which gives consideration to the number of staff, their duties and their responsibilities.

- **Procedures are in place for the recruitment of appropriately qualified personnel who are best able to support the personal, social and academic wellbeing of boarders.**

Effective human resource processes are in place, which include clearly defined role descriptions, recruitment procedures, comprehensive induction programs and professional development.

- **Boarders are protected from all forms of abuse.**

The consequences of physical, emotional or sexual abuse on young people are severe. Boarding providers must have policies and procedures in place to protect the boarders in their care from abuse. Students have access to a child friendly complaints process.

Compliance with section 4.2 of the draft National Standards requires each boarding house to ensure all staff members in contact with boarding students have a current Department of Communities and Social Inclusion (DCSI) ‘child related employment’ screening and completion of the DECD Responding to Abuse and Neglect - Education and Care training.

Each boarding facility provides boarders and parents with a Handbook outlining roles, responsibilities, rights and support and grievance matters. A separate Staff Handbook outlines the governance, legislative, boarder wellbeing, education, emergency management, and
community engagement requirements for staff. In addition to boarding facility staff, boarders have access to the range of teachers, counsellors and other support staff at their enrolled school.

The Staff Handbooks require staff to consider the particular needs of students, and includes the following statement:

“Boarding Staff are able to access personnel from the school and outside agencies that allow them to support the variances of gender, age, religion and cultural backgrounds.”

In 2013 DECD considered a number of proposals to introduce consistent boarding house standards for public schools, including:

- Australian Boarding School Association’s Proposed National Boarding Standards.
- Boarding Australia’s draft National Standards for Boarding and Student Accommodation.
- Development of new standards.

All three boarding houses are currently compliant with the three aforementioned sections of the Boarding Australia’s draft National Standards.

Geographic isolation can and does impact the timeliness of responses to child sexual abuse. Some remote communities do not have immediate access to the police and health personnel who are required to undertake interviewing and forensic assessments. This directly impacts some of the processes that are relied upon to ensure children receive appropriate therapeutic support and an effective prosecution process.

While schools are not able to address the service delivery issues identified above, they can continue to improve the extent to which children and communities understand the impact of sexual abuse and contribute to its prevention through the provision of culturally sensitive (and translated) child protection curriculum. In some communities the language gap between Anangu and non-Anangu staff serves to further complicate the already highly sensitive and traumatizing exposure to incidents of sexual abuse. Continued efforts to break down language and cultural misunderstandings will assist communities to deal with and better prevent the problem of sexual abuse because community members will be doing so alongside the school staff. Both groups should feel supported by each other and feel that they are using agreed messages and taking agreed actions.

Anangu staff have responded particularly well to training SMART (Strategies for addressing abuse related trauma, previously provided in C-NP-86) on brain development and what happens in trauma. Additional training would support the Anangu staff to understand why children react the way they sometimes do and how we can help children learn to manage their responses.
Topic E: Education, training, professional support and primary prevention

See also Topics A and B regarding staff training, compliance and sanctions.

Ongoing challenges for the designers of staff training are delivery mode (face to face or online), frequency, universal versus tailored programs and achieving engagement rather than just compliance. Complementary professional development at the undergraduate level is also essential.

On its own a child protection training program will not ensure that the right understanding is in the right minds at the right time in order to prevent or intervene in child abuse. That is much more likely to be achieved if the training program reflects and reinforces the core daily responsibilities and structures in schools that serve to make children feel safe, respected and engaged. Good listening to children in the teaching environment is the same skill necessary to encourage and allow a child to disclose abuse or neglect. Vigilant attendance expectations are not just important to improved learning; they are practices that help identify children who are exposed to or at risk of abuse and neglect. ‘Child protection’ needs to be seen as an outcome of good schooling not a separate obligation to be attended to ‘on top of’ teaching and learning. Training needs to reflect this – otherwise school staff will become increasingly vulnerable to not seeing how ‘the dots are joined’ and simply feeling overwhelmed by expectations.

In 2010 the education sectors developed specific guidelines to prevent and respond to incidents involving sexual harm between children and young people. See Responding to Problem Sexual Behaviours guidelines (attachment 2).

A key aim of the guidelines is to ensure that both the children who engage in and are affected by problem sexual behaviours receive appropriate intervention and support. Managing these circumstances is highly complex and relies on a number of services working together. For this reason the guidelines were developed in collaboration with Police, child protection services and child and adolescent mental health services.

Topic F: Reporting, information sharing, complaints and investigations

See also discussion under Topics A, B and C

In DECD schools all school counsellor records relating to child protection or juvenile justice cases are retained by the counsellor and stored securely in counselling files. Once a young person’s enrolment at a new site is confirmed, counsellors send photocopies of the records, as sealed mail marked strictly confidential with a confirmation of receipt reply slip to be signed by the receiving counsellor. This includes records of mandatory notifications.

Where a child or young person has exhibited problem sexual behavior or has engaged in sexually abusive behavior, primary and secondary schools refer to the guidelines Responding to
Problem Sexual Behaviour in Children and Young People (attachment 2). These guidelines cover how information can be shared with parents, other site leaders and professionals without breaching privacy principles. South Australia follows formal guidelines Information Sharing: Guidelines for Promoting Safety and Wellbeing (ISG 2014) (attachment 12) and supporting DECD procedure (attachment 13) that are specifically designed to assist people in sharing information to help prevent threats to safety and wellbeing. The ISG recommends that consent should be sought but acknowledges that it will not always be safe to seek consent or that consent may not be given. It acknowledges that schools need to be sensitive to these responses but must also act to protect against risks to the safety and wellbeing of others.

The ongoing challenge with the ISG is to ensure it is embedded in agency processes and procedures. The SA Education, Health and child protection agencies jointly fund a full time senior advisor within the Ombudsman SA Office to ensure ISG procedures are continuously improved and are complied with by government agencies and their contracted NGOs. This has been an effective strategy for maintaining a focus on information sharing and modelling it as ‘jointly owned’ work.

Investigations of sexual misconduct

This work is undertaken by the Incident Management Division. The division brings together functions of the agency relating to the management of incidents in DECD education and care services.

The objective of establishing the IMD is:

- To ensure all parents and carers can be confident and assured that the interests and safety needs of their children are met in DECD education and care services;
- To ensure that incidents are responded to by DECD in an effective and timely manner, with respect, transparently and professionally; and
- To provide a centrally coordinated approach to incidents of an ‘extreme severity’ rating.

As a result of the implementation of Managing Allegations of Sexual Misconduct guidelines (attachment 5), DECD site leaders and corporate staff are aware of their roles and responsibilities in reporting and information sharing.

25 principals who had been involved in responding to allegations against adults in their schools were surveyed about the helpfulness of the Managing Allegations of Sexual Misconduct guidelines (attachment 5) during 2014. They represented Government, Catholic and Independent schools. 100% of principals strongly agreed or agreed that the guidelines assisted them in understanding what to do at each stage of the process and who to inform at each stage of the process. The survey summary can be provided to the Royal Commission if requested and with the agreement of the non-government education sectors.
Policy
Child protection in schools, early childhood education and care

Summary
This policy describes the scope of obligations that must be met to maintain child safe environments in DECD schools, early childhood education and care services, including through the provision of child protection curriculum.

<table>
<thead>
<tr>
<th>Publication Date</th>
<th>April 2015</th>
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<tbody>
<tr>
<td>Review Date</td>
<td>April 2016</td>
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| Related Legislation/Applicable Section of Legislation | Children’s Protection Act 1993  
South Australian Education Act 1972 |
| Related Policies, Procedures, Guidelines, Standards, Frameworks | Protective Practices for Staff in their Interactions with Children and Young People  
Screening and Suitability- Child Safety  
Curriculum, Pedagogy, Assessment and Reporting Policy for Reception – Year 10 |
| Replaces | Child Protection in Schools, Early Childhood Education and Care Services 2011 publication |
| Policy Officer | Project Director Child and Youth Safety |
| Policy Sponsor | Deputy Chief Executive Child Safety |
| Executive Director Responsible | Deputy Chief Executive Child Safety |
| Applies to | Staff and volunteers in schools, early childhood education and care services / Education and care leaders/Corporate leaders |
| Key Words | Child protection  
Child safe environment  
Child Protection curriculum |
| Status | Approved |
| Approved by | Deputy Chief Executive Child Safety |
| Approval Date | April 2015 |
| Version | 2.0 |
## REVISION RECORD

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Revision Description</th>
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<tbody>
<tr>
<td>April 2015</td>
<td>2.0</td>
<td>Updating December 2011 version 1.0 to reflect new policies; Screening and Suitability - Child Safety and Managing Allegations of Sexual Misconduct.</td>
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1. TITLE

Child protection in schools, early childhood education and care services

2. PURPOSE

The purpose of this policy is to describe the roles and responsibilities of education and care staff and volunteers in establishing and maintaining child safe environments, including through the provision of child protection curriculum.

3. SCOPE

This policy applies to all staff and volunteers working in DECD schools and early childhood education and care services, DECD education and care leaders and DECD corporate leaders.

4. POLICY DETAIL

4.1 Principles

a) Protecting the safety and wellbeing of children and young people is a fundamental responsibility that cannot be compromised by other considerations.

b) Children and young people have a right to:

- be treated with respect and to be protected from harm
- be asked to express their views and wishes about matters affecting their lives and to have those views appropriately considered by adults
- feel and be safe in their interactions with adults and other children and young people
- understand, as early as possible, what is meant by ‘feeling and being safe’
- the support of school based counsellors or designated staff in their education or care environment whose role includes being an advocate for their safety and wellbeing

c) Children and young people are entitled to the rights at 4.1(b) irrespective of their special needs, gender, race, sexual orientation or cultural, religious or family circumstances.

d) Preventing and intervening in the abuse and neglect of children and young people are moral and legal obligations. They contribute to improving the safety and health of current and future generations.

e) Safety and wellbeing concerns arise within family, community and institutional settings. The actions and efforts of people from within and outside the education and care setting are needed so that interventions on behalf of children and young people are successful and sustained.

f) Maintaining children and young people’s attendance at, and engagement with education and care environments is a key contributor to their long-term health, safety and wellbeing.

4.2 Obligations

DECD must meet each of the following five obligations in order to maintain child safe environments.

1) Screening and suitability

Staff, volunteers and other persons identified by legislation or DECD policy will be screened as part of an on-going process to ensure adults are suitable to work, access or volunteer in DECD sites/services.

- Suitability must be established at the point of recruitment and monitored continuously.
- Continuous monitoring of suitability includes the responsibility of all adults to report inappropriate conduct towards children and young people by any person engaged with the site or service.
2) Training and support

Staff and volunteers will receive training that explains their responsibilities for children’s safety and wellbeing and outlines how those responsibilities should be met with sensitivity and purpose. The training will cover the obligations underpinning a child safe environment and will include the role of a mandated notifier under Section 11(1) and (2) of the Children’s Protection Act 1993.

- Staff will undertake and follow the approved full day child protection training program as a condition of employment and receive approved three yearly update programs thereafter.
- Volunteers will receive the approved child protection induction session as a condition of volunteering.
- School based counsellors or staff designated to provide advocacy for children and young people’s safety and wellbeing will meet relevant DECD job and person specifications and will receive approved induction, ongoing professional development and support.
- Staff involved in teaching the approved child protection curriculum will receive training, ongoing professional development and support.
- Personnel with responsibility to investigate serious allegations against staff or volunteers in DECD sites/services will meet DECD job and person specifications, will receive induction and will have support and supervision appropriate to the critical nature of their work.

3) Adult Conduct

Staff and volunteers will relate respectfully and protectively with children and young people. Staff and volunteers have a responsibility to report and intervene against behaviours that compromise the safety or wellbeing of children and young people.

- Staff and volunteers will follow approved protective practice guidelines in all their physical and social interactions with children and young people.
- Staff and volunteers will report and document concerns raised about inappropriate adult conduct towards children and young people.
- Staff will follow approved attendance, behaviour management and incident response policies and guidelines.
- Serious allegations of sexual misconduct against staff or volunteers will be referred to the DECD Incident Management Division (in liaison with SA Police) and decisions about the placement of the individual facing an allegation will be made with the best interests of children as the paramount consideration.

4) Access to curriculum

Children and young people will engage with curriculum which explicitly teaches them about the nature of personal safety and wellbeing, their rights to personal safety and wellbeing, help seeking and self-protecting behaviours and their responsibilities to the safety and wellbeing of others. This policy utilises Section 82 of the South Australian Education Act (1972) which gives the Director General the right to determine curriculum in government schools.

- All children and young people in DECD preschools and schools will access approved child protection curriculum each year.
- The approved child protection curriculum will be taught by staff that have received training in its use.
- The approved child protection curriculum will be reviewed in response to emerging evidence about child abuse and violence prevention programs.

5) Communication, collaboration and record keeping

Issues affecting children and young people’s safety and wellbeing are often complex. Successful interventions require carefully coordinated and communicated actions. Staff and volunteers will meet the following commitments, as required by their role.
• At enrolment parents/carers will be made aware of the site or service’s unqualified commitment to children’s safety, the fact that some matters must be reported irrespective of parents’ wishes and the use of the SA Information Sharing Guidelines in preventing harm to children & young people.

• Parents and carers will be appropriately informed about allegations of sexual misconduct in keeping with the guidance of the 2013 Report of the Independent Education Inquiry Royal Commission. All available sources of support within DECD and from other agencies and organisations will be considered and sought when the needs of vulnerable children and young people are first identified.

• Education and care staff will actively support interagency efforts to improve family and community safety.

• DECD leaders will be alerted when existing collaborations and available services are unable to properly protect children’s safety and wellbeing.

• DECD, state and national requirements for record keeping will be followed at all times and for all circumstances.

5. ROLES AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibility for</th>
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<tbody>
<tr>
<td>5.1 Site/service leaders</td>
<td>Ensure</td>
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<tr>
<td></td>
<td>• screening of adults working or volunteering at the site complies with the DECD approved screening policy</td>
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<tr>
<td></td>
<td>• volunteers receive approved child protection induction which is recorded at the site/service</td>
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<td></td>
<td>• 3 yearly approved staff child protection training is recorded on the HR system</td>
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<td></td>
<td>• concerns raised about staff or volunteer conduct are responded to in accordance with approved protective practice guidelines</td>
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<td></td>
<td>• children and young people in preschools and schools access the approved child protection curriculum each year</td>
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<tr>
<td></td>
<td>• emerging staff performance concerns are responded to proactively</td>
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<td></td>
<td>• staff follow all record keeping requirements</td>
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<tr>
<td></td>
<td>• counsellors and staff in designated advocacy positions can fulfill their roles and access required training and counselling/advocacy networks</td>
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<tr>
<td></td>
<td>• conduct and practice at the site is monitored to ensure it meets the obligations outlined in this policy</td>
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5.2 Staff

• act in accordance with the obligations outlined in this policy

• raise concerns when barriers or threats to the protection of children and young people’s safety and wellbeing are identified, including through the conduct of other adults at the site/service

5.3 Volunteers

• act in accordance with the obligations outlined in this policy and the approved child protection induction for volunteers

• raise concerns when barriers or threats to the protection of children and young people’s safety and wellbeing are identified, including through the conduct of other adults at the site/service
### 5.4 Education and early childhood leaders

- Ensure emergency response plans enable support services personnel to assist sites in managing serious critical incidents
- Enable support services personnel to fulfill their roles in assisting children and young people identified by sites/services as needing additional support
- Enable support services personnel to contribute to interagency efforts to improve family and community safety and wellbeing
- Provide support to site/service leaders experiencing difficulties in maintaining child safe environments
- Address performance issues with site/service leaders as they relate to meeting the requirements of this policy
- Raise concerns through corporate DECD leaders when barriers to protecting children’s safety and wellbeing are identified

### 5.5 Corporate leaders

<table>
<thead>
<tr>
<th>Ensure</th>
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<tbody>
<tr>
<td>designated positions are maintained within corporate DECD to oversee the implementation of this policy’s requirements and to monitor and manage all associated risks</td>
</tr>
<tr>
<td>approved staff child protection training programs are updated on a three yearly basis and provided across the workforce within a 12 month period</td>
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<tr>
<td>DECD investigative responses to serious allegations against staff or volunteers are managed through the DECD Incident Management Division and are conducted with the interests of children as the paramount consideration</td>
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<tr>
<td>screening and suitability processes are maintained to meet policy or legislated requirements</td>
</tr>
<tr>
<td>risks to DECD regarding its compliance with this policy are identified and addressed</td>
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<tr>
<td>issues identified as impediments to the protection of children’s safety and wellbeing are responded to and raised at Chief Executive or Ministerial forums as appropriate</td>
</tr>
<tr>
<td>child safety collaboration with the non-government school sectors, the Teacher’s Registration Board, relevant regulating bodies and other government agencies and organisations is maintained</td>
</tr>
<tr>
<td>whole of system reviews of serious critical incidents occur and subsequent recommendations are implementation</td>
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</tbody>
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6. MONITORING, EVALUATION AND REVIEW

6.1 Site/service leaders will provide ongoing monitoring of their site’s/service’s compliance with this policy and will, when required by DECD provide reports on elements of that compliance.

6.2 Education and early childhood leaders will monitor reports provided by site leaders as outlined in 6.1, support sites/services to address gaps in compliance and advise corporate leaders as required.

6.3 Corporate leaders will ensure the designated positions outlined in 5.5 maintain oversight of the policy’s relevance, its alignment with legislation and national standards and will amend the policy as appropriate.

7. DEFINITIONS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Approved</td>
<td>Refers to the current version of a DECD training program, curriculum, policy or set of guidelines. See section 8 below - DECD approved policies/programs/guidelines.</td>
</tr>
<tr>
<td>Children and young people</td>
<td>Refers to children from birth to 18 but includes young adults over the age of 18 with developmental disabilities enrolled at a DECD site/service.</td>
</tr>
<tr>
<td>Education and early childhood leaders</td>
<td>Refers to individuals who supervise or line manage site/service leaders</td>
</tr>
<tr>
<td>Site/service leader</td>
<td>Refers to the individual who has ultimate responsibility for children/young people’s welfare in that site/service; for example, the principal, the director, a manager or Family Day Care Educator supported by their coordinator.</td>
</tr>
<tr>
<td>Site/service</td>
<td>Refers to preschools and schools, children’s centers, center-based child care facilities, Out of Schools Hours Care facilities and the homes of approved Family Day Care Educators.</td>
</tr>
<tr>
<td>Staff</td>
<td>Refers to employees, professional service providers, other paid education and care participants at DECD sites/services (through contracts and agreements) and tertiary students on placement.</td>
</tr>
<tr>
<td>Volunteers</td>
<td>Refers to all adults providing a volunteer service in DECD sites/services. This includes volunteers who may receive remuneration for their service from other organisations for example chaplains, mentors or coaches.</td>
</tr>
</tbody>
</table>

8. SUPPORTING DOCUMENTS

DECD approved policies/programs/guidelines
Protective Practices for Staff in their Interactions with Children and Young People
Screening and Suitability – Child Safety
Keeping Safe Child Protection Curriculum
Managing Allegations of Sexual Misconduct
Volunteers working in Education and Care Sites and Settings
Responding to Abuse and Neglect - Education and Care Training (Staff - pre-service and in-service)
Responding to Abuse and Neglect – Education and Care Induction Session (Volunteers)
Responding to Problem Sexual Behaviour in Children and Young People
Safer DECD Schools
Supporting and Managing Children’s Behaviour
Attendance Policy
Strategies for Managing Abuse Related Trauma
Suicide Postvention

9. REFERENCES

International Conventions

- United Nations Convention on the Rights of the Child

National policies

- National Framework for Protecting Australia’s Children
- Education and Care Services National Law (2010) and Regulations (2011), and associated National
- Quality Standard for Early Childhood Education and Care and School Age Care
- National Safe Schools Framework

State legislation

- Children’s Protection Act 1993
- Equal Opportunity Act 1984
- South Australian Education Act 1972

State policies

- Information Sharing Guidelines for Promoting Safety and Wellbeing
- Interagency Code of Practice - Investigation of Suspected Child Abuse or Neglect
- Curriculum, Pedagogy, Assessment and Reporting Policy for Reception – Year 10
- Guidelines for the implementation of Australian Curriculum in DECD schools: Reception – Year 10
Responding to problem sexual behaviour in children and young people

Guidelines for staff in education and care settings
Acknowledgments

These guidelines have been developed jointly by the Department for Education and Child Development (DECD), Catholic Education SA and the Association of Independent Schools of SA (AISSA), coordinated through the DECD Child and Student Wellbeing Unit.

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Disclaimer

The authors have taken every care to ensure this document accurately reflects research regarding best practice in identifying and responding to problem sexual behaviours. Every care has also been taken to ensure the roles and responsibilities of other agencies and services are described accurately. Given inevitable changes to this information over time, readers are strongly advised to check the following web link to ensure they are accessing the most up-to-date resources associated with this area of responsibility: <www.decd.sa.gov.au/speced2/pages/childprotection/>.

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Foreword

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

The actions of staff in these situations can be critical to the ongoing safety, wellbeing and recovery of children and young people; to the intervention in family violence, abuse and neglect; and to the safety of people on the site and in the community. Each site will use these guidelines in the context of its own ethos and values which are shaped by a variety of factors including work with families and any religious affiliation.

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

- Family Day Care
- centre-based child care
- Out of School Hours Care
- preschools
- schools (including junior primary, primary, secondary, senior secondary and adult re-entry settings).

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

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

Tony Harrison
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Department for Education and Child Development

Paul Sharkey
Director
Catholic Education SA

Carolyn Grantskalns
Chief Executive
Association of Independent Schools of SA
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Why guidelines are needed

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

Firstly, for some adults, the topic of children/young people’s sexual behaviour is uncomfortable and this can affect the appropriateness of the responses they make. Their responses are also influenced by what sexual behaviour they understand to be ‘normal’ or ‘acceptable’ and by the emotions that the incidents arouse in them. For parents and staff, these emotions can include embarrassment, disbelief, confusion, grief, blame, denial and outrage.

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

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

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

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

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

These are guidelines only. Incidents and in all circumstances when the intention is to communicate with the broader parent community.

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

(Tucci in Staiger 2005, p 57)

Explanation of terms

Age appropriate sexual behaviour

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

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

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


Problem sexual behaviour

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

Generally, what makes sexual behaviour problematic is when it is sexual activity by or between children/young people of any age that involves:

- coercion, bribery, aggression, clandestine behaviour and/or violence
- behaviour that is abnormal for age and/or developmental capability, compulsive, excessive and/or degrading
- a substantial difference in age and/or developmental ability between participants.

It includes behaviour that is self-directed as well as behaviour that is directed towards others. Refer to the full discussion on pp 10–11.
Children/young people who engage in or are affected by problem sexual behaviour

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

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

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

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

Site

‘Site’ refers to all places where children’s services operate and to schools. It encompasses centre-based child care facilities, Out of Schools Hours Care facilities, the homes of approved Family Day Care providers, and schools including preschools and junior primary, primary, secondary, senior secondary and adult re-entry settings.

Staff

In this document, ‘staff’ is used to refer to all the adults who have the duty of care to children/young people at their site. It includes people not normally referred to as ‘staff’ such as Family Day Care providers.

Parent

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

Site leader

‘Site leader’ refers to the individual who has ultimate responsibility for children/young people’s welfare on that site; for example, the principal, the director, a manager, or approved Family Day Care provider supported by his/her fieldworker.

Emergency Response Team (ERT)

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

Children/young people

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

Sector office

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

- schools and preschools
- Out of Schools Hours Care
- Family Day Care
- centre-based child care.

Staff members working in schools and children’s services receive induction on the particular pathways of communication that are expected of them in their settings.
1 Background

Underpinning convention, law and policy

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

### United Nations Convention on the Rights of the Child

The Convention enshrines the entitlement of all children, regardless of race, colour, sex, religion or nationality, to be protected from sexual abuse, to receive special help if they are abused, to have their opinions heard about matters that affect them, to receive and share information, and to be treated with dignity if disciplined.

### Law

- The *Children’s Protection Act 1993* mandates staff in education and care environments to report child abuse and neglect.
- The *Criminal Law Consolidation Act 1935* defines illegal sexual behaviour.
- The *Young Offenders Act 1993* prohibits the publication of identifying information about young people involved in the juvenile justice process and prescribes that a child under the age of 10 years is presumed not to be capable of forming an intent to commit a criminal offence.*
- The *Equal Opportunity Act 1984* defines sexual harassment laws and complaint processes open to people 16 years and older through the Equal Opportunity Commission.
- Duty of care is a common law concept that, in the context of education and care environments, refers to the responsibility of education and care staff to take reasonable care to protect children/young people from all reasonably foreseeable risk of harm.

### Natural justice

Procedural fairness principles include those that promote the rights of children/young people to be heard, to know what is alleged, to question evidence, to impartial adjudication and to the right of appeal. The *Declaration of Principles Governing the Treatment of Victims of Crime* outlines the rights of victims and the principles of justice regarding the treatment of victims, including being informed of support services.

### National Safe Schools Framework (NSSF)

The NSSF provides guiding principles which include the responsibility of schools to take action to protect children from all forms of abuse and neglect and the right of all school community members to feel safe at school.

### Information Sharing Guidelines (ISG)

The Government of South Australia’s *Information sharing: Guidelines for promoting the safety and wellbeing of children, young people and their families* (2008), known as the ISG, is South Australia’s operational framework for the sharing of information across government and relevant non-government organisations to promote the safety and wellbeing of children, young people and their families.

### Protective Practices for Staff in their Interactions with Students

These guidelines for staff in South Australian schools, preschools and Out of School Hours Care facilities describe the professional boundaries for staff and student relationships, including the management of inappropriate sexual behaviour of students towards staff.

### Site behaviour management policies

All education and care sites operate under policies that specify behaviour/conduct for which there are disciplinary sanctions, such as suspensions, exclusions and expulsions, or staff interventions, which enable sites to maintain safe environments.

### DECD Keeping Safe child protection curriculum

Keeping Safe is a South Australian teaching program for learners from early to senior years that addresses, in age appropriate ways, the central ideas of respectful relationships, the right to be safe, protective strategies, and recognising and reporting abuse.

* See p 14 for the application of these provisions as they relate to actions described in these guidelines.
Recognising problem sexual behaviour

Age appropriate sexual behaviour

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

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

(Frayser 1994, p 210)

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

Contexts of sexual learning and development

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

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

Children are also living in an increasingly sexualised world. They see sexual behaviour and images on television and the internet, on videos, on mobile phones, in newspapers, on billboards and in magazines, and these contribute to their learning about the sexual behaviour of women and men. An increasing range of children’s merchandise—games, toys, music videos and clothes—is being marketed using sexualised imagery of sometimes extremely young girls. Some children are exposed to images of sexual violence, and to adult or child pornography. This may be because their parents possess illegal material such as child pornography or are negligent in their supervision, but it may also be that another child/young person has exposed them to such material. The internet has made such material accessible to children/young people in ways not previously experienced.

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

Defining problem sexual behaviour

This document defines problem sexual behaviour as sexual activity by or between children/young people of any age that involves:

- coercion, bribery, aggression, clandestine behaviour and/or violence
- behaviour that is abnormal for age/developmental capability, compulsive, excessive and/or degrading
- a substantial difference in age or developmental ability between participants.

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

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

- self-directed or targeting/affecting others
- evident through normal activities such as play, drawings or language
- a ‘normal’ behaviour, such as masturbation, but one that is enacted in inappropriate settings or at inappropriate times despite direction
- a single incident
2 Recognising problem sexual behaviour

- a pattern of behaviour which does not respond to interventions by adults
- bothering or disturbing other children/young people
- problematic for the individual and interferes with his/her social/educational development
- observed by or directed at staff, or reported to staff by children/young people or parents
- occurring on or off the site
- an example of abuse and indicator of abuse (the child who engages in the abuse is suspected of being abused by others).

Children/young people who engage in problem sexual behaviour

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

It is very important to appreciate that:

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

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

- experiences of trauma, loss and alienation
- physical and/or sexual abuse
- witnessing incidents of family violence
- illicit drug use or alcohol abuse by parents or caregivers
- chronic lack of parental supervision/lack of age appropriate behaviour boundaries
- circumstances where young children are required to assume parental or caregiver responsibilities for younger siblings (Staiger et al 2005, pp 22–23; O’Brien 2008, pp 12, 27).

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

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

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

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

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

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

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

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

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

A sexual behaviour guide is provided on the following pages to assist staff in identifying serious problem sexual behaviour, concerning sexual behaviour and age appropriate sexual behaviour.
### Serious
- behaviour which is excessive, secretive, compulsive, coercive, degrading or threatening
- significant age, developmental and/or power difference between the individuals involved
- represents a serious risk to the mental or physical health of the individual or others

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

#### Birth to 5 years
- simulation of explicit foreplay or sexual behaviour in play
- persistent masturbation
- persistent touching of the genitals of other children
- persistent attempts to touch the genitals of adults
- sexual behaviour between young children involving penetration with objects
- forcing other children to engage in sexual play

#### 5 to 9 years
- persistent masturbation, particularly in front of others
- sexual behaviour engaging significantly younger or less able children
- sneaking into the rooms of sleeping younger children to touch or engage in sexual play
- simulation of sexual acts that are sophisticated for their age (eg oral sex)
- persistent sexual themes in talk, play, art etc

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

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

#### Birth to 5 years
- preoccupation with adult sexual type behaviour
- pulling other children’s pants down/skirts up against their will
- explicit sexual conversation using sophisticated or adult language
- preoccupation with touching another’s genitals (often in preference to other child focused activities)
- chronic peeping
- following others into toilets to look at them or touch them

#### 5 to 9 years
- questions about sexual activity which persist or are repeated frequently, despite an answer being given
- writing sexually threatening notes
- engaging in mutual masturbation
- use of adult language to discuss sex (eg ‘Do you think I look sexy?’ or ‘Look at my dolls—they’re screwing’)
- single occurrence of peeping

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

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

#### Birth to 5 years
- thumb sucking, body stroking and holding of genitals
- wanting to touch other children’s genitals
- asking about or wanting to touch the breasts, bottoms or genitals of familiar adults (eg when in the bath)
- games (eg ‘doctor/nurse’, ‘show me yours and I’ll show you mine’)
- enjoyment of being nude
- interest in body parts and functions

#### 5 to 9 years
- masturbation to self-soothe
- increased curiosity in adult sexuality (eg questions about babies, gender differences)
- increased curiosity about other children’s genitals (eg playing mutual games to see or touch genitals)
- telling stories or asking questions, using swear words, ‘toilet’ words or names for private body parts
- increased sense of privacy about bodies

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This guide is adapted, with permission, from the Family Planning Queensland resource *Sexual behaviours in children and adolescents—A guide for adults to identify, assess and respond to sexual behaviours which cause concern* (see <www.fpq.com.au/publications/fsBrochures/Fs_Sexual_Behaviours.php>).
### 9 to 12 years
- Persistent masturbation, particularly in front of others
- Sexual activity (eg oral sex or intercourse)
- Arranging a face-to-face meeting with an online acquaintance who is not known to or approved by protective parents
- Sending nude or sexually provocative images of self or others electronically
- Coercion of others, including same age, younger or less able children, into sexual activity
- Presence of Sexually Transmitted Infection (STI)
- Uncharacteristic behaviour (eg sudden provocative changes in dress, mixing with new or older friends)
- Consistent bullying involving sexual aggression
- Pseudo maturity, including inappropriate knowledge and discussion of sexuality
- Giving out identifying details to online acquaintances
- Preoccupation with chatting outside of familiar peer group
- Persistent expression of fear of pregnancy/sexually transmitted illnesses

### 13 to 18 years
- Compulsive masturbation (especially chronic or public)
- Degradation/humiliation of self or others with sexual themes (eg via threats, phone, e-mail, website, touch)
- Attempting to/forcing others to expose genitals
- Preoccupation with sexually aggressive pornography
- Sexually explicit talk with younger children
- Forced sexual contact (touch/assault/rape)
- Sexual contact with others of significant age and/or developmental difference
- Sending nude or sexually provocative images of self or others electronically
- Joining adults-only online sites if under age
- Sexual contact with animals
- Genital/anal injury to others/self

### 9 to 12 years
- Use of sexual language
- Having girlfriends/boyfriends
- Exhibitionism (eg flashing or mooning amongst same age peers)
- Increased need for privacy
- Consensual kissing with known peers
- Use of internet to chat online with peers

### 13 to 18 years
- Sexually explicit conversations with peers
- Obscenities and jokes within the cultural norm
- Flirting
- Interest in erotica
- Use of internet to chat online with peers
- Solitary masturbation
- Interest and/or participation in a one-on-one relationship (with or without sexual activity)
- Sexual activity including hugging, kissing, holding hands, foreplay, mutual masturbation
- Consenting oral sex and/or intercourse with a partner of similar age and developmental ability (age and developmental ability to give consent must be considered—age of consent in South Australia is 17)
3 Responding to problem sexual behaviour

The previous pages provide a sexual behaviour guide designed to assist staff in recognising age appropriate sexual behaviour and concerning or serious problem sexual behaviour in children/young people of particular age groups. This section discusses in detail how sites should manage the short and long term responses to serious and concerning problem sexual behaviour.

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

Application of the Young Offenders Act 1993

1. Protecting the identities of children and young people

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

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

- police/Families SA
- parents of children and young people directly involved
- staff members whose knowledge of the situation is required
- other professionals involved in providing support or care for the children or young people where some knowledge of the incident is essential to them in fulfilling their support role.

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

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

2. Children under the age of 10

The Young Offenders Act prescribes that a child under the age of 10 is presumed not to be capable of forming intent to commit a criminal offence. While this provision influences the actions of police in the laying of charges it does not impact the actions required of education and children’s services staff, as outlined in this document and discussed above. The significance of this provision to these guidelines is its reminder of the inappropriateness of labelling young children as ‘criminals’ or ‘offenders.’

Core messages

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

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

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

Always:

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

If you are responding to an incident you must read and follow the full advice provided in the checklist on pp 16–17 and pp 18–31.

Determining seriousness

In order to help staff members decide what response they should make to problem sexual behaviour, this document refers to this behaviour as falling within the general categories of ‘serious’ or ‘concerning’, as shown in the sexual behaviour guide in the previous section.
3 Responding to problem sexual behaviour

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

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

To illustrate the importance of all these factors, consider the differences between the following four situations which share a common behaviour theme (that is, exposing oneself) but have very different factors and contexts surrounding that behaviour theme.

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

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

- **Situation 2**: A boy aged 8 exposed himself in a bullying fashion to a child aged 6 in the toilet block. Other children witnessed this and reported that the older boy was laughing at the younger boy while he obstructed the younger boy from leaving the toilet block.

  Other children described the younger boy as looking confused but not upset. While the school has had concerns about the older boy’s general behaviour in class, this is the first time the site became aware of him behaving in this particular way.

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

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

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

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

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

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

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

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

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

Response checklist

1 Immediate response—first staff member involved

Check immediate safety needs
If it is an onsite incident, consider immediate safety needs: call 000 for ambulance (112 if using mobile) and 13 14 44 for police attendance (if immediately seen as serious), provide first aid, alert other staff/Emergency Response Team for assistance, protect area from people traffic.

Reassure and show care
Respond calmly, try to control expressions of panic or shock. Provide appropriate reassurance, allow the child/young person to decide what he/she wants to say, make no judgments or promises about what you hear, just reinforce that you are there to help. Do not interview anyone.

Respond to information
Using other staff, establish the whereabouts of the other child/young person involved. If necessary, separate children/young people so they have staff supervision in a safe location away from each other and other students. Staff helping with supervision should not ask any questions about the incident. Quarantine any material (including electronic) connected to the incident, for handover to police.

Hand over
Inform and hand over to site leader or her/his delegate.

Note what has occurred
Write down straight away what you have heard, observed and done. Sign and date your notes and provide a copy to the site leader for his/her secure and confidential storage. Use site specific recording templates as appropriate.

2 Immediate response—site leadership team and other agencies

Site leader makes an assessment
Using open questions, gather as much additional information as needed to make an initial assessment of the seriousness of the incident if this is not immediately clear. Do not bring children/young people together in this process. Using the sexual behaviour guide (pp 12–13), contextual information, professional judgment and/or advice from your sector office, decide the most appropriate response and follow the checklist below.

<table>
<thead>
<tr>
<th>Response to the child/young person</th>
<th>Engaged in the behaviour</th>
<th>Concerning</th>
<th>Affected by the behaviour</th>
<th>Serious</th>
<th>Concerning</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Call for police attendance on 13 14 44. Police will refer the matter, based on age of child/young person and nature of allegation, to the appropriate police section and provide advice about immediate management issues.</td>
<td>• Call Child Abuse Report Line on 13 14 178 if another child/young person is affected and/or if staff suspects that the behaviour is as a result of abuse or neglect. Ask for any relevant background information and likelihood of Families SA involvement.</td>
<td>• Contact the social worker if child/young person is under the Guardianship of the Minister.</td>
<td>• Ensure call has been made to the Child Abuse Report Line on 13 14 78 and that any advice received regarding contact with parents is understood and agreed.</td>
<td>• Assess and respond to the child/young person’s needs. Respect his/her preferences wherever possible about where he/she wishes to be—home (with parent contact and permission) or site.</td>
<td>• Assess and respond to the child/young person’s needs. Respect his/her preferences wherever possible about where he/she wishes to be—home (with parent contact and permission) or site.</td>
</tr>
<tr>
<td>• Call Child Abuse Report Line on 13 14 78 if another child/young person is affected and/or if staff suspects that the behaviour is as a result of abuse or neglect. Ask for any relevant background information and likelihood of Families SA involvement.</td>
<td>• Keep child/young person supervised and supported until other agencies provide advice or the site leader gives a direction.</td>
<td>• Depending on the child/young person’s age and any previous incidents, consider the appropriateness of immediate responses such as:</td>
<td>• Maintain adult supervision of child/young person but allow a non-involved friend to support him/her if this is requested/seen to be helpful.</td>
<td>• Advise the child/young person about how to respond to questions from other children/young people and which staff member will be supporting him/her.</td>
<td>• Assess and respond to the child/young person’s needs. Respect his/her preferences wherever possible about where he/she wishes to be—home (with parent contact and permission) or site.</td>
</tr>
<tr>
<td>• Keep child/young person supervised and supported until other agencies provide advice or the site leader gives a direction.</td>
<td>• If electronic technologies are involved, quarantine (unopened) until further advice from police.</td>
<td>• Establishing prohibited areas/activities</td>
<td>• Monitor arrangements</td>
<td>• Reinforce why the behaviour is unacceptable and the site’s expectations of future behaviour.</td>
<td>• Inform other professionals already providing counselling for the behaviour.</td>
</tr>
<tr>
<td>• If electronic technologies are involved, quarantine (unopened) until further advice from police.</td>
<td>• Assess and respond to the child/young person’s needs. Respect his/her preferences wherever possible about where he/she wishes to be—home (with parent contact and permission) or site.</td>
<td>• Monitoring arrangements</td>
<td>• On or off site suspension/take home.</td>
<td>• Contact the social worker if child/young person is under the Guardianship of the Minister.</td>
<td>• Assess and respond to the child/young person’s needs. Respect his/her preferences wherever possible about where he/she wishes to be—home (with parent contact and permission) or site.</td>
</tr>
</tbody>
</table>

Guidelines for staff in education and care settings
### 3 Responding to problem sexual behaviour

<table>
<thead>
<tr>
<th>Response to the child/young person</th>
<th>Engaged in the behaviour (continued)</th>
<th>Affected by the behaviour (continued)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>Concerning</td>
<td>Serious</td>
</tr>
<tr>
<td>Concerning</td>
<td></td>
<td>Concerning</td>
</tr>
<tr>
<td>• Use suspension/exclusion/take home options as appropriate.</td>
<td>• Advise the child/young person about how to respond to questions from other children/young people and which staff member will be supporting her/him.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact parents of child/young person</th>
<th>Engaged in behaviour</th>
<th>Affected by behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>Concerning</td>
<td>Serious</td>
</tr>
<tr>
<td>Concerning</td>
<td></td>
<td>Concerning</td>
</tr>
<tr>
<td>• Follow direction from police or Families SA as to who contacts the family, where and at what time. (Ensure suspension/take home is also discussed.)</td>
<td>• Confirm with police or Families SA that this proposed contact is advisable.</td>
<td>• Inform parents in consultation with children/young people.</td>
</tr>
<tr>
<td>• Establish behaviour support plan if child/young person will be remaining on site.</td>
<td>• Ensure parents are aware of the agencies that may be interviewing their child or involved in providing support.</td>
<td>• Provide information about the services listed on the DECD website (see ‘Web links’ section) and provide support to access these services, if required.</td>
</tr>
<tr>
<td>• Inform parents and arrange a meeting at the site to discuss immediate responses and longer term behaviour support plan. (If suspension is used this will be part of the re-entry process.)</td>
<td>• Ensure parents are aware of the counselling services listed on the DECD website (see ‘Web links’ section) should be discussed as part of the behaviour support planning.</td>
<td>• Arrange a meeting with parents to discuss the support and safety plan.</td>
</tr>
<tr>
<td>The counselling services listed on the DECD website (see ‘Web links’ section) should be discussed as part of the behaviour support planning.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liaise with sector office</th>
<th>Inform other parents See p 14 and pp 25–27</th>
<th>Inform others See p 14 and pp 25–27</th>
<th>Record See p 14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Follow your sector process for reporting critical incidents. Clarify:</td>
<td>• another child/young person may have been affected by the behaviour, currently or in the past</td>
<td>• Provide relevant information to other site leaders/authorities who share a duty of care for any children/young people involved (eg Out of School Hours Care director, Family Day Care provider, boarding house director).</td>
<td>Record the site’s actions, information sharing and the involvement of other agencies.</td>
</tr>
<tr>
<td>• use of suspension/take home/behaviour or support and safety plans</td>
<td>• another child/young person witnessed the incident</td>
<td>• Consider the relevance of informing other professionals working with the children/young people involved or their family members.</td>
<td></td>
</tr>
<tr>
<td>• planned communication with parents/the broader community/other sites (see below)</td>
<td>• accounts of the incident will be circulating amongst the site’s community.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• support for staff wellbeing.</td>
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<td></td>
<td></td>
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</table>

### 3 Long term response

<table>
<thead>
<tr>
<th>Monitor, liaise, plan and record</th>
<th>Site review See p 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Monitor safety and wellbeing of children/young people.</td>
<td>• Review and improve the site’s processes for responding to and preventing incidents, including through educational programs (eg Keeping Safe curriculum).</td>
</tr>
<tr>
<td>• Continue liaison with other agencies and professionals providing services.</td>
<td>• Record and monitor improvements.</td>
</tr>
<tr>
<td>• Maintain and invite regular communication with identified parents.</td>
<td></td>
</tr>
<tr>
<td>• Seek sector office support if a child/young person cannot remain at the site.</td>
<td></td>
</tr>
<tr>
<td>• Consider who else will need to understand the behaviour/safety plans for all children/young people involved.</td>
<td></td>
</tr>
<tr>
<td>• Initiate planning discussions with parents and agencies if behaviour doesn’t improve.</td>
<td></td>
</tr>
<tr>
<td>• Continue to record the site’s actions.</td>
<td></td>
</tr>
</tbody>
</table>
Response checklist—Questions and answers

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

1 Immediate response—first staff member involved

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

- reassure and show care to children/young people who are distressed (for further advice about sensitive responding see the web link in ‘Bibliography and web links’ section)
- manage and direct children/young people in order to establish calm and protect others (staff should be informed about identified locations where students can be marshalled or separated in such events)
- alert the site’s leadership team that assistance is needed.

Why are staff members advised not to interview children/young people about the incident?

Until an assessment of the seriousness of the incident has been made by the site leader or his/her delegate, no one should investigate the circumstances in case it becomes a matter for a police and/or Families SA response and investigation. Only the site leader or his/her delegate should make decisions about interviewing children/young people and only after he/she has been able to consider the information already gathered. Until that decision is made, staff can show care and listen to what children/young people tell them, but not ask ‘leading’ questions. See the web link in ‘Bibliography and web links’ section for more information on ‘open’ and ‘leading’ questions.

Limiting the number of people involved in responding to a child/young person, and the number of times he/she is interviewed, is an important way of protecting his/her wellbeing.

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

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

What kind of electronic material should be quarantined?

Sometimes serious problem sexual behaviour involves the use of electronic images (photographs and videos). These images may be on social network sites, mobile phones and/or digital cameras, or stored on a site’s internal computer network. In the sexual behaviour guide (pp 12–13), ‘sending nude or sexually provocative images of self or others electronically’ is in the ‘serious’ category, which requires an immediate response.

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

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

For more information on general cyber-safety issues see Cyber-safety: Keeping children safe in a connected world (DECD 2009) and other resources listed in the ‘Bibliography and web links’ section.
3 Responding to problem sexual behaviour

What kind of notes should the staff member make?

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

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

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

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

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

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

For site leaders in government schools, Regulations 40 (re suspension) and 41 (re exclusion) of the Education Regulations 1997 allow site leaders to respond in a range of ways to children/young people who act in a manner that threatens the safety or wellbeing of a child/young person, member of staff or another person associated with the site. These Regulations also cover events that occur outside of school hours and off the school site.

2 Immediate response—site leadership team and other agencies

This section of the checklist provides guidance that deliberately separates:

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

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

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

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

Once the staff member who initially responded to an incident or allegation has established the immediate safety of children/young people, he/she should hand over to the site leader or Emergency Response Team who will then lead the site’s actions.

What if the site is too small to establish an Emergency Response Team?

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

How can the site leader or Emergency Response Team be sure the response is appropriate?

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

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

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

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

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

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

It is reasonable for site leaders to expect and receive police and/or Families SA advice about who will contact parents and when, before the end of the day on which the incident became known. More detailed discussion on contact with parents follows on pp 23, 24.

Will police always be involved with serious incidents?

Generally, all serious incidents will have police involvement. However, with very young children, police will refer children and parents to the Child Protection Services of the Women’s and Children’s Hospital or Flinders Medical Centre. Sometimes, the police and Families SA will work together in responding but one or the other will always be considered to have the lead responsibility.

Occasionally, police officers may determine that they will have no role to play in which case they will advise the site leader to follow the site’s normal behaviour management and discipline processes (see Appendix 2, ‘Roles of key agencies’).

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

Sites should use the sexual behaviour guide (pp 12–13) to determine the seriousness of the incident, based on the child/young person’s age group, history and other contextual information.

A report must be made to the Child Abuse Report Line if the site has assessed that an incident is serious/concerning and that:

- another child/young person has been physically or emotionally harmed in the incident, and/or
- the site has a number of previously documented and/or reported serious concerns about the child/young person who engaged in the behaviour and the incident leaves site staff with a belief that the child/young person is being abused or chronically neglected.

If uncertain, consult your sector office for advice.

Will Families SA always be involved with serious incidents?

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

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

While Families SA may not be directly involved in the responses to children/young people about whom reports are made, it plays an important role in ensuring that all relevant information held on its system is shared with education and care staff, police and other agencies so that the best possible outcomes can be achieved for all affected individuals (see Appendix 2, ‘Roles of key agencies’).

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

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

- Will Families SA be involved in the response and does it have any directions regarding contact with parents?
- Are there any issues known about the family that education or care staff should be aware of in order to protect themselves or the children/young people concerned?

The Child Abuse Report Line staff member who takes the call may wish to consult with his/her own senior staff before answering questions. In these cases, the Child Abuse Report Line staff member will call back as quickly as possible with the information required.
3. Responding to problem sexual behaviour

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

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

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

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

**Why does the checklist emphasise that contact must be made with the social worker if the children/young people involved are under the Guardianship of the Minister?**

When a child/young person is under the Guardianship of the Minister, the Minister and his/her delegates are responsible for case management and planning for the safety, care and wellbeing of that child/young person. The Families SA social worker is, therefore, a key contact.

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

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

**Why is the affected child/young person kept supervised until parents are contacted?**

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

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

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

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

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

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

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

Generally speaking, if there is a ‘yes’ answer to any of these questions then suspension is probably an appropriate response.
3 Responding to problem sexual behaviour

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

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

It is important that the concepts of natural justice and procedural fairness are reflected in suspension and exclusion processes. Children/young people’s rights (to know what is alleged, to be heard, to question evidence, to have an advocate of choice, to use appeal or grievance procedures, and to qualified confidentiality) must be respected. Staff must also protect the dignity of children/young people. Staff members should prevent unnecessary embarrassment and afford children/young people with privacy wherever possible in the responses they make. Following the DECD School Discipline Policy and implementation guidelines will help site leaders ensure that these rights are respected.

These considerations are especially critical for children/young people under the Guardianship of the Minister for whom suspension should always be a last resort.

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

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

The responses to very young children must be appropriate for their age and their relatively limited understanding about the effect of their behaviour on others. Responses need to be clear about stopping the behaviour and the reasons why the behaviour is inappropriate but they should also be delivered in a calm and non-punitive fashion. Early childhood policies such as the DECD Behaviour Support Policy for Early Childhood Services clearly prohibit physical, verbal or emotional punishments.

The provision of ‘take home’ under the DECD School Discipline Policy and related policies in children’s services may be appropriate in dealing with these kinds of critical incidents with young children. The site will need to plan its support of and communication with affected children and their parents and its strategies for establishing calm and normality with the children.

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

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

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

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

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

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

It’s possible that all three of the above situations could occur over the course of an interagency response to one incident.

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

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

Why must the site consult with police and Families SA before it contacts parents in serious cases?

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

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

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

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

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

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

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

Clear communication between police, Families SA and sites will help limit further risks.

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

What if the site doesn’t get advice from either Families SA or the police before the children/young people involved in a serious incident are due to go home or be collected?

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

If the site cannot get through on the Child Abuse Report Line it should ring the manager of its local Families SA office and ask for assistance in checking any relevant background information regarding the families the site needs to contact.

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

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

- **Situation 1**: If a number of other children/young people are aware of the serious incident that occurred at the site, then it is appropriate to proceed with the normal site-based behaviour management processes which would include contact with the parents of children/young people who engaged in the behaviour. These parents should also be informed that a report has been made to the police and that the site will be following the directions of police once these are received. **Exception**: If the site believes that informing the family without police involvement will create serious risks to the safety of others in the site community then the site should delay action until police officers are in attendance or have provided advice.

- **Situation 2**: If the alleged incident did not occur at the site and it is not thought that others within the site community know about it, then the site should postpone contact with parents until the police are involved.

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

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

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

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

For children/young people who engage in problem sexual behaviour, the importance of accessing professional help is also critical. As has been discussed elsewhere in these guidelines, it may be that support services need to be accessed by adult family members as well as the child/young person so that all the issues underlying the behaviour are properly addressed. Adult services can support adults to respond appropriately and effectively. The site’s liaison with the professionals involved in providing services to children/young people and/or their family members is essential. Solving the problems that can underlie problem sexual behaviour is a complex process and one that will not be successful without clear coordination and communication between the agencies and services involved. (See below for questions and answers on support and safety plans and behaviour support plans. Refer also to Appendix 2 for information about agency roles and services.)

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

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

If parents continue to refuse counselling support and the site and other agencies believe this is creating further harm to the child/young person then a report to the Child Abuse Report Line should be considered by the interagency partners.

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

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

Where a student has an existing individual plan, such as a Negotiated Education Plan (NEP) for children with disabilities, or an Individual Education Plan (IEP) for children under the Guardianship of the Minister, the support and safety arrangements should be integrated into that plan. Different sectors will have their own templates for this kind of individualised programming but the key value of the plan is that it formalises the ongoing monitoring and communication responsibilities of all the relevant parties.

Essential elements of a support and safety plan are:

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

See an example of a support and safety plan in Appendix 4.
3 Responding to problem sexual behaviour

What is a behaviour support plan?

A behaviour support plan is any kind of formalised, agreed set of actions that the site, the child/young person who engaged in the behaviour, her/his parents and involved agencies develop together in response to an incident involving problem sexual behaviour. For example, in DECD schools, the Student Development Plan would be used.

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

Why is liaison with the sector office so important?

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

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

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

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

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

(Barnard’s ind, p 4)

A behaviour support plan might summarise:

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

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

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

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

See an example of a behaviour support plan in Appendix 4.
3 Responding to problem sexual behaviour

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

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

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

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

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

Parents who need to be informed of the site’s management of a critical incident

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

The aims of this kind of communication are to:

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

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

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

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

The aims of these meetings are to:

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

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

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

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

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

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

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

In situations involving problem sexual behaviour, both above possibilities can arise. For some parents the idea of sharing information about their son/daughter’s sexual behaviour is extremely uncomfortable and may contradict their views about ‘fairness’. Sites must be sensitive to these responses but they must also act to protect against risks to the safety and wellbeing of others. The following scenario provides an example of the way a site leader should approach this kind of situation. It is adapted from DECD’ Appendix to the ISG.
Samantha is in year 5 and has twice engaged in problem sexual behaviour that has been directed at younger children in the school. The second episode was very serious resulting in physical and emotional harm to the other child. The principal meets with Samantha’s parents to amend the original behaviour support plan that the site had established with them. The amended plan includes getting their consent for the classroom teacher and counsellor to share information with the Child and Adolescent Mental Health Services worker who will be seeing Samantha on a weekly basis. The parents consent to this.

The principal then asks the parents to consent to her sharing information with the director of the Out of School Hours Care (OSHC) Service where Samantha attends three afternoons a week. Samantha’s mother becomes very distressed and expresses her fear that her daughter will be labelled forever and be ostracised by other children. She says she won’t consent to the information being shared and her husband backs her up.

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

The principal suggests the parents go home to think further about things but explains that ultimately she will need to talk with the director and her preference is to do so with the parents’ consent. The parents give consent the next day by telephone. The principal records this information along with all the actions she has taken in supporting Samantha. She is aware that although the parents have consented there are still possibilities that the situation may become contentious.

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

- seek consent wherever it is safe to do so
- share only what is relevant to managing risks to safety and wellbeing
- share only with those whose responsibility it is to manage risks
- share information securely (respecting confidentiality in all possible ways and in keeping with provisions of the Young Offenders Act, see p 14)
- record information sharing decisions, especially if they are made without parental consent (follow your sector’s ISG Appendix).

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

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

<table>
<thead>
<tr>
<th>Individuals involved</th>
<th>Relevant information shared</th>
</tr>
</thead>
</table>
| Primary principal and OSHC director        | • History of Samantha’s behaviour and the site’s actions, including the site’s behaviour support plan  
                                           | • Samantha’s parents’ consent for the information sharing                                     
                                           | • Name of the child attending the OSHC site who has been affected by Samantha’s behaviour—Kelly 
                                           | • Kelly’s parents’ consent for the information sharing                                       |
| OSHC director and OSHC staff               | • Details of Samantha’s school behaviour support plan that are relevant to the OSHC site and can be reinforced by OSHC staff (eg not playing with Kelly)  
                                           | • How OSHC staff can redirect Samantha if she doesn’t follow her behaviour support plan, and what to report to the OSHC director |
| OSHC director, Samantha and Samantha’s parents | • Information the OSHC staff have been given about how to assist Samantha with her behaviour plan  
                                           | • Information that Kelly and her parents have been given about Samantha’s behaviour support plan |
| OSHC director and parents of Kelly, the affected child | • Details of Samantha’s behaviour support plan that involve contact with Kelly at the site and the instructions OSHC staff have been given to help Samantha follow her behaviour support plan |
3 Long term response

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

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

When is this likely to occur?

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

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

In schools, this decision is most likely to occur during the suspension/exclusion processes and considerations. In children’s services (eg Family Day Care), these situations will be managed with the support of designated staff from the relevant sector office.

How is the decision reached?

The decision about whether a child/young person’s wellbeing or safety is threatened by the continued enrolment of another child/young person will be influenced by the views of many people (eg site leaders, parents, sector staff, therapists) but most importantly the affected children/young people themselves, if they are developmentally capable of articulating their feelings. The guiding principle in these circumstances is that a child/young person should feel safe in his/her learning or care environment.

There are no absolutes about the feelings of children/young people affected by serious problem sexual behaviour. Children/young people’s reactions are influenced by many factors; for example, their relationships with peers and adults at the site, the strength of their family relationships, previous experiences, their age, their gender, their sexual orientation and their psychological make-up.

The site’s responsibility in these circumstances is to ensure that the affected child/young person has been given accurate information and that he/she has not been unduly influenced by others.

Site leaders can do this by:

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

What process is followed?

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

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

What if parents are unwilling to facilitate their son/daughter’s move to another site?

Options in these cases differ between sites and services. They also differ between government and non-government schools. Site leaders should work with their sector offices in exploring current options. For example, government schools may utilise regulations that allow the Chief Executive of the Department for Education and Child Development to direct that a child/young person be enrolled at a particular site.

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

**What if the parents of the affected child want to move their son/daughter to a different site?**

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

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

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

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

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

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

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

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

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

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

The purpose of the information exchange is to give others relevant advice about keeping children/young people safe.
3 Responding to problem sexual behaviour

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

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

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

All review processes will have in common:
- documented summaries including proposed improvements
- how the result of the review will be communicated to the site community.

Site leaders will find Appendix 1 ‘Prevention checklist’ useful in guiding their review.

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

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

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

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

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

**Flirtatious behaviour by children/young people towards adults**

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

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

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

For more detailed policy guidance, see *Protective practices for staff in their interactions with students* (DECD, CESA & AISSA 2005).
4 Appendices
Appendix 1
Prevention checklist

Staff awareness

- The material contained in the guidelines *Responding to problem sexual behaviour in children and young people* is known to staff.
- The site has undertaken its three yearly update training in *Responding to abuse and neglect—Education and care training*.
- Induction for all new staff (including relief staff and volunteers) explains how concerns about children/young people’s wellbeing and safety should be acted on at the site and identifies the staff from whom advice should be sought.
- Staff members in leadership roles are familiar with the *Information Sharing: Guidelines for Promoting Safety and Wellbeing* (ISG).
- Key staff members have accessed professional development in the Keeping Safe child protection curriculum and *Strategies for managing abuse related trauma* (SMART).
- Staff members are aware of the site’s Emergency Response Team, and understand the team members’ responsibilities and the site’s general emergency procedures.

Children/young people’s awareness

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

Site processes and practices

- Staff meetings, formally and routinely, provide for discussion about issues relating to children/young people’s wellbeing and safety.
- All relieving and volunteer staff members are provided with information about special monitoring or behaviour support arrangements for individual children/young people with whom they will have contact.
- Formal processes exist for leadership teams to communicate relevant information about children/young people’s wellbeing and safety (eg between principals, preschool directors, OSHC directors, Family Day Care providers, boarding facility directors).
- Parents receive information that encourages them to raise concerns, clarifies the support available to children/young people at the site and explains the site’s behaviour expectations and the processes it will follow to intervene with problem behaviour.
- Critical incidents at the site are reviewed.
- Recent risk assessment has been made of the site’s layout and staff supervision/yard duty arrangements.
- The site’s management of interactions between children/young people of different ages or developmental capability (eg cross-age tutoring, buddy systems, peer support programs) has been reviewed recently.
- Site events such as camps, excursions, formals, discos, ‘sleep-overs’ and family barbecues are properly supervised, organised and documented to address risks.
<table>
<thead>
<tr>
<th>SAPOL</th>
<th>Families SA</th>
<th>Child Protection Services, CWYHS</th>
<th>Child Protection Services, Flinders Medical Centre</th>
<th>Child and Adolescent Mental Health Services (Women’s and Children’s Health Network)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What role does the agency play in relation to these situations?</strong></td>
<td>Investigates allegations of criminal abuse and neglect including sexual abuse involving children/youth people and proceeds with charges where appropriate.</td>
<td>Investigates concerns that parents are not protective or do not provide adequate supervision where a child/youth person is sexually abused by a child/youth person who is not a family member. Investigates concerns of intra-familial sexual abuse that arise from the sexual behaviour of a child towards other children. Refers matters that may involve a criminal offence to police. When a child/youth person is under the care and protection of the Minister, participates in the Individual Education Plan meeting with the carer and child/youth person to agree strategies that support and protect the child/youth person within and outside the school setting.</td>
<td>Conducts forensic interviews of children under 7 where there is an allegation of sexual abuse. May conduct a ‘non-forensic’ interview where there are concerns about serious sexualised behaviour between two children where one of them is considered to have used a significant degree of coercion/force and this child is under 10 years of age. Provides therapy to children under 12 who are displaying clinically significant sexualised behaviour. Provides consultation/advice to Families SA, SAPOL, professionals and the general public.</td>
<td>Provides counselling and therapy services for children/youth people and their families who are affected by or who engage in problem sexual behaviour. Provides community-based services for children/youth people up to 18 years. Caters for 12 to 18 year olds through the CAMHS Mary Street Adolescent Sexual Abuse Prevention Program (state-wide service) which works with young people who have sexually abused or harassed others.</td>
</tr>
</tbody>
</table>
### Roles of Key Agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>How the Agency Becomes Involved</th>
<th>What Limitations Apply to How the Agency Responds to These Situations</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAPOL</td>
<td>Referral from the Child Abuse Report Line. Report made to police by a member of the public (e.g., parent) or education or care site (e.g., site leader). Complaint made by a victim to police. Detection by police.</td>
<td>Police will not interview children under the age of 7 years. These are referred to CPS for forensic interviewing.</td>
</tr>
<tr>
<td>Families SA</td>
<td>Referral for forensic/non-forensic interviews by Families SA and/or SAPOL through the CPS intake system.</td>
<td>Where it is assessed that it is appropriate and necessary for Families SA involvement, response times cannot be guaranteed in all situations. If Families SA response will be delayed, Families SA may initiate a strategy discussion, or the school or care site may request a strategy discussion.</td>
</tr>
<tr>
<td>Child Protection Services, CWYHS</td>
<td>Referral for forensic/non-forensic interviews by Families SA and/or SAPOL through the CPS intake system.</td>
<td>Resource limitations may apply, particularly with non-forensic interviews as they may have a lower priority rating. CPS workload may impact on its capacity to respond to schools, particularly in relation to forensic interviews (providing support/advice etc.).</td>
</tr>
<tr>
<td>Child Protection Services, Flinders Medical Centre</td>
<td>Referral for forensic/non-forensic interviews by Families SA and/or SAPOL through the CPS intake system. Consultations provided through the CPS intake system. Involvement in a strategy discussion initiated by SAPOL or Families SA.</td>
<td>Resource limitations may apply, particularly with non-forensic interviews as they may have a lower priority rating. CPS workload may impact on its capacity to respond to schools.</td>
</tr>
<tr>
<td>Child and Adolescent Mental Health Services (Women’s and Children’s Health Network)</td>
<td>Referral by parents. Referral by school staff or other agencies (with the family’s consent). Self-referral if 16 years or older.</td>
<td>Accessing CAMHS is voluntary. Children/young people and their families cannot be compelled to attend counselling.</td>
</tr>
</tbody>
</table>
### Appendix 2

#### Roles of key agencies (continued)

<table>
<thead>
<tr>
<th>Agency</th>
<th>How will the agency liaise with the education or care site?</th>
<th>What limitations apply to the actions of the education or care site?</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAPOL</td>
<td>All efforts are made to interview off the site where feasible.</td>
<td>Site staff must not:</td>
</tr>
<tr>
<td></td>
<td>Police officers will forewarn sites of their actions, wherever possible, in accordance with the Interagency Code of Practice: Investigation of suspected child abuse or neglect (see Appendix 4).</td>
<td>• investigate allegations that an offense has occurred or that a child or young person or families is at risk of abuse or neglect</td>
</tr>
<tr>
<td></td>
<td>Police will maintain communication with sites until cases are concluded.</td>
<td>• intervene or take any action that is not authorized or directed by police</td>
</tr>
<tr>
<td></td>
<td>If Families SA wishes to interview children/young people, it will forewarn sites wherever possible and have appropriate paperwork in accordance with the Interagency Code of Practice: Investigation of suspected child abuse or neglect (see Appendix 4).</td>
<td>• remove evidence, including electronic forms, from a crime scene</td>
</tr>
<tr>
<td></td>
<td>Families SA will maintain communication with sites until the case is closed.</td>
<td></td>
</tr>
<tr>
<td>Families SA</td>
<td>Site staff must not seek to obtain additional information from children/young people or families unless directed by Families SA.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Families SA initiates contact with a school or care site, the Families SA worker will make all efforts to preserve notifier confidentiality.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Families SA will provide feedback about the way a notification will be dealt with.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site staff must maintain communication with sites until cases are closed.</td>
<td></td>
</tr>
</tbody>
</table>

**CamHS** will liaise with support workers, school staff and other agencies (Families SA etc.) on the support and monitoring plans that are developed with young people and their families.
Appendix 3
SAPOL and Families SA interviewing on education and care sites

This appendix is adapted from the Government of South Australia's Interagency Code of Practice: Investigation of suspected child abuse or neglect (2009, Appendix H 15.1, p 81).

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

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

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

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

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

Families SA
During any investigation, the investigating social worker will sight and assess the child/young person as part of the investigation process.

If the interview is to be conducted at an education or care site, Families SA must provide a letter to the principal/director outlining its authority under the Children’s Protection Act 1993 (see the Families SA proforma letter, Letter for school interview, located in the Families SA > Forms & Templates > Child Protection menu on the Families SA intranet).

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

If the parents have not been informed before the interview, immediate action must be taken to inform them that this has taken place and about what, if anything, is to happen next. It is important to provide the parents with information about Families SA’s role and responsibility and the process of any further investigation to take place, and to provide them with a copy of the Families SA’s pamphlet, When Families SA visits you—Information for families about child protection assessment.

Having concluded the interview, the Families SA investigator provides the parents with written information about Families SA’s role and responsibility, the process of investigation, the investigator’s name, the supervisor’s name, and Families SA District Centre telephone number.
### Behaviour support plan

<table>
<thead>
<tr>
<th>Support Categories</th>
<th>Support Strategies</th>
<th>Responsible Person/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behaviour Expectations</td>
<td>• What are the specific expectations regarding behaviour</td>
<td>• Child / young person.</td>
</tr>
<tr>
<td></td>
<td>– in class</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– in yard</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– in their contact with others – individuals/age groups</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– with use of toilets</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– before and at end of day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– in other specific settings on or off the site (for example camps, formals, sports days excursions)</td>
<td></td>
</tr>
<tr>
<td>Internal Support</td>
<td>• How are staff supporting the student to achieve the desired behaviour</td>
<td>• Which staff directly support the child/young person in the ways listed opposite?</td>
</tr>
<tr>
<td></td>
<td>– in class</td>
<td>• Who is responsible for informing other relevant staff of the support expectations listed opposite – for example other class teachers, yard duty staff, front office staff</td>
</tr>
<tr>
<td></td>
<td>– in yard</td>
<td>• Who is responsible for informing relief staff of the behaviour plan?</td>
</tr>
<tr>
<td></td>
<td>– in their contact with others – individuals/age groups</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– with use of toilets</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– before and at end of day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– in other specific settings on or off the site (for example camps, formals, sports days excursions)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Who can the child/young person talk to at the site about personal issues and how they feel about the behaviour plan?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How do they access this person?</td>
<td></td>
</tr>
<tr>
<td>Parent/caregiver Support</td>
<td>• What actions are being taken at home to help reinforce positive behaviours and protect against problem behaviours?</td>
<td>• Which parents/caregivers will be taking what responsibilities?</td>
</tr>
<tr>
<td></td>
<td>• What should the parents/caregivers communicate with the site about and how should this happen?</td>
<td>• Who is the key contact person for parents at the site?</td>
</tr>
<tr>
<td></td>
<td>• Are other agencies assisting the family and if so how does their work relate to the behaviour plan?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What tasks do the parent/caregivers have in supporting their son/daughter to access services from another agency? (for example transport)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Do parents understand what response the site may make if agreed counselling is not accessed? (see p 24 of the guidelines)</td>
<td></td>
</tr>
<tr>
<td>Teaching and Learning Support</td>
<td>• What learning program is being used to help reinforce the desired behaviours?</td>
<td>• Which staff at the site are responsible for the learning described opposite?</td>
</tr>
<tr>
<td></td>
<td>• How does this relate to the work of other professionals?</td>
<td>• Who is responsible for informing/supporting staff with these requirements?</td>
</tr>
<tr>
<td></td>
<td>• How does it relate to actions being taken by parents in the home?</td>
<td></td>
</tr>
<tr>
<td>External Support</td>
<td>• Which other agencies or professionals are involved with the child/young person or their family?</td>
<td>• Which staff at the site will liaise with other involved agencies?</td>
</tr>
<tr>
<td></td>
<td>• What is the nature and length of their support?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do they liaise with the site?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Have they contributed to the development of this plan / been given a copy?</td>
<td></td>
</tr>
</tbody>
</table>

continued on page 40
### Appendix 4
Sample behaviour support and safety plans (continued)

#### Behaviour support plan (continued)

<table>
<thead>
<tr>
<th>Support Categories</th>
<th>Support Strategies</th>
<th>Responsible Person/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site response to child/young person</td>
<td>• What immediate response will the site make to which behaviour expectations if they are not met?</td>
<td></td>
</tr>
<tr>
<td>not meeting behaviour expectations</td>
<td>• What reminders will staff give to which behaviour expectations if they are not met?</td>
<td>• Who makes these decisions?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Who inducts staff about these decisions?</td>
</tr>
<tr>
<td>Plan Review</td>
<td>• What monitoring of the plan will be made?</td>
<td>• Who keeps a monitoring record?</td>
</tr>
<tr>
<td></td>
<td>• When will the plan be reviewed?</td>
<td>• Who will contribute to the review? (include child / young person)</td>
</tr>
<tr>
<td>Others with a duty of care</td>
<td>• Who else needs to know about the plan?</td>
<td>• Which site staff member is responsible for discussing the plan with other people who have a duty of care?</td>
</tr>
<tr>
<td></td>
<td>For example</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– OSHC / Vacation staff?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– Family Day Care provider?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>– Boarding / Residential staff?</td>
<td></td>
</tr>
<tr>
<td>Signatures</td>
<td>The plan is signed by key stakeholders in particular</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Child / young person</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Site Leader</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Parent / Caregiver</td>
<td></td>
</tr>
</tbody>
</table>
### Support and safety plan

<table>
<thead>
<tr>
<th>Support Categories</th>
<th>Support Strategies</th>
<th>Responsible Person/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Support</td>
<td>• What changes to the child/young person’s routine are in place to support them? For example, – yard duty arrangements – before / after school – classroom / timetable – counselling support</td>
<td>• Which staff directly support the child/young person in the ways listed opposite?</td>
</tr>
<tr>
<td></td>
<td>• Has the child/young person been told what restrictions/expectations the site has placed on any other involved children/young people?  • How is the child/young person expected to alert staff if an involved child/young person does not follow the site’s directions? For example, – advise yard duty teacher – move to front office – report directly to director / principal</td>
<td>• Who is responsible for informing other relevant staff of the support expectations listed opposite – for example other class teachers, yard duty staff, front office staff</td>
</tr>
<tr>
<td></td>
<td>• Who can the child/young person talk with at the site about personal issues or concerns they have about the plan? How do they access this person?  • What signs of stress in the child/young person will be reported immediately by staff to parents/caregivers? How will this communication be made?  • What is the agreed verbal response the child/young person will make to questions from others?</td>
<td>• Who is responsible for informing relief staff of the support plan?</td>
</tr>
<tr>
<td></td>
<td>• What actions are being taken in the home to help restore the child/young person’s sense of safety/wellbeing?  • What signs of stress in the child/young person will be reported immediately to the site and other professionals supporting the child/young person?</td>
<td>• Who will coordinate communication with parents?</td>
</tr>
<tr>
<td>Parent/caregiver Support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teaching and Learning Support</td>
<td>• What learning programs are being used to  – help reinforce children/young people’s rights to physical and emotional safety  – promote the reporting of inappropriate behaviour at the site  – promote help seeking behaviour at the site?  • How does this learning program relate to the plan and the work of other agencies?</td>
<td>• Which staff at the site are responsible for the learning described opposite?</td>
</tr>
<tr>
<td>External Support</td>
<td>• Which other agencies or professionals are involved with the child/young person or their family?  • What is the nature and length of their support?  • How do they liaise with the site?  • Have they contributed to the development of this plan / been given a copy?</td>
<td>• Which staff member liaises with other involved agencies?</td>
</tr>
</tbody>
</table>

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*continued on page 42*
Appendix 4
Sample behaviour support and safety plans *(continued)*

<table>
<thead>
<tr>
<th>Support Categories</th>
<th>Support Strategies</th>
<th>Responsible Person/s</th>
</tr>
</thead>
</table>
| Plan Review        | • What monitoring of the plan will be made?  
 |                    | • When will the plan be reviewed?          | • Who keeps a monitoring record?  
 |                    |                                   | • Who will contribute to the review?  
 |                    |                                   | (include child/young person) |
| Others with a duty | • Who else needs to know about the plan?   | • Which site staff member is responsible for  
 | of care            | For example                        | discussing the plan with other people who  
 |                    | – OSHC / Vacation staff?            | have a duty of care?  
 |                    | – Family Day Care provider?         | • Who will decide what information is relevant  
 |                    | – Boarding / Residential staff?     | to share? |
| Signatures         | The plan is signed by key stakeholders in particular |                                   |
|                    | • Child / young person              |                                   |
|                    | • Site Leader                       |                                   |
|                    | • Parent / Caregiver                |                                   |
Appendix 5
Sample parent communication guides

Sample written parent communication

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

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

You must consult with your sector office and any involved agencies before finalising written parent communication.

Dear [Name]

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

Please make contact with [teachers name] on ph: [phone number] if your son/daughter expresses concern or talks about inappropriate behaviour so together we can provide the most appropriate response for them and for others.

The parents of the children directly involved in the incident have been informed and we are maintaining our normal monitoring and support of all [children’s/students’] wellbeing. [The incident is also being responded to by another agency with which the site/service will closely liaise. / The site is also responding to this incident in consultation with other professionals.]

Please respect the difficulties this incident poses for the particular families involved by directing any questions or comments about this letter [to me / to the above contact]. It is not anticipated that further communication with you will need to occur, however, any relevant information that does arise will be provided to you promptly.

Thank you for your support.

[Signed]
Site leader
Appendices

Appendix 5
Sample parent communication guides (continued)

Parent meeting – discussion guide

The information below is provided to support staff in talking about an incident of serious problem sexual behaviour with parents whose children may have been impacted by the behaviour.

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

Sites or services must use their sector office support personnel in planning and conducting these meetings and a representative of Child and Adolescent Mental Health Services (CAMHS) or Child Protection Services should be in attendance to answer parent concerns that require specialist advice.

• Advising the reason for the meeting

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

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

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

• Explaining what to look out for and what to report

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

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

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

• What the site/service is doing

Apart from the particular support and actions we’re taking with the children and families directly involved, we are maintaining the [centre’s/site’s/service’s] normal routines as much as possible and closely monitoring all children’s behaviour in the ways we’ve been talking about. We have changed some routines in response to this incident and they are […] We believe this will help maintain safety for everyone.

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


5 Bibliography and web links


Australian Childhood Foundation (nd) Strategies for managing abuse related trauma (SMART). [A professional development program developed for the SA Department for Education and Child Development by the Australian Childhood Foundation] Accessed 20/04/10 at <www.childhood.org.au> (go to ‘professional education/training’)

Web links

Support resources

The following resources to support staff in following the Response Checklist (pp 16–17) can be accessed from:


> List of support services
> Example letters to parents
> Example behaviour support plans
> Sensitive responding to children and young people—open and leading questions
> Incident and response scenarios

Counselling support for staff

Department for Education and Child Development: Davcorp Employee Assistance Program phone 1300 360 364 or e-mail <eap@davcorp.com.au>

Catholic and Independent schools: Access-Ocar phone 1300 667 700 or e-mail <enquiries@access-oocar.com.au>

General


Australian Childhood Foundation: www.childhood.org.au


Autism SA: www.autismtraining.org.au

Child and Youth Health (Children, Youth and Women’s Health Services): www.cyh.com

Down Syndrome Society of SA: ‘Right to Know’ program www.downsssa.asn.au

Family Planning Queensland: www.fpq.com.au


National Centre on Sexual Behaviour of Youth: www.ncsby.org


National Child Traumatic Stress Network: www.NCTSN.org


Sexual Health Information Networking and Education SA (ShineSA): www.shinesa.org.au

Sexualisation of children in the media: www.youngmedia.org.au/mediachildren/03_15_too_sexy_index.htm

South Eastern Centre against Sexual Assault: www.secasa.com.au

Victims of Crime: www.voc.sa.gov.au

Yarrow Place Rape and Sexual Assault Services: www.yarrowplace.sa.gov.au
The purpose of these guidelines is to assist education and care staff to respond effectively to incidents of problem sexual behaviour involving children and young people.

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

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

- Family Day Care
- centre-based child care
- Out of School Hours Care
- preschools
- schools (including junior primary, primary, secondary, senior secondary and adult re-entry settings).
Protective practices
for staff in their interactions with children and young people
Guidelines for staff working or volunteering in education and care settings
Protective practices
for staff in their interactions with children and young people
Guidelines for staff working or volunteering in education and care settings
Foreword

These guidelines form part of a set of child protection policies that have been developed through collaboration between the South Australian Department of Education and Children’s Services, Catholic Education South Australia and the Association of Independent Schools of South Australia. The government and non-government education sectors are committed to establishing child protection standards that are consistent across all South Australian education and care environments.

*Protective practices for staff in their interactions with children and young people* provides clear advice to adults for the establishment of positive, caring and respectful relationships with children and young people in education and care settings. The main intent of this document is to safeguard the emotional and physical wellbeing of children and young people by promoting in adults an enhanced understanding of appropriate relationship boundaries. In respecting these boundaries, staff can feel confident about meeting their responsibilities to children and young people and meeting the expectations of the professional communities in which they work.

Since their release in 2005, the guidelines have been positively received and utilised by education and care leaders across the government and non-government sectors. This third edition provides revisions reflecting legislative and other reforms at state and national levels, mainly in connection with child care.

Following these guidelines will contribute to safer, happier and more successful education and care environments for all the people who learn and work in them.

Keith Bartley
Chief Executive
Department of Education and Children’s Services

Paul Sharkey
Director
Catholic Education SA

Garry Le Duff
Executive Director
Association of Independent Schools of SA
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For the purposes of this document the following definitions apply.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>employees, professional service providers, other paid education and care participants, tertiary students, and volunteers</td>
</tr>
<tr>
<td>Site</td>
<td>all schools and preschools and associated boarding facilities, alternative education centres or off site learning programs, out of school hours care and vacation care services, the home of a family day care educator, children’s centres and child care centres</td>
</tr>
<tr>
<td>Site leader</td>
<td>the individual who has responsibility for the welfare of children and young people on that site; for example, the principal, director, manager or family day care educator supported by his/her coordinator; or the person to whom the site leader has delegated relevant authorities</td>
</tr>
<tr>
<td>Children/young people</td>
<td>all children and young people enrolled at or attending the education and care sites as defined in this document</td>
</tr>
<tr>
<td>Parents</td>
<td>adults who have the parenting responsibility for children and young people, including biological parents, step-parents, legal guardians and extended family members such as grandparents</td>
</tr>
</tbody>
</table>

Note: Family day care
Where the context permits and having appropriate regard for the unique ‘in home’ care provided, family day care educators should use the discussions applying to ‘staff’ in this document to guide their actions and behaviour. References to ‘site leader’ should be understood to mean those circumstances where the family day care educator would consult with or, as appropriate under conditions of approval, report to and take direction from the family day care coordinator.
## Relevant convention, law and policy

<table>
<thead>
<tr>
<th>United Nations Convention on the Rights of the Child</th>
<th>The Convention enshrines the entitlement of all children, regardless of race, colour, sex, religion or nationality, to be protected from sexual abuse, to receive special help if they are abused, to have their opinions heard about matters that affect them, to receive and share information, and to be treated with dignity if disciplined.</th>
</tr>
</thead>
</table>
| Law | Relevant legislation includes:  
- *Children’s Protection Act 1993* (SA) defines child abuse, mandates staff in education and care environments to report child abuse and neglect and requires all organisations providing education, child care or residential services wholly or partly for children to comply with principles of child safe environments.  
- *Equal Opportunity Act 1984* (SA) defines sexual harassment and provides a complaint process through the Equal Opportunity Commission of South Australia.  
- *Sex Discrimination Act 1984* (Cth) defines sexual harassment and provides a complaint process through the Australian Human Rights Commission.  
- *Teacher Registration and Standards Act 2004* (SA) establishes and maintains a teacher registration system and professional standards for teachers such that the profession is represented by individuals who are competent and fit and proper persons to have the care of children. |
| Information Sharing Guidelines | South Australia’s operational framework for the sharing of information across government and relevant non-government organisations in promoting the safety and wellbeing of children, young people and their families. |
| Child Protection Curriculum | The sector/site-approved teaching program for learners from early to senior years that addresses, age appropriately, the central ideas of respectful relationships, the right to be safe, protective strategies and recognising and reporting abuse. |
| Responding to problem sexual behaviour in children and young people | Guidelines for staff in education and care settings to assist them in responding effectively to incidents of problem sexual behaviour involving children and young people. |
| National Safe Schools Framework | National principles for the promotion of student wellbeing through safe, supportive and respectful teaching and learning communities. |
| National Quality Agenda | National Agenda to be adopted by the states in cooperative model legislation from 1 January 2012 and which describes and regulates the quality of early childhood education and care and school age care through the National Quality Framework which includes the National Quality Standard and rating system. |
Duty of care

In the education and care context, Duty of Care is a common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk of injury. The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the standard of care owed by education and care providers to children and young people is very high. In their relationships with children and young people, staff are required to ensure that the physical and emotional welfare of children and young people is safeguarded, and that their own behaviour is guided by this duty of care both within and beyond the education and care setting.

Professional boundaries

Education and care professions rely on the fostering of positive relationships between adults and children and young people. Learning and care settings are places where all staff can have significant influence in the lives of children and young people because the relationship involves regular contact over relatively long periods of time. These features of education and care professions make it extremely important that staff understand how to foster positive relationships in ways that do not compromise children and young people’s welfare.

The professional boundaries outlined in these guidelines apply beyond specific education or care sites and beyond specific cohorts of children and young people. For example, where staff are participating or have participated in interschool sport events or combined school trips or camps, they are expected to respect professional boundaries with all the children and young people involved in those activities.

The following examples will assist staff in establishing and maintaining expected boundaries. This list is not exhaustive.

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Example of violation</th>
</tr>
</thead>
</table>
| Communication    | • Inappropriate comments about a child/young person’s appearance, including excessive flattering comments  
|                  | • Inappropriate conversation or enquiries of a sexual nature (eg questions about a child or young person’s sexuality or his/her sexual relationship with others)  
|                  | • Disrespectful or discriminatory treatment of, or manner towards, young people based on their perceived or actual sexual orientation  
|                  | • Use of inappropriate pet names  
|                  | • Vilification or humiliation  
|                  | • Jokes or innuendo of a sexual nature  
|                  | • Obscene gestures and language  
|                  | • Facilitating/permitting access to pornographic material  
|                  | • Facilitating/permitting access to sexually explicit material that is not part of endorsed curriculum  
|                  | • Failing to intervene in sexual harassment of children and young people  
|                  | • Correspondence of a personal nature via any medium (eg phone, text message, letters, email, internet postings) that is unrelated to the staff member’s role. This does not include class cards/bereavement cards etc  
<p>| Personal disclosure | • Discussing personal lifestyle details of self, other staff or children and young people unless directly relevant to the learning topic and with the individual’s consent |</p>
<table>
<thead>
<tr>
<th>Boundary</th>
<th>Example of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical contact</td>
<td>• Unwarranted or unwanted touching of a child or young person personally or with objects (e.g., pencil or ruler)</td>
</tr>
<tr>
<td></td>
<td>• Corporal punishment (physical discipline, smacking, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Initiating, permitting or requesting inappropriate or unnecessary physical contact with a child or young person (e.g., massage, kisses, tickling games) or facilitating situations which unnecessarily result in close physical contact with a child or young person</td>
</tr>
<tr>
<td></td>
<td>• Inappropriate use of physical restraint (see p 18)</td>
</tr>
<tr>
<td>Place</td>
<td>• <em>Inviting/allowing/encouraging children and young people to attend the staff member’s home (see p 11 country/local community considerations)</em></td>
</tr>
<tr>
<td></td>
<td>• Allowing children and young people access to a staff member’s personal internet locations (e.g., social networking sites)</td>
</tr>
<tr>
<td></td>
<td>• <em>Attending children and young people’s homes or their social gatherings</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Being alone with a child or young person outside of a staff member’s responsibilities</em></td>
</tr>
<tr>
<td></td>
<td>• Entering change rooms or toilets occupied by children or young people when supervision is not required or appropriate</td>
</tr>
<tr>
<td></td>
<td>• <em>Transporting a child or young person unaccompanied</em></td>
</tr>
<tr>
<td></td>
<td>• Using toilet facilities allocated to children and young people</td>
</tr>
<tr>
<td></td>
<td>• Undressing using facilities set aside for children and young people, or in their presence (<em>without the site leader’s authority</em>)</td>
</tr>
<tr>
<td>Targeting individual</td>
<td>• Tutoring (outside education sector’s directions or knowledge)</td>
</tr>
<tr>
<td>children and young</td>
<td>• Giving personal gifts or special favours</td>
</tr>
<tr>
<td>people</td>
<td>• Singling the same children and young people out for special duties or responsibilities</td>
</tr>
<tr>
<td></td>
<td>• Offering overnight/weekend/holiday care of children and young people as respite to parents (unless a family day care educator, or employed by a respite organisation and with the site leader’s knowledge)</td>
</tr>
<tr>
<td>Role</td>
<td>• Adopting an ongoing welfare role that is beyond the scope of their position or that is the responsibility of another staff member (e.g., a counsellor) or an external professional, and that occurs without the permission of senior staff</td>
</tr>
<tr>
<td></td>
<td>• Photographing, audio recording or filming children or young people via any medium when not authorised by the site leader to do so and without required parental consent</td>
</tr>
<tr>
<td></td>
<td>• Using personal rather than school equipment for approved activities, unless authorised by the site leader to do so</td>
</tr>
<tr>
<td>Possessions</td>
<td>• Correspondence or communication (via any medium) to or from children and young people where a violation of professional boundaries is indicated and where the correspondence has not been provided to the site leader by the staff member</td>
</tr>
<tr>
<td></td>
<td>• Still/moving images or audio recordings of children and young people on personal equipment or kept in personal locations such as car or home that have not been authorised by the site leader</td>
</tr>
<tr>
<td></td>
<td>• Uploading or publishing still/moving images or audio recordings of children and young people to any location, without parental and site leader’s consent</td>
</tr>
<tr>
<td></td>
<td>• Formal directions or other disciplinary action from their employer or registering/regulating authority.</td>
</tr>
</tbody>
</table>

Any concern a staff member has about whether a situation may compromise or breach a professional relationship should be discussed with the site leader and an approved plan of action developed and followed.
Legislation

Staff conduct representing a breach of legislation includes:

- child abuse and neglect, defined in the Children’s Protection Act 1993 (SA)
- illegal behaviours defined in the Criminal Law Consolidation Act 1935 (SA)*

Sexual relationships between legally consenting adults where a staff–student relationship once existed

Staff should be aware that where a relationship develops with an ex-student, their employer is entitled to consider whether their actions suggest an abuse of their position as a staff member. Where there is a reasonable belief that the emotional intimacy of the relationship developed while the staff–student relationship existed, a judgment that abuse of their position has occurred is likely. What are significant in staff–student relationships are the differences in authority and power held by the staff member and levels of trust held by the student. These differences do not suddenly disappear at a specific point in time. They linger as an imbalance between the two individuals and as a potential impediment to their capacity to make decisions in their own and others’ best interests.

Consequently, staff can not assume they will be protected from disciplinary action taken by their employer or registering/regulating authority because a relationship is claimed to have begun after the school term concluded or after exams finished.

The length of time between the conclusion of the staff–student relationship and the beginning of an intimate relationship is only one of a number of critical factors employers or registering/regulating authorities will take into consideration when judging the appropriateness of a staff member’s conduct. Other significant factors include:

- the age difference between the staff member and the ex-student
- the developmental capacity of the ex-student
- the vulnerability of the ex-student
- evidence of the nature of the relationship while the staff–student relationship existed
- other concerns or allegations regarding the staff member’s conduct.

The following questions may assist staff in recognising when professional and/or legal boundaries are at risk of being breached:

- Am I dealing in a different manner with a particular child or young person than with others under the same circumstances?
- Is my dress/availability/language/demeanor different from the normal with a particular child or young person?
- Would I modify my behaviour with a child or young person if a colleague were present?
- Would I judge my conduct negatively if I observed it in another adult?
- Is it possible that the consequences of my actions will have negative outcomes for children and young people?
- Is it possible that the consequences of my actions will negatively affect people’s confidence in my suitability to work with children and young people?

If an honest answer to any of the above questions is ‘yes’ then a staff member must alter his/her behaviour immediately and consider seeking professional support or counsel.

* Staff should be aware that unlawful sexual intercourse where an individual holds a position of authority over the other involves a higher age of consent (18 years) than where no authority relationship exists (17 years).
Guidance for staff in managing professional boundaries

Working in country/local communities

Staff working in country or local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents of the children and young people with whom they work and are, therefore, more likely to share social and sporting events or membership at various community clubs or associations.

This means they will have legitimate reasons, on occasions, to attend social events with the children and young people with whom they work, to visit their homes or to be visited by them in the company of their parents. These social engagements are an important part of community life and a positive contribution to the wellbeing of staff working in country and local communities. Following the advice below will assist staff to enjoy these social engagements without compromising their professional responsibilities.

The guiding principles in managing these situations are that:

- social contact should be generated via the relationship the staff member has with the parents of children and young people or by an event (such as a sporting event)
- staff should avoid being alone with children and young people in these situations
- staff should conduct themselves in a way that will not give others reason to question their suitability to work with children and young people and that will not create discomfort for children and young people in their learning relationship with them. Consuming alcohol in these situations may lessen a staff member’s capacity to judge when a professional boundary is at risk
- staff should politely refuse to discuss matters relating to the workplace and should not discuss children and young people’s learning or social progress other than at times specifically set aside for that purpose
- any concern a staff member has about whether or not a situation may be compromising or breaching a professional relationship should be discussed with the site leader and an approved plan of action followed. For example, a staff member may want advice about transporting a friend’s child to and from the site or how to manage his/her own child’s enrolment at the site.

Using social networking sites

Staff in education and care settings are expected to model responsible and respectful conduct to the children and young people with whom they work. Staff need to consider the electronic social environments they utilise as part of this community and employer expectation.

The internet does not provide the privacy or control assumed by many users. Staff must appreciate that no matter what protections they place around access to their personal sites their digital postings are still at risk of reaching an unintended audience and being used in ways that could complicate or threaten their employment. Staff should be aware of the following expectations in considering their use of social networking sites:

- they have considered the information and images of them available on their sites and are confident that these represent them in a light acceptable to their role in working with children and young people
- they do not have children or young people in their education community as ‘friends’ on their personal/private sites
- comments on their site about their workplace, work colleagues or children or young people, if published, would not cause hurt or embarrassment to others, risk claims of libel, or harm the reputation of the workplace, their colleagues or children and young people.

Working one-to-one with children and young people

The following summary of expectations applies to all situations where staff (teachers, support staff, professional service providers, counsellors, pastoral care providers, mentors, volunteers etc) are providing one-to-one learning assistance or feedback, behaviour assistance/monitoring, counsel, testing or assessment.

Make it public

- The more visible, public and busy the location the better
- Use the site’s authorised IT systems.
- Do not use personal email or websites to communicate with children and young people

Make it authorised

- Parents should be informed/give consent
- Activity must be authorised by the site leader

Make it timely

- As far as possible, provide support during normal work hours, and do not conduct excessively long sessions
Managing privacy expectations

Counsellors, pastoral care coordinators, health providers and various professional service providers rely in different ways on being able to provide a degree of privacy for children and young people. This may be to protect the child or young person’s dignity, to provide an environment conducive to the service/assessment being provided or to respect the child or young person’s desire for confidentiality. Children and young people will often assume a high level of confidentiality when disclosing serious issues of a personal nature or reporting harassment or bullying. For these reasons, schools need to find a careful balance between, on the one hand, respecting the sensitive and private nature of counselling or service provision and, on the other hand, the professional’s duty of care obligations for the safety and wellbeing of the child or young person. Good practice in managing these circumstances is the following:

- health/physical care should be provided with respect for the child or young person’s dignity and in a manner approved by the child or young person and his/her parents
- counselling should be provided in unlocked rooms with part-glass doors (where possible) that are located near staff traffic areas
- avoid out of hours contact
- while parental consent is often not applicable in many counselling situations, best practice for schools is to provide all parents with written information about the school’s counselling and pastoral care services which outlines confidentiality and privacy issues
- ensure student appointments and counselling notes are documented appropriately.

Conducting home visits

Staff must ensure they follow the specific home visiting protocols that apply to their sector or service. The key principle is that a home visit should place no one at unreasonable risk and that identified minor risks are consciously managed. A summary of general expectations is provided below.

Inform
- Home visits must be authorised and documented by the site leadership and the site must have information about when and where visits are being undertaken and the expected return times

Prepare
- All available information about the safety of the proposed visit must be considered and risks managed
- Mobile phones must be taken, ID should be visible
- Inform parents of intended visit, where appropriate

Protect
- Do not enter the house if parents are not at home
- Speak with the student where the parent is present or clearly visible: do not interview students in their bedrooms
- Have a colleague accompany if problems are anticipated
- Document the visit
Family day care

The provision of family day care is unique. Unlike other education and care environments, the family day care educator does not have access to professional support or supervision on site. Given the relative isolation of family day care educators from immediate access to staff support, these guidelines play an important role in assisting them to recognise and avoid the circumstances that might place them, members of their own family or the children and young people they care for, at risk. The guidelines, therefore, contribute to family day care being a positive and productive experience for all involved—children, young people, parents and educators.

As outlined on p 6, family day care educators should interpret references to ‘site leader’ to be those circumstances where they would consult with or, under conditions of approval, report to and take direction from the family day care coordinator. The use of the term ‘staff’ is to be seen as inclusive of family day care educators.

Some guidance in this document, such as avoiding being alone with children and young people or restrictions when working one-to-one with them, is inapplicable in the family day care setting. However, the rest of the guidance is applicable, most notably the advice covering appropriate physical contact, responding to inappropriate behaviour in children and in adults, using social network sites, non-physical interventions and the examples of professional boundary violations.

Staff in education and care settings are responsible for taking action if they become aware that other adults are acting inappropriately with children and young people. The family day care educator carries this same responsibility with regard to the conduct of other adults sharing or visiting the home environment while children and young people are in their care.

Boarding houses

Staff working in boarding houses face particular challenges in providing a ‘home-like’ environment for children and young people in ways that do not compromise their professional boundaries or the welfare of children and young people.

Boarding houses should be relatively informal environments and ones where children and young people can receive respectful guidance and support from the adults in whose care they are placed. While this clearly involves the development of caring, and sometimes close, friendships it does not remove the staff member’s responsibility to work within all the professional boundaries outlined in these guidelines and to follow its best practice advice.

The guidance on managing privacy, working one-to-one, appropriate physical contact, responding to inappropriate sexual behaviour (in children or in adults), using social network sites, non-physical interventions and the examples of professional boundary violations are all particularly pertinent to boarding house staff.

Following these guidelines will support the important role boarding house staff play in the wellbeing of children and young people and enhance the respectful relationships that should exist between children and young people and adults sharing a ‘home away from home’.
Staff responsibilities in responding to behaviour

Behaviour of staff towards children and young people

Suspected child abuse

Staff in education and care settings are mandated notifiers and are, therefore, required under the Children’s Protection Act 1993 to report suspected child abuse to the Child Abuse Report Line (CARL) on 131478. A report of suspected abuse must be made to CARL irrespective of who is implicated: a colleague, friend, senior staff member, volunteer, parent, visitor or other child or young person. The report must be made in consultation with the site leader who signs the site’s mandatory notification record and stores it securely. Working with the site leader ensures that appropriate procedures can be followed within the site and sector office. Such procedures are designed to ensure that children and young people’s wellbeing is safeguarded and that staff members’ rights are respected.

If the site leader is the subject of the suspicion, observation or allegation, staff must report to the site leader’s line manager, employer or appropriate central office personnel.

The complexities of these situations are acknowledged. Nevertheless, staff must manage their sensitivities or discomforts because their duty of care to the child or young person remains their paramount legal, professional and moral responsibility.

Inappropriate behaviour

Staff may also observe behaviours in other adults that they view to be inappropriate rather than abusive or that sit on the border of violating a professional boundary. Staff must ensure, through their site leader, that the adult concerned is made aware of the potential of his/her actions to impact negatively on children and young people, and on themselves. Professional advice of this kind may be particularly valuable to young or newly appointed staff. The site leader should document what is discussed.

All staff must take action if children and young people disclose information about inappropriate behaviours of other adults on the site. It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the education or care community, the site leader must be informed as a matter of urgency and a report made to the Child Abuse Report Line, if appropriate.

Behaviour of children and young people towards staff

Should a child or young person engage in inappropriate behaviour of a sexual nature, then immediate respectful steps must be taken to discourage the child or young person. The matter should be reported and documented promptly with the site leader and a plan of action developed to support the child or young person and relevant staff member. Depending on the age/developmental capacity of the child or young person and contextual information, this plan of support may involve:

• communication with parents
• referral to and liaison with specialist counselling
• formalised support within the site, which may include closer monitoring or supervision of the child or young person in his/her interactions with other children and young people
• referral to and liaison with an appropriate agency with disability-specific expertise.

Sometimes, the inappropriate sexual behaviour of younger children towards staff can elicit a suspicion that the child in question has been sexually abused. In these situations, staff must:

• make a mandatory notification to the Child Abuse Report Line on 131 478
• consider the safety of other children and young people with whom the child has contact
• develop and document a plan of action and communication with all relevant parties (including other agencies).

Some children and young people may actively seek a relationship with a staff member that would constitute an inappropriate relationship. In such circumstances, staff are advised to immediately report the information to the site leader and seek assistance from a senior staff member, school counsellor or pastoral care coordinator to actively manage the situation in a way that respects the emotional wellbeing of the child or young person and provides support to the staff member.
Examples of behaviours that should be reported and addressed are:

- receiving gifts of an inappropriate nature or at inappropriate times (e.g., not as part of end-of-the-year gift giving that some children and families follow)
- flirtatious gestures and comments
- inappropriate social invitations
- inappropriate touching or invasions of personal space
- inappropriate postings using any medium
- correspondence or communication that suggests or invites an inappropriate relationship.

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

Sexual harassment—via any medium* at any time or place—or assault of a staff member by a child or young person should be dealt with following normal behaviour management protocols, with the involvement of parents and, where appropriate, police. Along with this response, consideration must also be given to the most appropriate counselling and support that can be provided to the child or young person and family. It is important to use these incidents as opportunities to organise meaningful interventions that address early sexual and other offending behaviours.

Detailed guidance on managing problem sexual behaviours in children and young people is available in the document *Responding to problem sexual behaviour in children and young people—Guidelines for staff in education and care settings* (DECS 2010). Resources associated with the guidelines are available on the Department of Education and Children’s Services and Catholic Education websites.

* Includes postings on websites, whether ‘private’ or not.
Appropriate physical contact

by a staff member to assist or encourage a child or young person

At times, staff will be required to give practical assistance to a child or young person who is hurt or needs particular assistance or encouragement. Examples of appropriate physical contact are:

- administration of first aid
- supporting children and young people who have hurt themselves
- assisting with the toileting and personal care needs of a disabled child or young person (an individual plan for children and young people with these needs must have been negotiated with parents)
- non-intrusive gestures to comfort a child or young person who is experiencing grief and loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touch (eg congratulating a child or young person by shaking hands or a pat on the upper arm or back). Staff should remember the importance of accompanying such touch with positive and encouraging words.

Good practice with school-age children and young people

- Seek children and young people's permission to touch (keeping in mind that a highly distressed child or young person may be incapable of expressing their wishes).
- Avoid being with a child or young person in a one-to-one, out of sight situation, and never touch a child or young person in such a situation.
- Do not presume that physical contact is acceptable to a particular child or young person. Even non-intrusive touch may be inappropriate if a child or young person indicates he/she does not wish to be touched.
- Respect and respond to signs that a child or young person is uncomfortable with touch.

- Use verbal directions rather than touch (eg ask a child or young person to move in a particular way, rather than physically place the child or young person in the required position).
- Use the above approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons (eg with aquatic or gymnastic instruction), always tell the child or young person that you need to hold him/her in a particular way and seek his/her permission to do so.
- In some circumstances, staff may need to discourage younger children from inappropriate expectations of hugs or cuddles. This should be done gently and without embarrassment or offence to the child.

Good practice with children, birth to school age

Staff working in preschools and care settings are often involved in toileting children, changing their clothes and comforting them for a range of distresses normal in the preschool age group. In providing such care, staff should be aware of the following good practice:

- When children indicate they want comfort, ensure that it is provided in a public setting and that it is in keeping with the guidelines provided above.
- Signs of discomfort in children such as stiffening, pulling away or walking away must be respected. In these situations the child must continue to be observed/monitored until his/her distress is managed.
- Children must not be left in states of high distress for long periods. Parents need to be contacted under these circumstances.
- Staff should follow the site’s toileting and nappy changing policy and individual toileting plans where these have been documented with parents.
- In “two staff” centres, it is important that formalised plans for responding to critical toileting situations and other challenging behaviours are understood by staff and parents.
Non-physical intervention in managing behaviour

Non-physical intervention is the recognised means of managing the behaviour of children and young people. Where a problem with a child or young person’s behaviour becomes apparent, non-physical interventions include:

- directing other children and young people to move away from the situation
- talking with the individual child or young person (asking the child or young person to stop the behaviour, and telling the child or young person what will happen if he/she does not stop)
- directing the child or young person to a safe place
- directing other children and young people to a safe place
- following the emergency plan in ‘two staff’ centres
- sending for assistance from other staff, or in extreme cases, the police.

Use of verbal directions is always preferred to physical intervention. It is not appropriate to make physical contact with a child or young person (eg pushing, grabbing, poking, pulling, blocking) in order to ensure they comply with directions. Staff working with preschool-age children must not hold children against their will (eg on their laps, between their legs or on the floor) to ensure attention at group time. Under no circumstances should staff engage in any form of conduct which might cause physical or emotional harm to children and young people.

**Physical restraint where a child or young person’s or adult’s safety is threatened**

Staff may make legitimate use of physical restraint if all non-physical interventions have been exhausted or are impossible in the circumstances and a child or young person is:

- attacking another child or young person or adult
- posing an immediate danger to him/herself or others.

Staff are to use physical restraint only as a last resort and not as a response to:

- property destruction
- disruption to the education or care activity
- refusal to comply
- verbal threats
- leaving a classroom or the school
- a need to maintain good order

unless someone’s safety is clearly threatened.

Use of appropriate physical force may be permitted to ensure that the employer’s duty of care to protect children and young people and staff from foreseeable risks of injury is met. Common law defences such as self-defence and defence of others remain legitimate reasons for the use of physical restraint. All people have the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

It may be a valid decision for staff not to use physical restraint in a situation involving several children and young people, or a physically larger child or young person, where staff believe that doing so would increase the likelihood of injury to themselves. In such cases, the staff member should shepherd other children and young people away from danger and seek immediate help from other staff or police.

Staff are not expected to place their own safety at risk in responding to violence or aggression in others and are supported by Workplace Health and Safety legislation in making this judgment.

**Safe practice when using physical restraint**

The use of restraint with a child or young person in situations where the safety of others is threatened is to prevent injury. The restraint must be reasonable in the particular circumstances and must be in proportion to the circumstances of the incident. It must always be the minimum force needed to achieve the desired result, and take into account the age, stature, disability, understanding and gender of the child or young person. For example, if restraining a female, care should be taken to avoid contact with breasts.

Parents should be informed at enrolment of the site’s policy on physical restraint with children and young people and staff who may be expected to use physical restraint should access appropriate training.
Do

- Continue talking with the child or young person throughout the incident. Make clear that physical restraint will stop when it ceases to be necessary to protect the child or young person or others.
- Grip clothing rather than the body, whenever possible.
- Document incidents promptly and keep these records with the site leader.
- The record should include:
  - the name of involved children and young people
  - location of incident
  - name of witnesses (staff and/or children and young people)
  - incident outline (including the child or young person’s behaviour, what was said, steps taken, degree of force applied and how applied, reasoning for actions taken)
  - child or young person’s response and the outcome
  - details of any injury or damage to property.
- Inform parents promptly and fully of any incident involving the physical restraint of their child and provide them with the opportunity to discuss the matter at the time they are informed.
- Ensure sector specific guidelines regarding other forms of documentation are followed, for example critical incident forms.
- Provide/offer confidential debriefing, counselling support and Workplace Health and Safety documentation to all staff involved in incidents of restraint.

Don’t

- Don’t use restraint that involves:
  - force applied to the head or neck
  - restrictions to breathing
  - punching
  - kicking
  - holding by the hair or ear
  - confining a child or young person in a locked room or limited space
  - placing children under school age in ‘time out’ or ‘time away’.

Working with children and young people with additional needs or disabilities

All sections of this document require careful interpretation when applied to children and young people with additional needs or disabilities. For example, children and young people with intellectual disabilities may engage in a much wider range of physical and overtly sexual behaviours towards staff and other children and young people as a result of their disability. Similarly, staff will need to engage more often in physical contact and touch with these children and young people as a means of meeting their duty of care to them. In fact, touch itself may be an agreed form of communication between a child or young person, his/her parent and staff where the child or young person has a communication disability. Children and young people with disorders causing violent and unpredictable behaviours are likely to have formalised restraint procedures agreed to by staff and parents/carers. Toileting assistance or processes for changing clothes will be necessities for some children and young people.

Because of these differences, staff need to be more vigilant and thoughtful in their physical interactions with children and young people with additional needs or disabilities. Children and young people with disabilities are over-represented in the child protection system. Their vulnerabilities mean they have an increased reliance on the adults providing their care to protect them from harm. Immediately reporting any inappropriate behaviour towards children and young people from other adults is a critical obligation of staff and one that must not be delayed, minimised or delegated (see ‘Staff responsibilities in responding to behaviour’).

Education and care staff support children and young people with disabilities or special needs through various forms of individual plans. The common features of these plans are that they involve all people who deal with the child or young person on a regular basis, including other service providers, and they document the agreed strategies that are to be used in supporting the child or young person. These plans are particularly important when challenging behaviours, personal care and hygiene and special physical considerations are an issue at the site (e.g. toileting, transport within and beyond the site environment, situations where physical restraint is occasionally required). The possibility of restraint and the nature of that restraint for children and young people should be addressed in the individual plan as should alternative strategies for preventing harm to others. The plan process should involve the child or young person as far as possible.

Staff likely to need to use physical restraint should access training specific to that requirement.

It is appropriate that different approaches are likely to be needed from staff in their interactions with children and young people with special needs or disabilities. For this reason, site behaviour codes or behaviour management policies need regular reviewing to ensure they reflect the needs of the children and young people accessing the site at any one time. Nevertheless, the basic principles outlined elsewhere in this document remain applicable to all children and young people. Staff have a duty of care to protect children and young people from physical and emotional harm and, while the ways of meeting the duty may differ for different groups, the duty itself remains unqualified.

Staff are expected to meet this duty in a manner that respects the dignity of all children and young people as well as their vulnerabilities.
Cultural considerations

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. Staff have a responsibility to become as familiar as possible with the values of the various cultural groups enrolled in an education or care site. Many culturally-based community organisations are very keen to address staff about the values of their culture so as to establish optimum understanding and respect between parents, their children and staff at the site. It is critical that staff appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone, and particularly for children and young people.

Many children and young people attending education and care sites are recently arrived in Australia. Some have backgrounds of severe trauma, ranging from the observation of extreme physical violence and abuse to being victims of such violence and abuse themselves. The needs of these children and young people and their families are acute and the issue of establishing what will be received as appropriate, helpful touch is, therefore, all the more essential. Staff need to employ considerable diplomacy, care and effort in their interactions with the children and young people and families that are known or suspected to have escaped traumatic circumstances.
Protective practices for staff in their interactions with children and young people provides clear advice to adults for the establishment of positive, caring and respectful relationships with children and young people in education and care settings. The main intent of this document is to safeguard the emotional and physical wellbeing of children and young people by promoting in adults an enhanced understanding of appropriate relationship boundaries.
Protective practices

Behaviour guidelines for staff and volunteers working with children and young people

Information for parents and caregivers

Keeping schools and children’s services safe environments for all

The Protective practices describe safe and respectful behaviour boundaries for staff and volunteers in their relationships with children and young people.

As a parent you are encouraged to be aware of the Protective practices and to support the staff and volunteers of your child’s school or service in ensuring they are followed.

Why is it important for me to know about the Protective practices?

Everyone in an education or children’s services community should be made aware of the standards of behaviour that are needed to maintain a safe and respectful environment. Children are taught to recognise unsafe behaviour as part of the child protection curriculum and to talk with adults about their concerns. Staff members and volunteers receive training on the Protective practices and are required to report inappropriate adult behaviour to their principal or director. If you decide to volunteer in the future you will be expected to follow these practices.

As a parent you can help to support these expectations by taking action if you see or hear about adult behaviours that you think are not in keeping with the Protective practices. You may be the only adult to observe or hear about inappropriate behaviour so you have an important role in alerting the principal or director as soon as possible, as outlined below.

What should I do if I have concerns about an adult’s behaviour?

Talk to the principal or director of the school or children’s service. Raising your concern will allow the principal or director to explore the matter properly and ensure the right response is made. If you feel uncomfortable to have this conversation on your own, ask a trusted friend or member of staff to accompany you. It is very important that the principal or director hears the concern directly so it can be acted on quickly.

What if I’m unhappy with the way the school or service has dealt with my concern?

Contact the following:

Access the full guidelines from your school or children’s service or from the DECD website: www.decd.sa.gov.au

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What are Protective practices?

Protective practices are standards of behaviour that staff and volunteers are expected to meet in their interactions with children and young people. They represent a code of conduct that helps make schools and children's services safe places for everyone involved.

Why are they needed?

Behaviour boundaries are important for everyone. In schools and children's services adults are expected to behave in ways that are always protective of children and young people. The Protective practices help remove any confusion about which adult behaviours are protective and which are considered inappropriate.

What do they cover?

They cover appropriate physical contact and acceptable ways of communicating and interacting with children and young people. A summary follows of behaviours that are considered inappropriate.

Who do they apply to?

They apply to all adults working or volunteering in Government, Catholic, or Independent education or children's settings.

How are staff and volunteers informed about the Protective practices requirements?

All adults working or volunteering in education and children's services receive compulsory child protection training or induction which includes the Protective practices requirements.

Do the Protective practices ban adults from touching children and young people?

No they do not ban touching. They describe respectful and safe ways for adults to use touch when it is appropriate to provide care, encouragement, congratulations or protection to a child or young person.

When were they developed?

They were first developed in 2005. The Government, Catholic and Independent education sectors update them when new issues emerge such as the impact of social network sites. They were first developed in 2005. The Government, Catholic, Independent and Children's Services sectors update them when new issues emerge such as the impact of social network sites. They apply to all adults working or volunteering in education and children's services settings.

Communication

- Inappropriate comments about a child or young person's appearance, including excessive flattering comments
- Inappropriate conversation or enquiries of a sexual nature (eg questions about a child or young person's sexuality or his/her sexual relationship with others)
- Disrespectful or discriminatory treatment of, or in a manner towards, young people based on their perceived or actual sexual orientation
- Use of inappropriate pet names
-vilification or humiliation

Physical contact

- Unwarranted or unwanted touching of a child or young person personally or with objects (eg pencil or ruler)
- Corporal punishment (physical discipline, smacking etc). Initiating, permitting or requesting inappropriate or unnecessary physical contact with a child or young person (eg massage, kisses, tickling games) or facilitating situations which unreasonably result in close physical contact with a child or young person
- Inappropriate use of physical restraint

Place

- Inviting allowing encouraging children and young people to attend the staff member's home
- Allowing children and young people access to a staff member's personal internet locations (eg social networking sites)
- Attending children and young people's homes or their social gatherings
- "Bailing along with a child or young person outside of or inside a staff member's responsibilities

Targeting individual children and young people

- Tutoring (outside education sector's directions or knowledge
- Giving personal gifts or special favours
- Singling the same children and young people out for special duties or responsibilities

Role

- Adopting an ongoing welfare role that is beyond the scope of their position or that is the responsibility of another staff member (eg a counsellor) or an external professional, and that occurs without the permission of senior staff

Possessions

- Correspondence or communication (via any medium) to or from children and young people where a violation of professional boundaries is indicated and where the correspondence has not been provided to the site leader by the staff member
- Storing images or audio recordings of children and young people on personal equipment or kept in personal locations such as car or home that have not been authorised by the site leader

Boundaries of conduct that help make schools and children's services safe places for everyone involved.
Managing allegations of sexual misconduct in SA education and care settings
Acknowledgments

This document is very closely adapted from Chapter 15 of the Royal Commission 2012–2013 Report of Independent Education Inquiry. The adaptations give effect to recommendation 39 of the Report that the guideline be applicable to government, Catholic and independent education sectors. Grateful acknowledgment is made of the advice provided by the Hon Bruce Debelle AO QC in his drafting of Chapter 15, specifically his setting out of the application of various laws to the considerations to be made by education and care sites when responding to allegations of sexual misconduct by adults against children or young people.
FOREWORD

The South Australian government and non-government education sectors have jointly developed all policies of a child protection nature since an agreement established in 2004. The policies and practices developed under that agreement help ensure that staff, children and parents can expect the same standards of child protection practice no matter which sector they access. This document joins that collection of guidelines and affirms that learning about child safety in education and care settings will continue to be shared across the government and non-government sectors.

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An important feature of these incidents is that they involve the concerted and coordinated efforts of a number of professionals from different agencies. For this reason, it is unlikely that a site leader will undertake responses to an incident of this kind in isolation from other professionals. Site leaders can expect a high level of support and advice from their relevant sector office.

Education and care settings are meant to be safe environments for everyone who attends them. A range of processes and systems are utilised by the education sectors to prevent unsuitable individuals from working or volunteering in those settings. As leaders of the education sectors, we strongly support the ongoing development of legislative schemes to enable the most thorough assessments of an individual’s suitability to work or volunteer with children and young people.

However, the best screening schemes are unlikely to remove all possibility of an adult exploiting his or her role in order to offend against children or young people. Education and care communities can help in limiting this risk by recognising and reporting all inappropriate adult behaviour towards children and young people. The introduction that follows strongly reinforces this responsibility and outlines the place of this guideline alongside other child protection responsibilities.

Finally, allegations against adults of sexual misconduct towards children and young people are complex matters. This guideline cannot be assumed to provide the appropriate directions for every case. It does not cover the full range of circumstances that an education or care site will encounter when assessing whether an individual is suitable to work or volunteer with children and young people. Therefore, in any situation of this kind, it may be necessary to seek legal advice. Nevertheless, it is hoped that this guideline will provide general assistance by removing confusion about the matters to be considered and actions that may need to be taken at different stages when allegations of sexual misconduct are made. In doing so, it is hoped that the guidance will help reduce any additional trauma for the affected children, young people, families and staff.

Tony Harrison
Chief Executive, Department for Education and Child Development

Paul Sharkey
Director, Catholic Education SA

Carolyn Grantskalns
Chief Executive, Association of Independent Schools of South Australia
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Managing allegations of sexual misconduct in SA education and care settings
SECTION 1: Introduction

1.1 A note for site leaders

Managing an allegation of adult sexual misconduct is a highly complex task for a site leader to face. This guideline document is designed to provide site leaders, their parent community and their respective sector offices with improved clarity about the actions to be taken and matters that require considerations at each stage. It is important to remember that the obligation to report and respond to allegations of sexual misconduct applies irrespective of whether the accused person is still working, volunteering or undertaking a role in connection to an individual site. The person may have moved, resigned, taken leave, or may be deceased. The obligation to report and respond remains.

In managing situations of this kind, site leaders can assume that sector office decisions impacting their school or care community will be made consultatively and that their local knowledge and professional judgment will contribute to those decisions. They can also assume that they will be kept informed of new information as it becomes available and of relevant actions undertaken by others. No two cases will be identical so matters such as whether and when to send a letter to parent communities, who signs letters, the content of letters or the facilitation of a parent meeting may differ in every circumstance and will always require consultation. Site leaders of independent schools should expect the same kind of collaboration with those from whom they seek support.

The information in Section 3 and the checklists provided as Appendices 1 and 2 give site leaders the scope and general sequence of actions they and their sector office will need to undertake. At the time parents of a victim are informed that a matter of this kind is being managed, they should also be informed that this guideline will be followed. If and when other parents are informed of the matter, they should also be advised that the guideline is being followed.

1.1.1 Associated responsibilities

This guideline is closely linked with two other intersectoral child protection policies summarised below. The role of these two policy documents in helping prevent inappropriate adult conduct and in contributing to safe environments cannot be over-emphasised. Both documents are incorporated in the mandatory staff training used by the three sectors. However, it is assumed that site leaders routinely refer to these documents as part of their site-based professional development programs. Copies of both documents should be held in all education and care sites and can be downloaded from each sector’s website.

Protective practices for staff in their interactions with children and young people

The Protective Practices document (2011 DECS) outlines the professional boundaries within which all staff members are expected to operate in their relationships with children and young people. Meeting the requirements outlined in Protective Practices is critical to helping prevent the circumstances of adult sexual misconduct. The Protective Practices policy requires all staff to act if they observe or are told about adult behaviour that represents a breach of a professional boundary. This point cannot be overstated: ‘It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the education or care community, the site leader must be informed as a matter of urgency …’ (p 14).

Immediate actions in response to inappropriate behaviour may enable more serious underlying behaviour to be identified, and may prevent sexual misconduct. The more vigilant and transparent an education or care community is in complying with the Protective Practices document the more likely it will be that sexual misconduct can be prevented — through early identification, intervention, and deterrence.

Responding to problem sexual behaviour involving children and young people

This guideline (2013 DECD) is to be followed in all circumstances where a child or young person is alleged to have engaged in problem sexual behaviour. The responsibilities staff members have in these circumstances are significantly different from those involving allegations of sexual misconduct by adults. They reflect the different rights and needs of children and young people and the different legislation within which staff must operate. The guideline applies to and is available in all sectors.

1.1.2 Differences between the sectors

One significant difference between the three sectors’ implementation of this guideline is in the seeking of legal advice. In the government and Catholic sectors, seeking legal advice will occur through the respective sector office. An independent school can seek legal advice on its own behalf. Generally, the different responsibility that is carried by the site leader and governing authority of an independent school is identified, wherever appropriate, throughout the guideline and in the definition of ‘sector office’ in Section 1.3.
1.2 Purpose

This guideline document:

- Informs leaders in education and care settings of the procedures for managing and reporting allegations of sexual misconduct at an education or care site.
- Ensures that parents are informed of the appropriate time of allegations of sexual misconduct by an adult against a child or young person at an education or care site.
- Assists parents to understand the process that is followed in managing allegations of sexual misconduct by an adult against a child or young person at an education or care site.
- States the respective duties of site leaders and sector offices in managing allegations of sexual misconduct at a site.
- Provides a transparent policy that enables early intervention, effective management and provision of the support required in these complex and serious matters.

1.3 Definitions

- ‘accused person’ means a current or past employee of an education or care site or any other adult who has a connection to a site against whom allegations of sexual misconduct have been made
- ‘an adult who has a connection to a site’ means and includes current and past employees of the education or care site; current and past volunteers, contractors, professional service providers, other paid education and care participants, governing authority members, and tertiary students and supervisors; and any adult who has engaged with children and young people enrolled at the site
- ‘CARL’ means Child Abuse Report Line
- ‘child or young person’ means persons up to the age of 18 years and includes young adults with developmental disabilities attending education settings
- ‘governing authority’ means a site or service’s Governing Council or School Board
- ‘parent’ means and includes natural parents, step parents, foster parents, guardians, grandparents and any other relative or other person caring for a child
- ‘relevant date’ means the relevant date as defined in section 71A(5) of the Evidence Act 1929, provided in Section 2.3.1 below
- ‘sector office’ in this document means the policy, legal, case management support and/or direction provided through the:
  - central office of the South Australian Department for Education and Child Development
  - central office of Catholic Education South Australia
  - Office of the Association of Independent Schools of South Australia

Note: The relationship between sites and their sector offices differs. It may be one of direct governance and accountability or a partnership in which the individual site retains ultimate responsibility with its governing authority.

‘site’ means a school; preschool; children’s centre; a junior primary, primary, secondary or senior secondary school; an Out of School Hours Care service; and the home of a Family Day Care provider

‘site leader’ means the principal or director and any other person who has ultimate responsibility for the welfare of children and young people on that site

‘staff’ means all adults who have a duty of care to children and young people at the site and includes volunteers

‘victim’ means the child or young person against whom an act of sexual misconduct by an adult who has a connection to a site has been alleged

1.4 Scope

The procedures in this guideline apply to allegations of sexual misconduct made against any adult who has a connection with the site where the allegations affect the suitability of that adult to work or volunteer with children and young people.

These procedures apply to allegations of sexual misconduct where any of the following situations exist:

- the allegation is disclosed at or off the site
- the incident is alleged to have occurred at or off the site
- at the time of the alleged incident, the victim was or was not in the direct care of the site.

This guideline applies only to allegations of sexual misconduct by an adult against a child or young person.

For incidents involving sexual harm between children and young people, please refer to the document Responding to problem sexual behaviour in children and young people, available at each site and located on each sector’s website.

1.5 Sexual misconduct

Sexual misconduct may take many forms. It includes, but is not limited to, sexual assaults of all kinds and other forms of unlawful sexual behaviour including such offences as being in possession of child pornography and acts of gross indecency. A sexual assault ranges from indecent assault through a number of offences to rape.

In some cases, a particular behaviour may become unlawful only by virtue of repeated instances.

Note: This definition is provided for general information. It is not necessary for staff to determine whether an alleged behaviour is sexually motivated. It is simply necessary that staff report all inappropriate behaviour as per the Protective Practices guidelines. Those guidelines identify any behaviour of a potentially sexual nature between an adult and a child or young person as a breach of professional conduct. In meeting that reporting obligation, it is then the site leader’s task to consult with his or her sector office regarding all allegations so that the appropriate response is made at all times.
SECTION 2: Legislative framework

2.1 Underlying principles
Teachers and site leaders owe to the children and young people in their care a duty to take reasonable care to protect them from a reasonably foreseeable risk of injury. That duty is not necessarily confined to events on the site or during site hours. In addition to observing sector policy, staff must comply with a number of statutory duties or obligations.

Note: Appendix 8 provides links to relevant legislation.

2.2 Mandatory notification
Section 11 of the Children’s Protection Act 1993 imposes a duty on employees and volunteers in education and care settings to notify the Department (ie Families SA) if, in the course of their work, they suspect on reasonable grounds that a child has been or is being abused or neglected. Abuse or neglect includes sexual abuse of a child or physical or emotional abuse of a child or neglect of a child. In practical terms, the duty to notify Families SA is a duty to notify the Child Abuse Report Line (CARL) on 131 478.

If an allegation is made to staff, or the staff member has a suspicion on reasonable grounds that a child has been or is being abused or neglected, he or she must notify CARL as soon as practicable after he or she forms that suspicion or learns of the allegation. It is an offence to fail to do so.

All staff members in government, Catholic and independent schools are required to undertake training in their child protection responsibilities, both when they are first employed and every three years thereafter. This training is jointly developed by the three education sectors and describes this responsibility in detail.


2.3 Prohibitions on disclosure of identity
2.3.1 Restrictions on publication of identity
When a person has been, or is about to be, charged with a sexual offence, it is necessary to comply with the legal obligations imposed by section 71A of the Evidence Act 1929. Section 71A restricts publication of the identity of the alleged victim and of the alleged offender who, in this guideline document, will be called ‘the accused person’.

Where the alleged victim is a child or young person under the age of 18, the name of the alleged victim or anything that might identify the victim can never be published. Therefore, care must be taken to ensure that nothing is said or published that might identify the alleged victim.

The name of the accused person can be published but only after certain events have occurred. Those events are identified in section 71A(5) of the Evidence Act. They are called ‘the relevant date’. The definition of ‘relevant date’ in the Evidence Act is as follows:

relevant date means
(a) in relation to a charge of a major indictable offence or a charge of a minor indictable offence for which the accused person has elected to be tried by a superior court—the date on which the accused person is committed for trial or sentence; or
(b) in relation to a charge of any other minor indictable offence or a charge of a summary offence—the date on which a plea of guilty is entered by the accused person or the date on which the accused person is found guilty following trial; or
(c) in any case—the date on which the charge is dismissed or the proceedings lapse by reason of the death of the accused person, for want of prosecution, or for any other reason.

The relevant dates are listed below according to the kind of offence with which the accused person has been charged.

The relevant sector office will be informed by SA Police of the kind of offence with which the accused person has been charged, that is, whether it is a major indictable offence or other kind of offence. This information should be provided to the site leader.

It is lawful to publish the name of the accused person after any of the following relevant dates.

- Major indictable offences
  1. The date on which the accused person is committed for trial or to be sentenced.
  2. The date on which the charge is dismissed or that proceedings lapse by reason of the death of the accused person or for want of prosecution or for any other reason.

These dates are also applicable to minor indictable offences for which the accused person has elected to be tried in the District Court.

- Minor indictable offences and summary offences
  1. The date on which the accused person pleads guilty.
  2. The date on which the accused person is found guilty following a trial.
3. The date on which the charge is dismissed or that proceedings lapse by reason of the death of the accused person or for want of prosecution or for any other reason.

Appendix 7 to this document gives a brief outline of the steps in a criminal prosecution. That outline will assist in understanding the relevant dates.

### 2.3.2 Suppression orders

Suppression orders are made by a court pursuant to section 69A of the Evidence Act. A suppression order is an order forbidding publication of whatever is the subject matter of the order. The order will state that it forbids publication of the subject matter of the order. For example, the order might read:

*The name or anything tending to identify the accused be suppressed from publication in the interests of justice until further order.*

A suppression order is not a statement made by a judge or magistrate that he or she does not intend to name a person or a school in order to protect the victim.

Before sending a letter to parents, the relevant sector office should inquire of the Registrar of the relevant court whether a suppression order exists. If an order exists, the sector office should examine the terms of the order and consider whether the order forbids the kind of letter under consideration. If there is any uncertainty about what is prohibited, legal advice should be sought.

It is still possible to give some information to staff, the governing authority and parents while complying with these restrictions. Section 3 of this guideline provides advice as to how and when that information is to be provided.

### 2.3.3 Avoiding defamation

When allegations of sexual misconduct have been made, care must be taken to avoid stating anything that might defame the person against whom the allegations have been made. If a site wishes to send a letter before a person has been arrested and charged with an offence, it is desirable to obtain legal advice as to the terms of the letter to ensure that nothing is said that defames that person. If that person has been arrested and charged, it is lawful to state that fact but nothing should be said that would suggest the person is in fact guilty of the alleged misconduct.
SECTION 3: Managing allegations of sexual misconduct

3.1 Importance of note taking

Memories fade and recollections of events will be difficult at a later date when site leaders or members of staff are asked to recall events or conversations.

It is essential that site leaders and all other members of staff involved keep a written record of all conversations relating to the allegations. The notes should, if possible, be made in the course of the conversation or immediately after. In addition, site leaders and other members of staff should complete the ‘Record of allegation’ and ‘Record of meeting’ forms contained in Appendices 3 and 4. They can be downloaded from the sector’s website. These forms should be completed in addition to the site leader’s own notes of conversations.

Staff and volunteers should be aware that they may be called to give evidence in court proceedings. Contemporaneous notes will then be very helpful in assisting the recollection of events and conversations. It is also important to be aware that notes may be subpoenaed for court proceedings and, therefore, should be completed in a legible and professional manner.

The notes and forms should be placed in a file marked ‘Confidential’ and held in a secure cabinet. The only person with access to the cabinet should be the site leader or the site leader’s delegate. At a relevant time, the site leader will provide this documentation to the sector office, if required by that office.

3.2 Immediate action

3.2.1 Actions of site leader

Reminder: The steps outlined are not necessarily sequential (see above).

Step 1: Obtain medical assistance for child or young person if required

The site leader should attend immediately to any medical treatment that the victim might require and attend to the victim's emotional needs in all ways appropriate until he or she is in the care of parents.

Step 2: Receive report of allegation

If an allegation of sexual misconduct is made to a member of staff or a volunteer at the site, it should be reported to the site leader immediately. The member of staff or the volunteer to whom the allegation is reported should record the allegations on the form in Appendix 3.

If the allegation involves the site leader, the report should be made to the relevant sector office or, in the case of an independent school, the chairperson of the governing authority.
Step 3: Report to SA Police

Once the site is aware of an allegation of sexual misconduct, the site leader must immediately report the allegations to police on 131 444. If the site leader is the person against whom the allegation is made, it is the sector office (or governing authority of an independent school) that has responsibility to make this report to police.

During this report, the site leader should seek and note SA Police’s immediate advice on:
• restricting the staff member’s access to children and young people (very important to executing step 7)
• preservation of evidence
• contact with parents of the victim
• police contact number to provide to parents of victim.

This will help inform the strategy discussions that the sector office, the site and police will undertake. Site leaders should expect that police will not normally interview children or young people at a site except as a matter of urgency or immediate necessity. In the ordinary course, children and young people should be interviewed at a place nominated by police that is off-site.

Step 4: Notify the Child Abuse Report Line

The site leader should, as soon as practicable, notify CARL on 131 478 and ensure the report is documented using the mandatory report form used by the relevant education sector and securely stored in the site leader’s file.

Step 5: Preservation of evidence (if applicable)

The site leader should immediately take basic steps to secure the place where the alleged offending occurred, if that is on the site, until police arrive. An example is blocking access to the site’s network if an allegation regarding child pornography is made, or locking the room in which an incident is alleged to have occurred. Electronic material of any kind must not be deleted but must be quarantined as far as practicable for handover to SA Police. The police will properly secure the crime scene on arrival. The site leader should seek advice from police on this issue when making the initial report.

Step 6: Inform the sector office and establish who will be assisting

The site leader should inform the relevant sector office and establish who will be assisting the site (eg a nominated case manager) in its management of the allegation and begin discussions immediately regarding the steps below.

Step 7: Preventing access to children and young people

When it is necessary to prevent the accused person from having any further contact with children or young people at the site, the site leader should take steps to prevent the accused person from attending the site, on directions from SA Police and the sector office. The responsibility of SA Police and the relevant education sector to work together in managing this circumstance is outlined in Appendix G of the Interagency Code of Practice—Investigation of suspected child abuse or neglect (2013 Government of SA).

In some circumstances, the sector office or SA Police may ask the site leader not to indicate to the accused person that an allegation has been made until SA Police are able to complete their own preparations. The site leader will discuss with the sector office the most appropriate plan to either re-direct the individual from their teaching or care duties or to allocate another adult to the teaching or care situation in order to provide supervision until the end of the day. Each situation will provide different options and challenges for site leaders and their sector office to consider in managing this situation.

Step 8: Inform parents of victim

Unless a parent is the accused person, the site leader should immediately seek the approval of SA Police to inform the parents of the victim of the allegations if the parents are not already aware. This should be done in a sensitive manner, taking into consideration the victim’s wishes. Information about counselling services and support for the victim and family should be provided at this time.

When the victim is a child under the Guardianship of the Minister, the Minister and his or her delegates are responsible for case management and planning for the safety, care and wellbeing of that child or young person. Families SA has the additional responsibility to advise the Guardian for Children and Young People about sexual abuse involving children under the Guardianship of the Minister. For these reasons, it is essential that the social worker is immediately informed so the special circumstances of the child or young person can be properly considered and managed.

Step 9: Inform the accused person of his or her immediate work requirements

In consultation with the relevant sector office and SA Police, the site leader should determine which leave/employment/contract options are appropriate and available for the accused person. These will vary across the three sectors but the intent is that the accused person does not attend the site while an investigation proceeds.
Step 10: Complete sector specific reporting requirements

These reporting requirements vary across the three sectors:
- Department for Education and Child Development: critical incident report through the Incident Response Management System
- Catholic Education SA: critical incident report through the relevant Principal Consultant
- Independent schools: school-based procedure.

Step 11: Document all information/discussions/observations

The template provided in Appendix 3 should be used to document all information, discussions and observations relating to the incident. They should be signed, dated and placed in a confidential, secure site leader’s file and provided to the sector office as required.

3.2.2 Actions of sector office

Step 1: Liaise with SA Police

Under the Interagency Code of Practice, SA Police will provide the relevant sector office with the following information:
- the name, date of birth and address of the person who has been charged
- details of the charge and apprehension report
- the condition upon which the accused person has been bailed
- the court bailed to and the date of the first court appearance
- the education or care site involved whether there is a reasonable suspicion that there might be other victims
- whether there are any complicating factors that would affect disclosure to parents
- the contact details of the investigating officer
- whether the offence is a major or minor indictable offence or a summary offence.

Step 2: Create a central file and appoint a manager

The sector office, through its relevant divisions or personnel, will ensure that a central file is established and that a case manager is identified to support the site in its management of the allegation. In an independent school, this will be the responsibility of the school principal.

Step 3: Assist the site in establishing appropriate leave for the accused person

The sector office will assist the site leader to manage these arrangements. It will ensure that the accused person is directed not to attend the site but it will assist the accused person to have personal materials delivered to him or her that have been approved by SA Police as appropriate. In an independent school, this will be the responsibility of the school principal.

Step 4: Check that all immediate responsibilities have been met

The sector office needs to check that the immediate responsibilities of the site have been met; for example:
- contact with parents
- contact with a social worker if the alleged victim is under the Guardianship of the Minister
- provision of counselling
- report to the Child Abuse Report Line
- documented notes and secure file established.

In an independent school, this will be the responsibility of the school principal.

Step 5: Alert others as required

This responsibility varies across the three sectors but will include, as appropriate:
- relevant Minister (confirmed in writing)
- relevant Chief Executive/Director
- chairperson of the governing authority
- other education sectors, as per the Intersectoral Information Sharing Protocol
- the Education and Early Childhood Services Registration and Standards Board in the case of early childhood and care settings
- any other agency/organisation where risks to children’s or young people’s safety are identified.

Step 6: Alert media unit

The sector office should alert its media unit or advisor as appropriate:
- Department for Education and Child Development: 8226 7904
- Catholic Education SA: 8210 8147
- Association of Independent Schools of South Australia: 8179 1400.

Step 7: Collate notes

The sector office should ensure that the site leader and other staff have made notes of any relevant events and conversations, using the record templates provided as Appendices 3 and 4, and ensure copies are placed on the sector office’s central file.

In an independent school, this will be the responsibility of the school principal.
3.3 Further action

As soon as the sector office has satisfied itself that the steps listed in Section 3.2 ‘Immediate action’ have been carried out, liaison should occur with the site in considering the following:

- the future employment of the accused person
- providing counselling and support
- undertaking a risk assessment
- responsibly giving out appropriate information.

The previous section outlines actions that must be taken immediately. The tasks under this ‘further action’ section should be undertaken as promptly as possible without compromising the consultation, risk assessment and information gathering that is required for those tasks to be undertaken appropriately. It is understood that maintaining an unqualified focus on the protection of children and young people will mean varying lengths of time are taken to complete the required actions. However, the guiding principle for sites and sector offices is that all the steps outlined in Section 3.3 must be maintained as priority actions and shown to be so by the records kept.

3.3.1 Future employment of accused person

Where the accused person is a staff member, the site leader should consult the relevant sector office to ascertain whether the accused person can be suspended from duty pending the outcome of the investigations.

If the accused person is suspended, the site leader or sector office should send that person a formal letter of suspension.

If the accused person is a volunteer, the services of that person should be terminated immediately.

If the accused person is a contractor, legal advice should be obtained whether the contract can be terminated.

If the accused person is an employee of the governing authority, the site leader and the governing authority should seek advice from the sector office on suspending that person.

In the event of the charges being withdrawn or in the event of an acquittal, the sector office should inform the site leader about what is to occur in relation to the future employment of the accused person.

In an independent school, this will be the responsibility of the school principal.

3.3.2 Counselling and support

Appropriate support should be provided as required to:

- the victim and his or her parents
- other children or young people and parents of the school or care community
- staff members
- relatives of the accused person who are employees or enrolled students at the site or in the sector and who identify their needs.

Generally speaking, that support will be in the form of counselling.

Victim and victim’s parents

The site leader should meet with the parents of the victim to discuss continuing support for him or her. Details of counselling services with contact numbers should be provided to the victim and his or her parents as part of this first meeting. After the meeting, the site leader should complete a written record and have it signed by the parents. A sample is provided as Appendix 4.

Over the following days, a support and safety plan should be finalised covering all aspects of the victim’s and the family’s ongoing needs and agreed actions (see Appendix 6). Copies of the plan, and all updated versions, should be provided to the victim and the family. A copy of the plan/s should also be provided to the sector office as required. The verbal offer of counselling to the victim and the family should be followed by a letter re-stating the offer and the specific service options. If these services have been taken up by the victim and the family and recorded as part of the support and safety plan, the letter should simply confirm those agreed arrangements and attach the support and safety plan. The site leader should consult with the sector office on drafting this letter.

The site and the sector office must continue to monitor the wellbeing of the victim and his or her family through regular reviews of the support and safety plan. Particular attention must be given to significant dates where court proceedings are likely to prompt further stress and emotional burden.

Other children or young people and parents of the school or care community

The nature of the support or counselling that may be appropriate for other children or young people and parents in the school or care community will vary depending on the circumstances of each incident. If the risk assessment indicates the appropriateness of informing a wider group of parents then, generally speaking, the same services as outlined above should be offered. This may happen via a letter, face-to-face meeting or small-group meeting, as appropriate. These actions will be undertaken in consultation with SA Police, the sector office and an appropriate provider of such counselling, for example Child and Adolescent Mental Health Services. Copies of letters and records of meetings must be stored with the site leader and provided to the sector office as required.
Managing allegations of sexual misconduct in SA education and care settings

Staff members

Staff members may be profoundly impacted by sexual misconduct allegations. Consideration must continue to be given to the wellbeing of staff, particularly those who were in some way associated with the accused person (e.g., co-class teachers, friends, relatives), and to the site leader on whom the additional burden of ultimate responsibility for the safety of the site rests.

Particular care should be taken in explaining the restrictions that may be placed on the accused person to staff who are friends of the accused. Individual staff members may need specific help in knowing how to respond to requests for emotional or other support from the accused person without complicating their own obligations at the site or unwittingly complicating matters for the accused. It is reasonable and important that staff members are able to offer emotional support to others and that accused persons have access to the support of friends. However, staff will need clear guidance on how to respond to particular requests such as acting as a witness. Site leaders should seek sector office support in clarifying the advice they give in these circumstances.

As with any other kind of serious critical incident, the site or sector office may need to deploy additional personnel to the site to ensure that it can operate without placing staff wellbeing or the care of children and young people at risk. Staff members may not immediately appreciate the impact on their wellbeing so reminders about the availability of the relevant sector counselling service should be given to staff on a number of occasions in the weeks or months that follow. Important events such as the outcome of court proceedings can trigger new points of stress and need which the sector office must anticipate and monitor.

Relatives of the accused person who are employees or enrolled students at the site or in the sector

A sensitive plan of support may need to be developed with and for relatives of the accused person who make their needs known to the site leader or sector office. Each circumstance will differ but the site leader and sector office will need to consider the best ways to support relatives who identify their needs, including the provision of counselling and the option of alternative placements if requested.

In some instances, relevant information may need to be shared between the sector office and site leaders so that appropriate monitoring of an employee’s or enrolled student’s safety and wellbeing is maintained. The impact on relatives of media coverage or letters to the community should be anticipated and protected against wherever possible. The details of support plans for relatives should be provided to the sector office as required and filed by the site leader.

3.3.3 Risk assessment

A risk assessment will be made by the relevant sector office in consultation with the site leader and will draw on information provided by SA Police. In an independent school, this will be the responsibility of the school principal. The risk assessment will consider whether there is a reasonable suspicion that there might be other victims and the most appropriate way of addressing that risk through informing identified people. Where necessary, the relevant sector office or independent school principal should consult experts.

Note: It is likely that processes for identifying and assessing risk will change as the work is informed by further research and experience. Sectors will share learning and updated risk assessment resources to inform practice and maintain consistency.

The risk assessment should consider relevant factors, including:

- the nature of the offending
- the circumstances in which the offending occurred
- the place or places where the offending occurred
- the age and gender of the victim
- the age and gender of the accused person, whether the accused person had regular and frequent contact with other individual children or young people, or a group or groups of children or young people, and the nature and circumstances of that contact
- the opportunities that were available to the accused person on which to offend against other children or young people.

3.3.4 Informing responsibly

Although a suppression order and section 71A of the Evidence Act forbid publication of the name of the accused person generally to the public, it is proper for those with a legitimate interest in the matter to be informed of the alleged offending. Those who have a legitimate interest in the offending are the staff at the site, the members of the governing authority of the site and parents of children or young people who are likely to have been in contact with the accused person.

As considerable care must be taken when informing staff, the governing authority and parents of the incident, site leaders and sector offices should follow the advice below.

It is necessary to consider the question of providing information at three stages. They are:

1. when no more is known than what is contained in the allegations
2. after the accused person has been charged
3. after the committal or other appropriate relevant date.

Note: As with all other parent communications, site leaders should ensure that, wherever required, letters
are translated and interpreters are available at meetings. Written communications should be marked ‘Confidential’ and signed either by the site leader or a senior official of the relevant sector office. The decision about who signs letters will be taken consultatively and will respond to the unique circumstances of each case.

**Stage 1: When allegations only are known**

**Informing staff**

It might be necessary for the site leader to make arrangements to replace the accused person who has been placed, for example, on special leave, and to make other consequential administrative arrangements. The site leader is at liberty to inform the staff involved in the administrative arrangements of the allegations but should not inform other staff at that stage. Those staff members who are informed of the allegations should be asked to keep the information confidential. Other staff members should be told that the member of staff is on special leave, or another kind of leave using a neutral term applicable to processes utilised in the relevant sector.

Once the decision of the relevant sector has been taken to suspend the accused person, the site leader should call a staff meeting and inform all staff that the accused person has been suspended.

It might be necessary to state that the accused person has been suspended because his or her conduct is being investigated but nothing should be said that might indicate that allegations of sexual misconduct had been made against the accused person.

Staff should be informed that the accused person is not allowed on the site and if the accused person is seen at the site to report it to the site leader. See Section 3.3.2 regarding support for staff in managing this circumstance. Staff should be instructed to keep the information confidential and to refer any parents with questions to the site leader (see section on managing rumour, misinformation and curiosity below).

Staff members should be instructed that, if they have any information that will assist the police investigation, they should contact police and provide that information. If that information is relevant to the safe operation of the site, it should also be provided to the site leader. If the identity of the victim is known and consent is obtained from the victim or the victim’s parents, specific staff members such as the victim’s class teacher or school counsellor may be told who the victim is on a confidential basis in order to provide appropriate support for the victim.

**Informing governing authority**

The members of the governing authority should be informed by the site leader. They should be given the same information as staff, namely, that the accused person has been suspended until further notice and that the accused person has been directed not to attend the site. They should be asked to keep the information confidential and to refer any questions from parents to the site leader.

**Informing parents**

Generally speaking, while allegations are being investigated, it is not appropriate to inform parents of those allegations. The allegations might prove to be false, may not be substantiated, or there may be insufficient evidence to warrant criminal proceedings. A letter that named the accused person and reports what are no more than allegations has a real potential to be defamatory. As a general rule, the site should not, therefore, inform parents of allegations.

Generally speaking, if there is an occasion when it is necessary to send a letter to parents referring to allegations, for example as a means of managing serious and harmful misinformation, that letter should not name the person against whom the allegations have been made. Legal advice through the sector office should be obtained before sending such a letter. It will be necessary, also, to consult SA Police.

**Managing rumour, misinformation and curiosity**

In some cases, sites can anticipate that discussion will occur within their parent community once a member of staff has been suspended. It is appropriate that staff be provided with instructions for dealing with potential queries or comments. That instruction should be to refer all inquiries to the site leader.

If an inquirer asks the site leader why the suspended person is no longer at the site, the site leader should give the inquirer an answer that is as neutral as possible and one that does not disclose the nature of the alleged offending. One example of an appropriate answer is ‘The person has been suspended. I am sorry I cannot give you any further information at this stage. As soon as I am in a position to do so, I will let you have more information’. If the inquirer persists, the site leader should do no more than state that the person has been suspended because his or her conduct is being investigated by police and more information will be given when the outcome of the police investigation is known.

Staff members should also be instructed to alert the site leader immediately if they become aware of accusations or threats by community members that pose risks to the safety or wellbeing of individuals or the broader site community. The site leader should consult with the sector office and SA Police about the best course of action. In some circumstances, this may prompt the need for a letter to the whole community. However, as stated above, this should occur only through consultation with the sector office and SA Police and legal advice must be sought.

The prompt actions of the site leader and sector office in facilitating all of the actions required in this guideline will help prevent rumour and misinformation in the community.
Stage 2: After accused person has been charged

Informing staff

Following the arrest of a member of staff, the site leader should convene a meeting of staff for the purpose of:

- informing them that a member of staff has been arrested and to name that person and the offence
- informing them of changes to staff required by the absence of the accused person
- informing them that the accused person is not permitted on the site
- asking staff to inform the site leader if the accused person is seen at or near site grounds so that the site leader may take appropriate action
- informing them that, if they have any information that will assist the police investigation, to report that information to police and to the site leader if relevant to the safe operation of the site.

Staff should also be instructed to keep the matter confidential in order to protect the confidentiality and identity of the victim and also instructed that it is an offence to publish any material identifying the accused person at this stage of the criminal proceedings.

See Section 3.3.2 regarding advice for staff members in managing their contact with or support of the accused person.

If new staff join the site, the site leader should give the same information to those new members of staff. Information should be given to a relieving teacher only if that teacher will be teaching the victim.

If the identity of the victim is known and consent is obtained from the victim or the victim’s parents, specific staff members, such as the victim’s class teacher or school counsellor, may be told on a confidential basis who the victim is in order to provide appropriate support for him or her.

Informing governing authority

The most suitable means by which to inform the governing authority is at an extraordinary general meeting called for that purpose. The site leader is at liberty to inform members of the governing authority of the same facts as revealed to staff members. Governing authority members should be given the same instructions regarding the requirement to maintain confidentiality and to inform SA Police and the site leader of any information relevant to the safety of the site.

The site leader should also advise the governing authority of parent communications (see below). Wherever practicable, this advice should be given ahead of the communications occurring.

Informing parents

The manner in which information is given to parents and the kind of information given to parents will depend on the result of the risk assessment (see Section 3.3.3).

Particular care must be taken when informing parents of the fact that a staff member has been arrested and charged with an offence. Parents will be advised either by letter, email or at a meeting, as described below.

Letters

As a general rule, the accused person should not be named in the letter to parents. The letter should be sent as soon as reasonably practicable.

There is no one letter that will be suitable for all occasions. With the assistance of the sector office, the site leader will have to prepare a letter suitable to the occasion in question.

Before finalising the contents of the letter with the site leader, the sector office must consult with police as to the timing and content of the letter.

The letter to be sent to parents should have regard for the following five factors:

- the presumption of innocence
- the fact that section 71A of the Evidence Act restricts publication of the name of the alleged offender until committal or ‘relevant date’ pursuant to section 71A of the Evidence Act. If, contrary to the recommendation in this guideline document, it is decided to name the accused person and, if the letter is to be sent to a large number of parents, advice should be taken as to whether the letter is permitted by section 71A
- the fact that a person who receives the letter might post it on Facebook or another internet site
- the fact that the name of the person alleged to have committed the offence can lawfully be published once that person has been committed for trial or sentence or after the ‘relevant date’
- whether a suppression order has been made by a court.

The purpose of a letter is twofold: to inform parents of the fact that a person connected to the site has been charged with a sexual offence and to state whether there is any concern for the safety and welfare of children and young people other than the victim.

The letter should be sent by post or email as per the sector’s or site’s established process. It should not be sent home with the child or young person. It should not be posted on the site’s noticeboard or published in a newsletter.

No other victims

If the result of the risk assessment is that there is no suspicion that there might be other victims, a letter should be sent to all parents at the site stating that fact. The letter should state that a person connected to the site has been arrested and charged with an offence, naming the offence but not naming that person. An example of this type of letter and a list of the topics the letter should contain are set out in Example 1 of Appendix 5.
When a group is identified

If the result of the risk assessment is that there is a group of children or young people who might include victims, two letters should be sent to parents. Neither letter should name the accused person.

The first of these two letters should be sent to the parents of those children or young people in the group in which it is suspected that there might be other victims. It will inform those parents of the fact that a person connected to the site has been arrested and charged with committing an offence, naming the offence but not naming that person. It would inform those parents if a meeting is being called to give information to parents, or if parents are being invited to meet personally with the site leader. At the same time, it would endeavour not to suggest that the children or young people of those parents who received the letter are, in fact, victims.

An example of this type of letter and a list of the topics the letter should contain are set out in the first letter of Example 2 of Appendix 5.

The second letter to be sent should be addressed to all other parents at the site. It will contain essentially the same information as the first letter except that it will state that, while there is no evidence that any child or young person at the site apart from the victim is involved, a group meeting or individual meetings are occurring with parents whose children or young people have been in contact with the accused person. The letter may state that the site is holding such a group meeting and the recipient may attend the meeting if he or she wishes to do so.

An example of this type of letter and a list of the topics the letter should contain are set out in the second letter of Example 2 of Appendix 5.

When a particular group cannot be identified

In those cases where there is a reasonable suspicion of other victims but it is not possible to narrow down the group of children or young people because the accused person has had contact with most of the children or young people at the site, a communication process with all parents must be planned.

It will be necessary for only one letter to be sent to all parents. An example of this type of letter is Example 3 of Appendix 5.

Contact with parents

Where, as a result of the risk assessment, there is a reasonable suspicion that there might be other victims, contact should be made with the parents of those children or young people. Through that contact (eg telephone, individual meetings, group meetings), parents should be given information and instruction that cannot be given in a letter.

The information and instruction provided should deal with such matters as informing parents of the kind of behaviour that is indicative of a child having been the victim of abuse, the appropriate way to provide opportunities for the child or young person to talk about what has been a traumatic experience, and how to support the child or young person and manage the situation. The information and instruction should be directed to the type of offending that had been alleged. It should include a strong message that the parents should be available to their child but not to interrogate him or her.

The discussions should be planned with and attended by a qualified and experienced expert such as a psychologist with experience in assisting children who have been victims of child abuse and who would be able to answer any questions parents might have. The discussions should include giving parents appropriate advice on how to deal with any disclosures made by their child. Parents should be provided with the contact details for the relevant support services.

The site leader may name the accused person and answer any questions parents might have.

The site leader should ask parents to treat the information as confidential. They can be told that publication of the name of the accused person would be in breach of section 71A of the Evidence Act. It might be preferable to encourage parents to treat that information as confidential by stating that it is in the interests of the victim and the parents of the victim to keep the matter confidential.

It should be stressed in the discussions that nothing should be said or done that might identify the victim.

Following the discussions, parents should be provided with an information sheet containing information about good parenting practice when dealing with a victim or possible victim of sexual abuse. That document should also include guidance as to how best to respond to a disclosure by a child or young person who has been abused.

The information sheet should also be made available to those parents who cannot or do not wish to attend the site.

Stage 3: After committal (or other relevant date)

After the accused person has been committed to stand trial or been sentenced, or after any other relevant date, there are no restrictions on informing either staff, members of the governing authority or parents of the fact that the accused person has been charged with a sexual offence. Any information given to people in those groups can name the accused person and state the offence with which the accused person has been charged. At this stage, there is no need for confidentiality about any of those facts.
However, if a suppression order has been made, legal advice should be obtained on the question as to whether it is possible to give information to staff, members of the governing authority or parents. It should also be noted that publication of any information that tends to identify a victim may still be prohibited under section 71(A) of the Evidence Act.

Instructing parents of previous students

In consultation with the sector office and where appropriate based on the risk assessment undertaken earlier, a site leader should ascertain the names of children or young people who in previous years would have been in contact with the accused person. Having done so, the site leader should send a letter to the parents of those children or young people whose addresses are known or to the young people themselves if they are now adults.

This information should be given to those parents after committal or other relevant date, unless their child is identified during the risk assessment as being at risk of having been abused. They should then be informed in accordance with the procedure in the last part of Stage 2 above.

Informing other sites

Where the accused person has been employed at other education and care sites, the sector office will notify those other sites so that they can consider whether it is necessary to inform parents in the same way as described in Stage 2 above.

Informing other authorities

This responsibility to inform other authorities about changes to the situation and actions taken varies across the three sectors but will include, as appropriate:
- relevant Minister (confirmed in writing)
- relevant Chief Executive/Director
- chairperson of the governing authority
- other education sectors, as per the Intersectoral Information Sharing Protocol
- the Education and Early Childhood Services Registration and Standards Board in the case of early childhood and care settings
- any other agency/organisation where risks to children’s or young people’s safety are identified.

3.3.5 Monitoring court proceedings

The sector office should monitor the court proceedings and inform the site leader of the stage the prosecution has reached. In an independent school, this will be the responsibility of the school principal.

Unless a suppression order has been made, the site leader may inform parents by letter of the fact that the prosecution has reached any of the following stages:
- when a plea of guilty has been made
- at the end of a trial, whether the accused person has been acquitted or convicted
- after the accused person has been sentenced
- after any appeal.

Any letters should be drafted in consultation with the sector office. Before sending any letters, it is necessary to check whether a suppression order has been made.

3.3.6 Responding to the media

All media inquiries should be referred to the relevant sector’s media unit or advisor:
- Department for Education and Child Development: 8226 7904
- Catholic Education SA: 8210 8147
- Association of Independent Schools of South Australia: 8179 1400.

3.3.7 Reporting the outcome

It is desirable to inform the staff, members of the governing authority and parents of the outcome of the criminal proceedings.

If the accused person is acquitted or if the charges against him or her are withdrawn or if the proceedings lapse for any reason, it is essential to inform staff, members of the governing authority and parents of the fact. The letter should be drafted by the sector office and signed by a very senior leader. In an independent school, this will be the responsibility of the school principal.

Should the accused person be acquitted or if the charges against him or her are withdrawn or if the proceedings lapse for any other reason, the sector office or the independent school principal will have to make a number of decisions in relation to the future employment of the accused person. They include:
- whether the accused person will be subject to any disciplinary proceedings under section 26 of the Education Act 1972, or any other sector specific policies or contractual arrangements
- whether the accused person will return to the site where he or she had been employed
- whether the accused person should be employed at another site.
APPENDIX 1: Checklist for site leaders

Note: These steps are not necessarily sequential. Different circumstances will dictate a variation in the sequence of actions. It is assumed site leaders will delegate responsibilities to ensure they are undertaken in a timely fashion. Many of the actions are undertaken under advice from SA Police or the sector office.

1. Attend to immediate welfare needs of victim. (Section 3.2.1)
2. Receive report of allegation and make notes of complaint. (Appendix 3)
3. Call SA Police on 131 444 to report allegations. Obtain appropriate police contact number for parents to use, and seek advice re steps 4, 5 and 6.
4. If SA Police approves, take steps to preserve evidence. (Section 3.2.1)
5. Following SA Police/sector office advice, prevent accused person from having access to children and young people. (Section 3.2.1)
6. Following SA Police advice, contact parents of victim, taking into consideration victim’s views. (Section 3.2.1)
7. Notify CARL on 131 478.
8. Inform victim and victim’s parents of counselling and support options. Inform social worker if victim is under the Guardianship of the Minister. Document allegations, meetings and support and safety plan. (Section 3.3.2 and Appendices 3, 4 and 6)
9. Follow sector reporting procedures regarding critical incidents. (Section 3.2.1)
10. Place accused person on sector specific leave as per sector office guidance. (Section 3.2.2)
11. Consider the support needs of relatives of the accused person who work or are enrolled at the site and who identify their needs. (Section 3.3.2)
12. Consider the support/advice needs of staff, in particular those closely associated with the accused person. (Section 3.3.2)
13. Provide written offer of counselling support to victim and victim’s family and formalise the support and safety plan for the victim. (Section 3.3.2 and Appendix 6)
14. Inform staff and governing authority, in consultation with the sector office and in accordance with guideline (Section 3.3.4)
15. Write letters to parents, in consultation with sector office and SA Police, and in accordance with the guideline. (Section 3.3.4 and Appendix 5)
16. If appropriate, hold meeting of parents as outlined in the guideline. (Section 3.3.4)
17. Inform site community, staff and governing authority of progress of the prosecution. This is especially important if there is an acquittal. (Section 3.3.4)
18. Ensure all documentation is stored in a locked, confidential file and copies are provided to sector office as required. (Appendices 3, 4, 5 and 6)
APPENDIX 2: Checklist for sector office

Note: These steps are not necessarily sequential. Different circumstances will dictate a variation in the sequence of actions. The involvement of the Association of Independent Schools of South Australia in supporting independent schools with these actions will vary in all cases.

1. Receive the following information from SA Police, as per the Interagency Code of Practice:
   (a) the name, date of birth and address of the person who has been charged
   (b) details of the charge and apprehension report
   (c) the condition upon which the accused person has been bailed
   (d) the court bailed to and the date of the first court appearance
   (e) the school or schools involved
   (f) whether there is a reasonable suspicion that there might be other victims
   (g) whether there are any complicating factors that would affect disclosure to parents
   (h) the contact details of the investigating officer
   (i) whether the offence is a major indictable offence, a minor indictable or a summary offence.

2. Create file and appoint a person to supervise and manage the matter to its conclusion.

3. Assist site leader to manage the immediate placement of the accused person including preventing him/her from having access to children/young people as necessary.

4. Meet reporting obligations to other authorities and information sharing with other sectors/organisations in accordance with the guideline.

5. Inform media unit.

6. Conduct risk assessment drawing on SA Police information and decide whether letter should be sent to parents in accordance with guideline.

7. Determine employment status of accused person.

8. Ensure site leader has met all responsibilities, including notification to CARL and offer of counselling to victim and parents of victim. The offer should be made orally and be confirmed in writing.

9. Assist site leader to support/advise relatives of the accused person, who identify their needs and staff who are friends of the accused person as appropriate.

10. Check that relatives of the accused person who are employed or enrolled at different sites, and who identify their needs are supported as appropriate.

11. Work with site and SA Police to draft letter/s to parents.

12. Consider whether legal advice is needed on letter/s, especially if the matter is complex.

13. Collate notes of site leader and other staff and place copies of these and victim’s support and safety plan on central file.

14. Assist site leader and other relevant child health professionals to facilitate a meeting with parents as relevant.

15. Notify parents of children/young people of past years and other sites as relevant.

16. Monitor court proceedings and the existence of suppression orders, and continue to consider the appropriateness of all actions as matters progress or new information comes to light.

17. Inform site leader of the progress of the prosecution, and assist site leader in keeping staff, governing authority members and relevant parents similarly informed.

18. Continue to meet reporting obligations to other authorities.
APPENDIX 3: Record of allegation

Note: The staff member who first received information regarding the allegation must complete this record. It must be stored in a secure, confidential file in the site leader’s office.

<table>
<thead>
<tr>
<th>Record of allegation of sexual misconduct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of person making the allegation (complainant)</td>
</tr>
<tr>
<td>Date and time that allegation was reported</td>
</tr>
<tr>
<td>Age, gender and role of complainant</td>
</tr>
<tr>
<td>Name of accused person</td>
</tr>
<tr>
<td>Role of accused person</td>
</tr>
<tr>
<td>Name of victim (if not the complainant)</td>
</tr>
<tr>
<td>Age and gender of victim</td>
</tr>
</tbody>
</table>

**Allegation details**

Do not interrogate the victim. Complete in direct speech what was reported to you.

Name: (person who received the complaint)

Signature:                                      Date:
**APPENDIX 4: Record of meeting**

Note: This record should be completed after all meetings or conversations relating to the management of allegations of sexual misconduct by adults and stored in a confidential file.

<table>
<thead>
<tr>
<th>Date of meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attendees</th>
<th>Include full names and titles of attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Example: John Smith Principal, Ms Jones mother of Marcus</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Purpose of meeting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Discuss allegation of sexual misconduct towards Ms Jones’ son Marcus by staff member/volunteer</td>
<td></td>
</tr>
<tr>
<td>Discuss as much of support and safety plan as possible</td>
<td></td>
</tr>
<tr>
<td>Discuss options for changed enrolment, if considered appropriate by any party</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actions taken to date</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Police contacted, referral to CAMHS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact names and contact details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Include all relevant contact details</td>
<td></td>
</tr>
<tr>
<td>Example: Contact number for Principal, contact number of SA Police investigating officer</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Future actions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>List future actions to be taken and person responsible</td>
<td></td>
</tr>
<tr>
<td>Set date for finalising the support and safety plan</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of site leader</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Signature:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signatures of other attendees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Signature:</td>
</tr>
</tbody>
</table>

| Name: | Signature: |
APPENDIX 5: Sample letters to parents

Example 1: Where no other victims are suspected

The letter to all parents when there is no suspicion that there might be other victims would deal with the following topics:

1. a statement that the accused person has been arrested and charged but not naming the accused person
2. a statement of the offence with which the accused person has been charged
3. a statement indicating that the site does not suspect that there are other victims
4. an assurance that the Department/Catholic Education SA/Association of Independent Schools of South Australia will keep parents informed
5. a request to keep the matter confidential in order to protect the victim and the victim’s family
6. contact numbers of support services for concerned parents
7. a statement that those who have questions or concerns may contact the site leader
8. a statement that the accused person has been removed from the site
9. an assurance that the site is managing the issue without impairing the provision of education and care at the site
10. a request that parents with information that may assist the police investigation to contact police and provision of a contact number.

The letter below uses a teacher as an example of an ‘accused person’.

Confidential
Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE]. Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

The information available to the school suggests that there is no need for any concern for any other children at the school.

For the sake of the victim and the victim’s family and especially to protect the identity of the victim, would you please keep this information confidential. I ask you not to distribute this letter, to post it or to display it in any public way including on Facebook or on any other internet site.

If you have any information that may assist the police investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER].

A relief teacher has been appointed and the classes will proceed as normal.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

• Child and Adolescent Mental Health Services (CAMHS) on 8161 7198
• Kids Helpline on 1800 55 1800.

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully
Principal
Example 2: When a group is identified

Where the risk assessment has determined that there is a reasonable suspicion there might be other victims among a group of children or young people who have had contact with the accused person, two letters will be sent.

One letter will be sent to parents of the children or young people who have been identified in the risk assessment process as possible victims.

The other letter will be sent to all other parents at the school.

Both letters will refer to the meetings to be held to give information and instruction to parents. Both letters would deal with the following topics:

1. a statement that the accused person has been arrested and charged but not naming the accused person
2. a statement of the offence with which the accused person has been charged
3. a statement that the accused person has been suspended from duty and directed not to attend the site
4. a statement that a meeting is being called for parents whose children had contact with the accused person, including the purpose of the meeting
5. a statement that there is no evidence at this stage that, apart from the victim, any other child or young person at the site is involved
6. a statement that any parent with information that may assist the investigation should contact police, with provision of contact details of the investigating officer
7. a statement that the site is managing the issue without impairing the provision of education and care at the site
8. a request to keep the matter confidential in order to protect the victim and the victim's family
9. contact numbers of support services for concerned parents
10. a statement that parents who have a concern should contact the site leader or, if the site has one, the school counsellor.

The letters below use a teacher as an example of an ‘accused person’. The first letter (to parents of the identified group) can be in the following or similar terms.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of those children who have had contact with the teacher. Your child might have had contact with the teacher. I invite you to attend a meeting which will be held at 6.00pm on [INSERT DATE] in the School Hall.

I appreciate that this is short notice but I urge you to attend the meeting. Alternatively, if you are more comfortable meeting with me privately, please contact the school directly.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform you of behavioural signs and possible effects of child abuse and will answer any questions you might have.

For the sake of the victim and the victim’s family and especially to protect the identity of the victim, would you please keep this information confidential. I ask you not to distribute this letter or post this letter on Facebook or on any other internet site.
A relief teacher has been appointed and classes will proceed as normal.

If you have any information that may assist the police investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER].

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Child and Adolescent Mental Health Services (CAMHS) on 8161 7198
- Kids Helpline on 1800 55 1800.

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully
Principal

The second letter (the letter to all other parents at the school) can be in the following or similar terms.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of some children who have had contact with the teacher and am writing separately to their parents and inviting them to attend a meeting. The meeting will be held at 6.00pm on [INSERT DATE] in the School Hall. If you wish, you may also attend the meeting.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform parents of behavioural signs and possible effects of child abuse and will answer any questions parents might have.

For the sake of the victim and the victim’s family and especially to protect the identity of the victim, would you please keep this information confidential. I ask you not to distribute this letter or post it on Facebook or on any other internet site.

If you have any information that may assist the police investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER].

A relief teacher has been appointed and the classes will proceed as normal.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Child and Adolescent Mental Health Services (CAMHS) on 8161 7198
- Kids Helpline on 1800 55 1800.

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully
Principal

It might be necessary to adapt each of these letters to the particular circumstances of each case.
Example 3: When a particular group is not identified

When a risk assessment determines that there is a reasonable suspicion of other victims but it is not possible to identify a specific group because all children and young people at the site might have had contact with the accused person, the letter to parents should be in the following or similar terms.

The letter below uses a teacher as an example of an ‘accused person’.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of all children at the school because they have all been in contact with the teacher at one time or another. For that reason, I invite you to attend a meeting to be held at 6.00pm on [INSERT DATE] in the School Hall.

I appreciate that this is short notice but I urge you to attend the meeting.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform you of behavioural signs and possible effects of child abuse and will answer any questions you might have.

For the sake of the victim and the victim’s family and especially to protect the identity of the victim, would you please keep this information confidential. I ask you not to distribute this letter or post it on Facebook or any other internet site.

A relief teacher has been appointed and classes will proceed as normal.

If you have any information that may assist the police investigation, please contact [PROVIDE NAME AND TELEPHONE NUMBER OF INVESTIGATING OFFICER].

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Child and Adolescent Mental Health Services (CAMHS) on 8161 7198
- Kids Helpline on 1800 55 1800.

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully

Principal
APPENDIX 6: Support and safety plan for child/young person

Support and safety plan

Note: The following is a guide to the actions and considerations that should be made in supporting a victim. It should be adapted to the age and needs of the victim.

<table>
<thead>
<tr>
<th>Support categories</th>
<th>Support strategies</th>
<th>Responsible person/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal support</td>
<td>Who has discussed, as appropriate for age, all features of this plan with the child/young person? Has the child/young person been given full opportunity to share his/her view and has this view been respected to the fullest degree possible? What changes to the child/young person’s routine are in place to support him/her? For example: – yard duty arrangements – before/after school – timetable – work expectations (special provisions if year 11/12) – attendance arrangements – site-based counselling support. What is the child/young person advised to do if he/she feels unsafe at any time at the site? For example: – advise yard duty teacher – move to front office – report directly to director/principal – go to counsellor’s office – access nominated friend – contact parent/caregiver. Which adult at the site will be available for the child/young person to talk with at any time and act as the ‘support person’? How does the child/young person access the support person? What signs of stress in the child/young person will be reported immediately by staff to parents/caregivers? How will this communication be made and by whom? What is the agreed verbal response the child/young person will make to questions from others (eg staff, students, parents, friends)? What information is to be given to other relevant staff who must support the child/young person but for whom it isn’t necessary or appropriate that they know the details of the underlying event? For example: – other class teachers – relief staff – yard duty staff – front office staff. Who is responsible for informing other relevant staff? Who will keep the child/young person’s support person informed of upcoming events, such as court hearings?</td>
<td></td>
</tr>
<tr>
<td>Support categories</td>
<td>Support strategies</td>
<td>Responsible person/s</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Parent/caregiver support and liaison</td>
<td>How will the child/young person’s support person and the parent/caregiver contact person (see below) liaise with each other, if the one staff member does not undertake both roles? Has the child/young person consented to external professionals sharing information with the support person at the site, where relevant to the child/young person’s safety and wellbeing?</td>
<td></td>
</tr>
<tr>
<td>Teaching and learning support</td>
<td>Are there any curriculum issues that need to be addressed? For example: – a proposed teaching plan that must be modified to avoid distress to the child/young person – the introduction of a teaching program in order to reinforce particular behaviour. Have these plans been discussed with other professionals supporting the child/young person?</td>
<td></td>
</tr>
<tr>
<td>External support</td>
<td>Which other agencies or professionals are involved with the child/young person or his/her family? What is the nature and length of their support? For example: – How do they liaise with the site? – Have they contributed to the development of this plan/been given a copy? – Have they agreed to liaise with the site? – How is this liaison to occur and through which staff member?</td>
<td></td>
</tr>
<tr>
<td>Plan review</td>
<td>When will the plan be reviewed? Who is responsible for setting a review date? How can the site, child/young person or parents/caregivers initiate a meeting outside of the scheduled review? Have parents/caregivers and child/young person been informed of whom they can raise concerns with if they are not happy with the actions of the site in providing support? Do they have the contact details?</td>
<td></td>
</tr>
<tr>
<td>Support categories</td>
<td>Support strategies</td>
<td>Responsible person/s</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Others with a duty of</td>
<td>Who else needs to know about the plan?</td>
<td></td>
</tr>
<tr>
<td>care</td>
<td>For example:</td>
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<td></td>
<td>– OSHC/vacation staff</td>
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<td></td>
<td>– Family Day Care provider</td>
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<td></td>
<td>– boarding/residential staff.</td>
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<td></td>
<td>What do the child/young person and parents/caregivers agree will be the information given to these individuals?</td>
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<td></td>
<td>What is necessary or relevant for them to know in order to follow the plan?</td>
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<tr>
<td>Signatures</td>
<td>The plan is signed by key stakeholders, in particular:</td>
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<tr>
<td></td>
<td>– child/young person</td>
<td></td>
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<td></td>
<td>– parent/caregiver</td>
<td></td>
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<tr>
<td></td>
<td>– site leader</td>
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</tbody>
</table>
APPENDIX 7: Course of a criminal prosecution

Note: This is a brief overview only of the steps involved in prosecuting a person accused of a criminal offence. A more detailed account can be found in Chapter 3 of the Royal Commission 2012–2013 Report of Independent Education Inquiry. The accused person is called ‘the defendant’.

Common to any criminal offences

1. Police investigation

SA Police will investigate alleged crimes that have been reported to them. In the ordinary course of an investigation, police will take statements from the victim/s involved and other witnesses and will interview the defendant. Police need sufficient evidence before the defendant can be prosecuted.

2. Defendant is charged

When the police have reached the stage that they have reasonable cause to suspect that the crime has been committed, they will either arrest and charge the defendant or summons the defendant to appear in the Magistrates Court on a date stated in the summons.

When the defendant has been arrested and charged, he or she will be either remanded in custody or bailed to a date to appear in the Magistrates Court.

3. Classification of the charge

Criminal offences can be classified as summary offences, minor indictable offences and major indictable offences. Generally, summary and minor indictable offences are tried in the Magistrates Court, unless joined with a major indictable offence. Major indictable offences are tried in the District Court and in the Supreme Court.

Summary and minor indictable offences

4. Magistrates Court

The defendant may either plead guilty or not guilty. If he or she pleads guilty, the magistrate will then determine the appropriate penalty.

If the defendant pleads not guilty, the matter will be adjourned for a pre-trial conference. At the pre-trial conference, the magistrate will endeavour to clarify and limit the matters in dispute between the prosecution and the defendant and list the matter for trial on another date. The court may grant such adjournments as are necessary prior to the trial.

A magistrate will conduct the trial and decide whether the defendant is guilty or not guilty. If the magistrate finds the defendant guilty, the magistrate will then determine the appropriate penalty.

The prosecution has a right to appeal against acquittal where the magistrate has made an error of law or fact. A defendant has a right to appeal against his or her conviction, sentence or both. Appeals against a decision made by a magistrate will be heard by a judge of the Supreme Court.

Major indictable offences

5. First appearance in Magistrates Court

Although trials for major indictable offences are heard in either the District Court or the Supreme Court, the first step in the prosecution of a person charged with a major indictable offence is the preliminary examination which is conducted in the Magistrates Court. The purpose of a preliminary examination (or committal hearing) is to determine whether there is sufficient evidence to put the defendant on trial for a major indictable offence.
6. Declarations date

This is the date, usually within ten weeks from the first appearance of the defendant in the Magistrates Court, set for the prosecution to file in court and serve on the defendant the statements of all the witnesses on whom the prosecution relies to establish the guilt of the defendant. Those statements are called ‘declarations’.

The court may grant the prosecution more time to obtain declarations. When all the declarations have been filed, the magistrate will set a date, four weeks after the declarations date, for the defendant to answer the charge/s. That date is referred to as the ‘answer charge date’.

7. Answer the charge

On the answer charge date, the defendant will be asked to enter a plea. If the plea is guilty, the defendant will be sentenced by the magistrate* or be committed for sentence to the District Court or the Supreme Court.

If the defendant pleads not guilty and the magistrate finds that the prosecution has established a case to answer, the defendant will be committed for trial in the District Court or the Supreme Court.

If the magistrate is not satisfied that the evidence is sufficient to put the defendant on trial, the magistrate will reject the information and discharge the defendant.

8. Arraignment

The first appearance of the defendant in the District Court or the Supreme Court is called the arraignment. That is when the defendant is charged formally. The charge stated on the information is read out and the defendant will be asked to plead guilty or not guilty. The arraignment will be fixed four weeks after the committal.

If the defendant pleads guilty, the matter will usually be adjourned to a later date for submissions to be made as to the appropriate sentence to be ordered against the defendant.

If the defendant pleads not guilty, the matter will be adjourned to a directions hearing which is held four to six weeks after the date of the arraignment.

9. Directions hearing

Directions hearings are held for the purpose of resolving all the procedural matters that must be attended to before the trial begins. Directions hearings also give the judge the opportunity to explore with the prosecution and the defendant whether the matter can be resolved without having to go to trial. If it cannot be resolved, a trial date will be set. The judge will also hear any preliminary applications; for example, an application by the defendant to be tried by a judge alone. Directions hearings involve only the judge, legal counsel and the defendant. It is not uncommon for a number of directions hearings to take place before the trial.

10. Trial

The prosecutor has to present sufficient admissible evidence to the jury (or judge in a ‘judge alone’ trial) to prove beyond reasonable doubt that the defendant committed the offences with which he or she has been charged. If not, the defendant will be found not guilty.

If the defendant is found guilty, the judge will hear sentencing submissions from both the prosecutor and the defence lawyer and will then sentence the defendant.

When the jury is not able to agree on a verdict (‘hung jury’), there will be a re-trial.

Occasionally, a trial may result in a mistrial because some prejudicial event has occurred during the trial. The trial will then start again with a new jury.

*The relevant parts of the Statute Amendment (Courts Efficiency Reforms) Act 2012, which makes provision for the defendant to be sentenced by a magistrate in certain circumstances, commenced on 1 July 2013.
11. Appeals

The rights of appeal against a conviction or sentence are a little complicated. Broadly speaking, a defendant has to apply for permission to appeal against the conviction and the sentence. The appeal is heard by the Court of Criminal Appeal (CCA), which comprises three judges of the Supreme Court.

The Director of Public Prosecutions (DPP) has no right to appeal against a jury verdict of acquittal. The DPP may, in certain circumstances, apply for permission to appeal against the decision of a judge acquitting a defendant. The DPP may apply for permission to appeal against a sentence that is manifestly inadequate.

Where the CCA allows an appeal against conviction, the conviction will be quashed and the court will either order an acquittal or that the defendant be tried again.

In exceptional circumstances, the High Court of Australia will grant permission to appeal against a decision of the CAA.
APPENDIX 8: Relevant legislation

Note: All relevant legislation can be found at <http://www.legislation.sa.gov.au>.

Children's Protection Act 1993

Criminal Law Consolidation Act 1935

Education Act 1972

Education Regulations 2012

Evidence Act 1929

Summary Offences Act 1953

Summary Procedure Act 1921
Managing allegations of sexual misconduct in SA education and care settings
This guideline provides advice for leaders in education and care settings when responding to allegations of sexual misconduct by adults against children and young people. It outlines the actions to be taken and matters to be considered at different stages of the response. The guideline is designed to provide a transparent process to help support the people impacted by sexual misconduct incidents.
suicide postvention
GUIDELINES

A framework to assist staff in supporting their school communities in responding to suspected, attempted or completed suicide
### A. Immediate response

- Ensure the immediate safety of community members if an on-site event (e.g., providing first aid, lock down procedures, ambulance, police, quarantining areas or substances).
- If not a site-based event, find out the facts/circumstances as far as possible. Do not ignore rumours—investigate immediately. Confirm facts with the family and/or police.
- Ensure that affected students/parents/staff are not left alone.

### Important services and contacts

<table>
<thead>
<tr>
<th>Service</th>
<th>Contact Information</th>
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</thead>
<tbody>
<tr>
<td>Ambulance</td>
<td>000 or 112 if using a mobile phone</td>
</tr>
<tr>
<td>Poisons Information Centre</td>
<td>13 11 26</td>
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<tr>
<td>Needle Clean Up Hotline / Drug and Alcohol Information Service</td>
<td>1300 131 340</td>
</tr>
<tr>
<td>Police Attendance</td>
<td>131 444</td>
</tr>
<tr>
<td>Mental Health Support—Women’s and Children’s Hospital</td>
<td>(08) 8161 7000 ask for emergency mental health nurse</td>
</tr>
</tbody>
</table>
### Important Services and Contacts

<table>
<thead>
<tr>
<th>Service</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td><strong>Child and Adolescent Mental Health Services (CAMHS)</strong></td>
<td></td>
</tr>
<tr>
<td>The Northern CAMHS Metropolitan Services:</td>
<td>(08) 8161 7389</td>
</tr>
<tr>
<td>Northern CAMHS Country Service:</td>
<td>1800 819 089</td>
</tr>
<tr>
<td>The Southern CAMHS Metropolitan Services:</td>
<td>(08) 8204 5412</td>
</tr>
<tr>
<td>Southern CAMHS Country Service:</td>
<td>(08) 8204 5412</td>
</tr>
<tr>
<td><strong>Ascend Suicide Intervention Program</strong></td>
<td></td>
</tr>
<tr>
<td>Centacare:</td>
<td>(08) 8241 7022</td>
</tr>
</tbody>
</table>

#### First 24 Hours

- Inform relevant sector office.
- Convene emergency response team and plan the following steps.
- Make contact with relevant mental health agency.
- Consider aspects specific to attempted suicide.
- Identify and plan support for students who are at risk.
- Set up a support room in the school.
- Inform staff and provide script and advice documents which do not describe method of suicide.
- Inform students via a prepared script, in small groups, not a whole school assembly.
- Inform the wider community via prepared letter.
- Contact the media liaison advisor in your sector’s central office (see p 9). Refer all media enquiries to that office.
Important services and contacts

### Counselling Services for Staff

| Davcorp Employee Assistance Program  
| confidential counselling: 1300 360 364  
| CESA/AISSA ACCESS confidential counselling: 1300 667 700 |

### Media Liaison

| DECS: 8226 7904  
| CESA: 82108147  
| AISSA: 81791400 |

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### 48–72 hours after the incident

- Restore school to regular routine.
- Liaise with bereaved/affected family.
- Plan school involvement with funeral.
- Advise staff of all relevant actions and seek their feedback/observations during debriefs which should occur regularly over the first few days.
- Monitor students and begin assessment of identified students in collaboration with mental health agency.
- Monitor staff wellbeing.
- Keep parents informed via notices.
- Collect all deceased student belongings for the police and family.
- Continue documentation of all actions.
during the first month

D. During the first month

- Monitor staff and student wellbeing.
- Plan for school events of relevance (year book photographs, award nights).
- Gather relevant information from staff for a critical incident review.
- Conduct a critical incident review.
- Consider offering information sessions for parent community with mental health agency.
- Continue documentation of all actions.

Links for current resources

**Grief:** [www.grieflink.asn.au](http://www.grieflink.asn.au)

**Young people and depression:** [www.youthbeyondblue.com](http://www.youthbeyondblue.com)

**Young people helping themselves in tough times:** [http://au.reachout.com](http://au.reachout.com)

**Suicide prevention in Australia:** [www.livingisforeveryone.com.au](http://www.livingisforeveryone.com.au)

**General child & youth health (Children Youth & Women’s Health Service):** [www.cyh.com](http://www.cyh.com)
<table>
<thead>
<tr>
<th>Task</th>
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<tbody>
<tr>
<td>Continue support and monitoring of students and staff.</td>
</tr>
<tr>
<td>Keep parents, staff and students informed.</td>
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<tr>
<td>Plan for anniversaries, birthdays and significant events.</td>
</tr>
<tr>
<td>Implement recommendations from the critical incident review.</td>
</tr>
<tr>
<td>Include the postvention plan when inducting new staff.</td>
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</table>
### Attachment 7

<table>
<thead>
<tr>
<th>SAFE SCHOOL ELEMENT and KEY CHARACTERISTICS</th>
<th>Not True</th>
<th>Only true to some degree</th>
<th>Mostly true</th>
<th>Definitely true</th>
<th>Evidence for the placement of this tick</th>
<th>If not yet definitely true Priority for action</th>
<th>Possible Strategies and Resources</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Leadership commitment to a safe school</strong></td>
<td></td>
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<tr>
<td>The school leadership team takes responsibility for the development and maintenance of a safe, supportive and respectful learning environment.</td>
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<tr>
<td>A clear vision for a safe, supportive and respectful school has been communicated across the school community.</td>
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<tr>
<td>Plans are in place to ensure that the vision is sustained for the longer term.</td>
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<tr>
<td>Within the school there is a clear understanding of the school's current capacity to enhance the wellbeing and safety of its students and actions that need to be taken to enhance that capacity.</td>
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<tr>
<td>Data is collected about harassment, aggression, and violence and bullying on a regular basis to inform decision-making about the safety of the school learning context.</td>
<td></td>
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<tr>
<td>Resources are accessed to support the development and maintenance of a safe and supportive school.</td>
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<tr>
<td>Key staff with specific responsibilities for student safety and wellbeing have been identified and supported.</td>
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<td>1</td>
</tr>
</tbody>
</table>
The school leadership team has a sound knowledge of the school community and its expectations for a safe school environment.

2. **Supportive and connected school culture**

Students feel connected to the school.

Explicit pro-social values are taught, modelled and promoted across the school (e.g. respect, acceptance of diversity, fairness, honesty).

Positive and respectful peer—teacher relationships are maintained.

Positive and respectful peer—student relationships are maintained.

Positive and respectful teacher to teacher relationships are maintained.

Parents and carers feel connected to the school.

The school has a focus on staff wellbeing.
The needs of specific groups (e.g. Aboriginal or Torres Strait Islander or refugee and immigrant communities, people with a disability) in the school community have been recognised and addressed.

3. Policies and procedures

Safety and wellbeing policies have been developed.

Step-by-step procedures are in place for staff when responding to child abuse and neglect, harassment, aggression and bullying.

All staff are aware of these procedures.

A responsible technology usage agreement is in place in the school.

Clear procedures are in place enabling students, staff, parents and carers to confidentially report safety and wellbeing issues and concerns.

Clear grievance procedures are in place for staff, parents and carers who experience harassment, aggression, violence or bullying.
A risk assessment of the physical school environment has been done which informs effective risk management plans.

Protocols about appropriate and inappropriate adult-student contact within the school context are followed.

Protocols for visitors to the school are followed.

Effective strategies are followed for record keeping, including the transfer of student records.

A safe school and/or student wellbeing committee operates.

There is a process for the induction of new staff, students and families on the school’s safety and wellbeing policies, programs and procedures.

4. Professional Learning

Information is available about the knowledge and skills of staff on student safety and wellbeing.

Opportunities are provided to address staff gaps in knowledge and skills in relation to student safety and wellbeing.

Ongoing professional learning is undertaken on emerging school safety and wellbeing issues.
Opportunities are regularly provided for more expert and advanced professional learning for staff.

Non-teaching and casual/specialist/visiting staff are included in relevant professional learning opportunities.

**5. Positive behaviour management**

Decisions about the selection of behaviour support programs and resources are evidence based.

Positive student behaviour is promoted and recognised.

The school's selected approach(es) towards student safety are consistently implemented by all staff at both the school and classroom level.

Effective risk prevention plans that focus on the use of technology in the classroom are in place.

Effective risk prevention plans that focus on the organisation and supervision of the playground are in place.

Effective risk management plans for all excursions, school camps, and other off-site or outside school hours activities are in place.
<table>
<thead>
<tr>
<th>6. Engagement, skill development and safe school curriculum</th>
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<tbody>
<tr>
<td>There is a strong school focus on student engagement.</td>
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<tr>
<td>Extensive use is made of cooperative learning and other</td>
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<tr>
<td>relational teaching strategies.</td>
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<tr>
<td>Skills and understandings are taught for cyber safety and</td>
</tr>
<tr>
<td>for countering harassment, aggression, violence and bullying.</td>
</tr>
<tr>
<td>A personal safety and protective behaviours curriculum is in</td>
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<tr>
<td>place at appropriate year levels.</td>
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<tr>
<td>Teachers act as positive role models safe online behaviour.</td>
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<tr>
<td>A comprehensive social and emotional learning curriculum is</td>
</tr>
<tr>
<td>embedded in all subjects.</td>
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</table>

<table>
<thead>
<tr>
<th>7. A focus on student wellbeing and student ownership</th>
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<tbody>
<tr>
<td>Effective pastoral care and peer support structures are in</td>
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<td>place.</td>
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<tr>
<td>Opportunities are provided for students to develop a sense</td>
</tr>
<tr>
<td>of meaning and purpose.</td>
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<tr>
<td>A strengths-based approach to student learning and</td>
</tr>
<tr>
<td>participation is evident across the school.</td>
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</tbody>
</table>
A range of opportunities are provided for student ownership and decision-making, student voice and peer mentoring.

**8. Early intervention and targeted support**

Students and their families who could benefit from additional support are identified as early as possible.

Appropriate early student intervention involving support, skill development and social restructuring is undertaken.

Ongoing support is provided to identified students and their families.

**9. Partnerships with families and community**

The school provides opportunities for parent and carer education around issues related to safety and wellbeing and works collaboratively with parents/carers on issues related to student safety and wellbeing.

The school works with community organisations to provide a consistent message about student safety and wellbeing.
<table>
<thead>
<tr>
<th>The school works with community agencies to maximise its effectiveness and extend support to students and families.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The school works with the justice system to maximise its effectiveness and extend support to students and their families.</td>
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</table>
REVIEW OF PROCEDURES
AND PROCESSES
IN DEPARTMENT OF EDUCATION & CHILDREN'S SERVICES (DECS)
RELATED TO
BULLYING AND VIOLENCE
IN SCHOOLS

Bill Cossey
May 2011
1. INTRODUCTION

On Thursday February 10th 2011, local and national television news services featured video footage of an assault of a student at Craigmore High School.

It is alleged that the assault itself and the filming of the assault were carried out by students of the school. Court proceedings are continuing.

The incident occurred on Monday February 7th 2011, three days before the television stations (and the school) had access to the video material. The incident followed a previous incident on Friday, February 4th 2011 and which is understood to have been connected with the incident on Friday 7th February 2011.

Subsequently, the talk-back radio media and other media have covered stories related to incidents in schools. There has been a consistent theme questioning the policies, procedures and processes in the Department of Education and Children's Services (DECS) and in State schools to minimise and deal with such incidents.

This questioning has related both to the activities and responses of schools, the Police and the DECS Regional and State Offices.

Even more recently, the incidence of bullying and violence in schools both interstate and in South Australia has been highlighted nationally with a particular focus on cyber bullying.

This has generated discussion, debate and concern about bullying, including cyber bullying in our workplaces and in our community generally, with legislators, including in South Australia, proposing new laws with severe sanctions for people found guilty of prescribed bullying related offences.

In the light of continual questioning and concern, the Minister for Education and Children’s Services commissioned Bill Cossey AM, former senior public servant, to review certain aspects of the Department's systems, processes and procedures.

This is the report of that review.

2. TERMS OF REFERENCE AND CONDUCT OF THE REVIEW

The Terms of Reference for this review were as follows:

“The review will provide commentary on the current processes/procedures for bullying and violence in Schools, taking into account the circumstances of the Craigmore High School incident, with particular reference to the following matters:

➢ Violence and bullying policies and practices in government schools and their application in this incident;

➢ The reporting relationship between schools and DECS Regional and State Office;

➢ The reporting relationship between DECS (including schools) and SAPOL; and
A review of the Queensland Schools Alliance against violence report and the application of its recommendations to South Australia.

It is important to note that although the review was informed by the circumstances of the Craigmore High School incident, the focus of the review was more general. It is also important to note that a number of the incidents classified by DECS as critical involve threats and attacks against DECS staff. However, this review confined its activities to incidents involving students as victims.

It is also important to note that this review was not principally concerned with the policy approach to bullying of DECS State and Regional Offices and DECS schools. However, it is not possible to separate completely the policy issues from the systems issues so the report touches on policy issues at certain points. The report also identifies policy issues that will require expert consideration separate from the systems considerations discussed herein.

Of particulate note is the speed with which trends in cyber bullying, driven by new, powerful and pervasive technological developments are being experienced. This will inevitably demand a dynamic environment of policy review and refinement.

The review involved a number of activities during March 2011.

- Reading of Departmental policies, procedures and processes;
- Visit to Craigmore High School;
- Interview with Des Wauchope, Principal and Graham Jennings, Deputy Principal of Craigmore High School;
- Interview with the mother of the victim of the February 7th 2011 incident and review of documents supplied by her;
- Preliminary interview with Jan Andrews, Deputy Chief Executive, DECS;
- Interview with Greg Cox, Consultant to DECS on Bullying;
- Interviews with Steve Portlock, President, SA Primary Principals Association (SAPPA) and Jim Davies, President, SA Secondary Principals Association (SASPA);
- Interview with Toni Cocchiaro, Regional Director, DECS and David O’Brien, Assistant Regional Director, DECS;
- Discussions with staff of the School Care Unit, DECS Central Office;
- Interview with Don Mackie, Manager, Legislation & Legal, DECS Central Office;
- Meeting with a group of 6 primary and secondary principals organised by the Presidents of SAPPA and SASPA;
Interviews with Professor Ken Rigby, University of South Australia, and Professor Phillip Slee (Flinders University);

Discussion with Janine Harvey, Assistant Director Child and Student Wellbeing, DECS and Chair, Coalition to Counter Bullying and Violence in Schools;

Discussion with Anne Kibble, Director, Programs and Regional Management, DECS;

Meeting with Correna Haythorpe, President, Australian Education Union (AEU) and senior staff of the AEU;

Interview (at her request) with Elaine Bensted, Deputy Chief Executive Officer DFEEST;

Discussion with Graeden Horsell, former President SAASSO;

Interview with Assistant Commissioner, Tony Harrison, SAPOL and Chris Boulderstone, Crime Prevention Branch, SAPOL;

Discussion with Simon Blewett, Chief of Staff, Minister for Education and Children’s Services;

Detailed assessment of the October 2010 report of the Queensland Schools Alliance against violence;

Review of National Safe Schools Framework released on 18 March 2011;

Attendance at part of Cyber Bullying Conference organised by DECS on 29 March 2011, including attendance at presentation by Professor Donna Cross (Edith Cowan University, Western Australia) on cyber bullying trends; and


All DECS, DFEEST and SAPOL staff, academic experts and the mother of the victim of the February 7th 2011 incident cooperated fully with the review and their considerable assistance is gratefully acknowledged.

3. LEARNINGS FROM THE CRAIGMORE HIGH SCHOOL INCIDENT

Although this review did not involve a detailed investigation of the incident at Craigmore High School, there were clearly some learnings from the circumstances of the incident as follows:

(a) Incidents involving bullying and violence in State schools are of considerable public interest and concern and cannot be “contained” within the school itself or the State Education system;

(b) Further to (a) above, images of all school based incidents of violence are potentially available to the general public via both normal television media and the video capacity of widely available and accessible social networking sites. Furthermore, as is evident in the Craigmore situation, it can be assumed that there will be “technological
conversations" on social networking sites both in the lead up to, and following, incidents in schools;

(c) The availability of mobile technology to students and the capability of mobile technology and social networking via this technology is such that the parents and other family members of victims of violence and other school incidents (as well as the media and the community generally) could potentially receive video material and related "commentary" from an incident within seconds of the incident occurring. Moreover, this material could be received before the school leadership is even aware that an incident has occurred. Although this was apparently not the case in the Craigmore situation, this has serious implications for the immediacy of response required from, and the incident reporting and recording systems of, the school, DECS Regional and State Offices and the response of the Police;

(d) Exclusion and suspension of students from school may mean that such students are physically isolated from the school environment for the period of their exclusion or suspension but through the capability of mobile technology are able to remain in constant contact with their fellow students;

(e) The relationship between DECS State Office and Regional Offices and schools, between SAPOL and the DECS State Office and Regional Offices and schools is crucial in providing confidence to schools and to the community that incidents of violence in schools can be both minimised and responded to appropriately; and

(f) Students with disabilities are increasingly participating in mainstream classes in mainstream schools (almost 10% of students in DECS schools are assessed as having a disability and more than 90% of these students are in mainstream settings). These students are likely to require even more vigilance on the part of teaching staff if they are to be relatively free of bullying and harassment. In addition, the number and range of students with disabilities in schools is considerably testing teachers' skills and confidence in how best to relate to these students. Past and current teacher training and continuing professional development in this area has not equipped teachers generally with the necessary skills and confidence to always relate appropriately to students with disabilities or to advise other students on how to relate.

4. ADDITIONAL PERSPECTIVES

As the review progressed, it became apparent that there were additional perspectives to those emerging from the incident at Craigmore High School and which need to be taken into account by DECS in its future work. These are as follows:

4.1. Community Concern is Increasing

The community reaction to the video footage from the Craigmore High School incident and more recent interstate incidents and subsequent media interest clearly indicates a rising level of community concern and a clear message that the community expects our schools to be safe for students, teachers, school support staff, volunteers and visitors to schools. This is entirely consistent with expectations of DECS and its schools.
Whilst the number of critical incidents reported in DECS schools each year is a small proportion of the number of students (in 2010 there were 1974 incidents reported as critical against a total DECS school population of approximately 165,000 students), the community needs assurance that everything possible is being done by DECS to minimise this number. Again, this is consistent with what DECS and its schools aim to achieve.

Moreover, when a serious incident occurs, the community needs to be assured that it will be dealt with as a matter of urgency and, as appropriate, corrective action taken to minimise the possibility of a repeat occurrence.

4.2. South Australia is Not Alone

A brief scan of the national and international literature clearly indicates that bullying and violence in schools is not confined to South Australia.

Education systems throughout Australia and across the world are faced with similar problems and challenges.

This is not particularly surprising but it does provide considerable opportunity for DECS to continue to learn from national and international experience in developing and implementing new approaches as appropriate.

That said, international evidence strongly indicates that Australian and South Australian schools are amongst the safest in the world.

There has been some speculation as to whether the incidence of bullying and related violence is on the increase and whether it is higher in DECS schools than in interstate schools. Enquiries made of researchers during this review revealed that the research to date suggests that, overall, bullying in schools is not increasing and may even be slightly in decline although as discussed later in this report, there is an apparent shift towards more cyber bullying. Research also indicates that cyber bullying and face to face bullying are not mutually exclusive activities.

Results from that same research indicate that the incidence of bullying in South Australian schools is lower than in schools interstate.

However, there is no doubt that any level of bullying is too high and the community’s tolerance of it is decreasing.

4.3. The Role of the School Care Function and its Associated Systems and Procedures is important but has changed. It provides a repository for information about Critical Incidents but cannot be regarded as a substitute for excellent school based reporting and record keeping.

4.3.1. Dealing with Critical Incidents

The school care function has evolved over a number of years from origins that were apparently more related to school security.
About 10 years ago, as a pilot program, DECS extended the school care function under the name of the Safer School Centre in its Southern metropolitan area. The main purpose at this time was to act as a sounding board and source of informal advice for schools in that area dealing with difficult behavioural matters, including acts of violence.

After several years of operation, DECS decided to extend the reach of the Safer School Centre to cover the entire State and located the unit more centrally (at the Education Development Centre at Hindmarsh). At this time, the unit consisted of three DECS staff supported by two seconded Police Officers who were on hand to provide detailed advice in situations that could potentially involve Police action.

Apparently because of budget restrictions, the School Care Unit was relocated to DECS State Office in Flinders Street three years ago. At that time, SAPOL assessed that it was inappropriate to continue to co-locate their seconded officers with the unit so the immediacy of day to day communication was lost (further discussion on the relationship between DECS and SAPOL follows in Section 4.4 below).

The main function of the School Care Unit today is the receipt and processing of approximately 2000 reports per annum from schools of incidents which meet the following definition of "critical incident", as contained in the February 2011 Guideline for Site Leaders entitled "Critical Incident Reporting".

"A critical incident may be defined as any significant or threatening event which could be contentious or dangerous and has the potential for media attention and may include:

- Parent issues;
- A major disruption to the site's routine;
- Intervention or action by Police or other agencies;
- Intruders;
- Weapons;
- Disaster eg, fire/flood;
- Drug incidents;
- Death or serious injury to a student or staff member."

The system used for the reporting of these incidents is IRMS (Incident Reporting and Management System). It is a "home grown" system to which all schools and DECS State Office and Regional Offices have access.

It is not intended that logging a critical incident on IRMS is the first obligation of a school. Rather, it is expected that a school will initially and immediately report the incident by telephone to the Regional Office and separately by telephone to the School Care Unit. The Guideline for Site Leaders referred to above makes reference to this but this could and should be made much more strongly.
Principals involved in this review spoke highly of the responsiveness of Directors and Assistant Directors in Regional Offices when they make them aware by telephone of a critical incident in the school. The review was informed that Regional Offices give high priority to ensuring that all of the support and assistance that the school requires as it deals with the incident is provided. This must remain a key feature of the DECS' overall approach.

Subsequently, but not specified time wise in the Guideline referred to above, the school lodges its report with IRMS. That report not only provides details of the incident but the action taken by the school subsequently.

The School Care Unit then electronically forwards the incident report to various parts of the Department with a requirement that those units take whatever follow-up action is consistent with their role and function and record that action electronically on the incident report.

The review has identified several opportunities to improve this set of procedures as follows:

➢ The Guideline for Site Leaders entitled Critical Incident Reporting needs to better reflect the need for an immediacy of site response including immediate contact with the victim's parent(s) or nominated contact person following incidents of violence as today's technological environment demands;

➢ There would be benefit in including in that Guideline a reference/electronic link to a "companion" document issued by the School Care Unit entitled "Checklist -- When an Incident Occurs; Consideration Responsibility" and which advises schools on the procedures to be adopted following an incident;

➢ The "companion" document referred to above also needs to be updated in terms of the school's responsibility to inform immediately the parent(s) or nominated contact person of the victim of violence of the incident. That updating should also include guidance to schools on how to deal with the likely implications of a criminal investigation and on the possible availability of filmed evidence of the incident and how to preserve such evidence;

➢ IRMS is essentially a system for complete and comprehensive reporting of critical incidents and recording of follow-up but it is not really geared to ensure that all who need to know that a critical incident has occurred are communicated with very quickly;

➢ Moreover, IRMS is not as user-friendly as it needs to be and response times are often very slow. This leads to a tendency for schools to be minimalist in their initial reporting of details;

➢ The minimal details reported by schools in the first instance often need to be supplemented by a detailed next-day telephone conversation between the School Care Unit staff and an informed school leader, generally requiring the initial report to be expanded upon via a supplementary report from the school;
Anecdotal evidence suggests that some schools ask a School Support Officer to enter the details of incidents into IRMS and quality control of the incident reports at the school is variable;

Responses from the DECS State Office units to IRMS are also variable in their timeliness and their detail; and

The School Care Unit has identified that there is no consistent understanding amongst schools as to those incidents which could require a Police response because a criminal offence might be involved. At the time of the review, the School Care Unit in conjunction with SAPOL was producing a list of such offences for distribution to schools. This action is supported by this review.

To address the immediacy question of extreme incidents where physical violence has occurred it is proposed that DECS develop a protocol that:

Maintains the requirement that the school immediately contacts the Regional Office and the School Care Unit with the initial details of the critical incident;

Strengthens the need for immediate contact by the school with the parent(s) or nominated contact person of the victim as well as immediate notification of the Police;

Enables the School Care Unit to enter, from the telephone details supplied by the school at the time of the initial notification, an interim report which will then in due course be supplemented by the school;

Ensures that the most senior available member of the DECS Executive is informed by telephone by the School Care Unit as soon as notified by the school;

Requires that the most senior available member of the DECS Executive inform by telephone the Minister immediately; the interim report referred to above should be made available electronically to the DECS Executive member at that time;

Requires the most senior available DECS Senior Executive member to nominate an appropriate person to coordinate the handling of requests for information, briefing material, etc and to provide one point of communication with the Regional Office and the school; that person's role should also include ensuring that the record on the IRMS is fully completed and responded to appropriately by DECS Central Office Units;

Determines which of the senior DECS Executives, including the Chief Executive, should fulfil the role of Departmental spokesperson in the event of media interest and what role the DECS Regional Office and School Principal should play in responding to media questions.

Adopting such a protocol will avoid a wasteful lack of coordination when the Minister and DECS leadership have to respond to questions about these highly visible incidents.
The Regional Office which has responsibility for Craigmore High School has indicated that at the height of the concern regarding the Craigmore incident, it was attempting to respond to many different people (from DECS and the Minister’s Office) seeking clarifying, and often the same, information.

The review has noted that in certain instances there seems to have been an expectation that the Minister be the spokesperson in relation to incidents of violence. The above protocol clearly suggests that although the Minister needs to be informed immediately that a serious incident has occurred, the Department should be responding to media questions through its assigned spokesperson(s). The Ministerial role then becomes one of ensuring appropriate follow-up including policy and procedure review as needed.

Finally, in relation to incident reporting, the review was informed that the School Care Unit has commenced keeping details of the incidents which meet the definition above of critical and which subsequently “come to light” and which were not reported to IRMS at the time. Surprisingly, this number was averaging between two and three per week during February and March 2011. Whether this is because the school hopes (or believes) that an incident can be “contained” within the school itself is hard to assess. However, this is extremely risky practice and all steps must be taken to discontinue it; particularly, but not solely, because of the probability that filmed evidence of the incident exists and could be distributed widely.

4.3.2. School Record Keeping in Relation to all Incidents

Not every incident of anti-social behaviour towards students by other students meets the definition of a critical incident.

However, incidents that are not critical may well be the forerunners of incidents that are. This is particularly so given the likelihood of social media “conversations” between students, including “conversations” that occur outside of school hours and which can lead to an escalation.

For reasons associated with a school’s duty of care obligations, this review regards it as essential that every incident of which a school staff member is aware be formally recorded, reported to the leadership of the school and filed securely in the school.

The review is aware that schools have their own approaches to this, with local forms and procedures. However, they vary in the detail recorded of the incident and of follow-up action taken.

A strong case exists for guidance from the DECS State Office by way of a template which indicates the minimum information that should be recorded including:

- Name of person providing the report;
- Date, time and location;
- Incident details;
Students involved;

Witnesses, if any;

Communication with parents or other designated contact person (as appropriate); and

Other action taken.

This should be considered as a component of an updated DECS Duty of Care policy. (The review has noted that the Duty of Care policy document on the DECS website is dated November 2007).

Later in this report there is reference to one large metropolitan high school which requires that documentation such as that referred to above be kept for circumstances where the staff member suspects a student is being bullied (including being cyber bullied). This would seem to be highly desirable as well, albeit as a preventative measure.

4.4. Relationship with SAPOL Needs to be More Systematic

Given the general level of concern with safety in our schools, it is extremely important that the relationship between DECS and SAPOL at all levels is strong and well understood by all parties.

This review has identified that there are some excellent examples of strong and responsive relationships. There are some excellent relationships that have been fostered between schools and their SAPOL local service area. These are not just in relation to responsiveness at the time of critical incidents. Community Police Officers are involved with schools in assisting to establish an environment built around prevention.

However, senior management in DECS and SAPOL agree that there is a need for the relationship at the time of a critical incident involving violence against students to be more systematic.

Although approximately 2000 critical incidents may be recorded on the IRMS each year, only a relatively small percentage of them demand any SAPOL involvement (because of the possibility of charges being laid) let alone an immediate SAPOL response.

Currently, the expectation of schools by SAPOL is that calls requiring a Police response are made to the Police call centre number 131 444 (obviously, 000 is available for emergencies but very few school incidents would meet the criteria for a 000 call).

Principals have informed the review that experience with calling 131 444 can be met with one of three general responses viz:

> A patrol car will be sent as soon as possible; or
A patrol car will not be sent as the incident seems to be a school matter to handle; or

It would be preferable if the victim or the victim's family made the call to 131 444.

Both DECS management and SAPOL management recognise that this reflects an uncertainty which is not helpful to either organisation. Just as Principals do not wish to have Police responding unnecessarily, SAPOL resources are limited and need to be utilised efficiently.

A significant challenge in suggesting a systematic way forward concerns the respective organisation cultures of DECS and SAPOL. The DECS culture is based on central, overarching policies which are adapted and extended at school level to form local, operating policies and procedures. These local adaptations often result from discussions with the school's Governing Council and take account of local circumstances. In contrast, SAPOL adopts a much stricter set of central operating policies which are implemented with little or no variation in local settings.

Inevitably, therefore, any systemic approach will need to be mindful and respectful of these respective cultures and, of necessity, incorporate a degree of continuing improvement based on operational experience.

In keeping with this approach, it is proposed that DECS and SAPOL document for schools the circumstances in which an immediate Police response is essential. In such circumstances and with SAPOL's agreement, Principals should be authorised to make direct contact with the uniformed Police officer on duty at the 131 444 call centre who will ensure an immediate Police response.

The review is aware that a document entitled "Assaults" to be issued as a Guideline to Site Leaders in DECS is in final stages of development by DECS in conjunction with SAPOL. The approach suggested above should be documented in that Guideline when finalised.

In introducing this proposal, it should be recognised that it will possibly be required in the vicinity of 200 times per year but in the first instance, may be "overused". Therefore, it is essential that DECS and SAPOL monitor its use in the early stages so that continuing guidance to schools can be provided if its use needs to be modified over time.

In relation to the SAPOL involvement in preventative programs, there needs to be continuing support. The review was made aware of two pilot programs in the northern and southern suburbs in which Community Police Officers (under a Neighbourhood Policing pilot program) are assisting schools to resolve low level disputes including using restorative justice techniques. Such initiatives need to be continued and, as appropriate, extended.

An emerging area of possible SAPOL involvement in schools relates to cyber crime. There is often a fine line in the use of today's technology between anti-social behavioural uses (cyber bullying) and criminal activity (eg cyber stalking).
The review was informed that SAPOL’s staff experienced in this area have established excellent relationships with DECS. They have proved very useful in informing DECS staff, including schools, about how to identify and deal with activities that could be of a potentially criminal nature.

The longer term challenge will be for DECS and SAPOL to establish an operational relationship such that an appropriate (though not necessarily instantaneous) Police response occurs when a school wishes to report possible criminal activity involving technology.

4.5. There are Overlaps between Bullying and Physical Violence but they are not always the same

It has become fashionable in the media particularly to refer to all anti-social behaviour in schools as bullying. Bullying is understood (generally and in DECS material) to involve repeated instances of harassment and/or intimidation creating considerable fear in the mind of the targeted person. As such, this can certainly be regarded as psychological violence but because the nature of a school’s response and intervention is different between physical and psychological violence, it is more practicable for this report to consider them separately.

There may be extreme physical violence involved if bullying continues unabated but violence may also be a single incident not necessarily connected with prior bullying.

In recent media interviews, school leaders have attempted to make this point of difference and whilst it may take some time for the message to be well understood, it is important that this emphasis continue.

One very obvious reason why schools should continue to distinguish between the two concepts is that the prevention and management of bullying is largely a school responsibility in conjunction with students and the broader school community. Dealing with an incidence of physical violence may require immediate Police involvement.

The national and international evidence in respect of bullying today is that it is not easily dealt with. Whereas it could in the past be more easily witnessed, today’s technology enables it to occur up to 24 hours a day with no physical interaction between the person(s) engaged in bullying and the victim(s). Moreover, the technology allows the initiator to be anonymous.

What has not changed is the reluctance of the person being bullied to seek help as he or she may fear that the negative consequences of such requests for help will be greater than the effect of the bullying. Research already indicates that young people are less likely to seek help for cyber bullying than for more conventional bullying.

DECS State Office has been very active in helping schools and parents understand the dimensions of bullying and in sponsoring programs to develop resource materials for use in schools. A number of schools have implemented programs to assist students deal with bullying and to emphasise the important role of bystanders including cyber bystanders. Early reports suggest that these are helping through increased student self-esteem and increased student confidence to deal with bullying themselves.
Continued development of these preventative programs across the DECS system is encouraged. However, Principals have reported to this review that because programs are a school responsibility and some can be quite expensive to implement, they can place significant pressure on school budgets.

What is clear from the preventative work done already in schools is that all school staff need to be extremely alert and watchful all the time for changes in student behaviour and personality that could be indicative of bullying being present.

As referred to in Section 4.3.2 above, one secondary school Principal informed the review that that school required all staff to record every instance in which bullying is suspected and how repeated observations lead to sensitive discussions with the victim(s) and possible bystanders about how to deal with it.

A continuing learning challenge relates to ways of assisting students who are being bullied to cope with the bullying. As referred to above, a number of schools are implementing programs which are having positive results. However, leading researchers and school staff have indicated to this review that there is still a lot to be learned in this area. There are a number of reasons for this including the part that a student's home life plays in either assisting or hindering coping efforts.

This is clearly an area for continuing policy thinking.

4.6. Schools are Concerned and Need Help in Developing Operational Policies and Procedures

Discussions with Principals during the review clearly indicate that schools generally take the matter of safety including bullying behaviour very seriously. Principals are fully aware that they cannot meet their responsibilities for student learning in an unsafe environment and schools are devoting considerable time, energy, resources and expertise to achieve this – often in very difficult circumstances.

At the same time, technological and societal changes are occurring at such a rapid rate that maintaining currency is a major difficulty for schools.

It was pointed out during this review that the DECS website lists many policies of which a number relate in some way to safety in schools. Most of the policy statements have (as would be expected) a focus on overarching principles. Similarly, the National Safe Schools Framework released on 18 March 2011 includes both overarching principles and a resource kit to assist schools. The resource kit contains references and links to scores of other documents.

Use of resource kits and translation of overarching policies into practical, easily applied, enforceable and enforced operational policies and procedures to apply in the school is a responsibility of each Principal. Whilst this is consistent with the continual trend towards assigning more authority to schools, good practice would suggest that a significant level of assistance, support and guidance to Principals is fundamental to the development of robust operational policies and procedures.
There is a DECS policy initiated by the former Minister that requires each school to develop an anti-bullying policy. That requirement has existed for about 6 years but, to the time of this review, no audit of these policies has occurred and evidence gained during this review and supported by a statement on the DECS website suggests that in many schools, the anti-bullying policy is confined to a small section of a Student Behaviour Management policy or Student Code of Conduct.

In developing and maintaining policies at a school level which are practical, well publicised, enforceable and enforced, it is essential that schools be continually informed by DECS State Office of the ever-increasing body of research that will inform school policies and procedures. This is particularly relevant in the area of cyber bullying. Academic research already conducted in Australia and still progressing and reported by Professor Donna Cross at the DECS Cyber Bullying Conference on 29\textsuperscript{th} March 2011 indicates that:

- Although the overall incidence of bullying is not increasing, cyber bullying is increasing whereas face to face bullying is in decline;

- More than 80\% of students who have been bullied or who have initiated bullying activities have been involved in both face to face and cyber bullying;

- Face to face bullying starts in the early years of primary school and peaks at the point of transition to secondary school before declining whereas cyber bullying continues to increase throughout secondary school;

- Between the various year levels of years 4 to 9, the percentage of students who indicate that they have been bullied varies from 15\% to 25\% of all students and the percentage of students who indicate that they have engaged in bullying ranges from 4\% to 10\% between those year levels;

- Males and females respond differently to being cyber bullied;

- Cyber bullying is estimated to be increasing at the rate of 2\% per year and bullying involving photographic material is increasing at a faster rate than other forms of cyber bullying;

- Bullying of Aboriginal students needs sensitive responses because it is more likely to involve bullying between Aboriginal students;

- More than 85\% of cyber bullying is witnessed by cyber bystanders.

The complexity of cyber bullying and the implications for schools is further emphasised by the material presented at the DECS Cyber Bullying Conference which suggested that a comprehensive set of school based strategies would involve:

- 11 separate strategies at a school or classroom level; and

- 8 separate strategies at the student level; and

- 10 separate strategies at the parent/family level.
Therefore, not only does this suggest that school based operational policies and procedures need to be extremely comprehensive but need to be continually updated in the light of experience and technological advances.

This is another challenge for the DECS State Office in its communication with schools as the comprehensive guideline document entitled 'Cyber Safety' was issued in June 2009 and almost certainly requires updating already in the light of new technology.

5. NATIONAL DEVELOPMENTS

The area of bullying and violence is the subject of much national attention. In this section of the report, reference is made to work in Queensland (as required by the Terms of Reference for this review) and the National Safe Schools Framework

5.1. Review of "Working Together" – A Report by the Queensland Schools Alliance Against Violence

The Terms of Reference for this review required an assessment of the report prepared for the Queensland Government in October 2010 by the Queensland Schools Alliance Against Violence. The report is entitled "Working Together".

Before analysing the report, it is important to note that:

(a) The Queensland Schools Alliance against Violence (QSAAV) is a broadly based body comprising representatives from all school sectors, parent associations, the relevant unions, Aboriginal people and the Commission for Children and Young People. It is chaired by the Vice Chancellor of Griffith University.

(b) The QSAAV was formed in February 2010 in response to a recommendation in a report prepared for the Queensland Department of Education & Training by Professor Ken Rigby from the University of South Australia and entitled “Enhancing Responses to Bullying in Queensland Schools”.

(c) QSAAV’s “Working Together” report contains 8 recommendations which build on the proposals contained in Professor Rigby’s report referred to in (b) above.

The relevance of points (a), (b) and (c) above is that South Australia has had since 2005 a Coalition to Counter Bullying and Violence in Schools. The membership of that Committee is not as broadly based as its Queensland counterpart in that it includes representatives from the three schooling sectors and the three South Australian Universities and is chaired by a DECS senior manager. A representative from SAPOL has just been added. However, its membership includes South Australian academics who are widely respected nationally and internationally in this field viz Professor Phillip Slee (Flinders University), Dr Barbara Spears (University of SA), Dr Shoko Yoneyama (University of Adelaide) and Professor Ken Rigby (the person whose work formed the basis of QSAAV’s report).

It may be timely to consider a broadening of the role of the South Australian Coalition by strengthening its charter, giving it some professional, executive support and establishing a direct reporting relationship to the Chief Executive of DECS and the Minister. Further, it could
enable the Coalition to have an ongoing role in assisting schools with policy and practice development as well as monitoring the policies and practices in DECS schools. This is discussed further in Section 6.2 below.

The QSAAV “Working Together” report contains 8 recommendations. Based largely on Professor Rigby’s work and its own review of international and Australian research and resources, QSAAV also developed a framework which contains 10 elements of effective school based action against bullying.

The intent is that these 10 elements are used as a checklist by schools in assessing and reviewing their own policies, procedures and actions.

The 10 element framework is produced on the next page:

Discussions with site leaders during this review suggest that DECS schools certainly operate within the spirit of these 10 points. However, there is one aspect that could and should be strengthened as follows:

As referred to in Section 4.6 of this report, since 2005, and based on a Ministerial instruction, DECS has required all sites to have an anti-bullying policy which (as it happens) would align with points 2, 3 and 4 of the QSAAV 10 point framework. Many schools have complied with this requirement by making reference to anti-bullying in either a Student Behaviour Management Policy or a Student Code of Conduct. There is no reason for this practice not to continue but to comply fully with the Ministerial and DECS requirement, this review considers that a more substantial, separate anti-bullying policy and procedure should be developed by each site and published widely (including on the site’s website) within and beyond the immediate site (school) community.

To assist schools in this endeavour, the Coalition could be asked to endorse a template upon which schools could base their individual documents. An example of such a template exists within DECS already in the form of the document which guides schools in relation to drug-related incidents in schools.

5.2. QSAAV’s 8 Recommendations

Of the 8 recommendations in the QSAAV “Working Together” report, 5 are considered to have relevance to this review. The remaining 3 relate mainly to the ongoing support of QSAAV and its work and are not further discussed in this report.

The 5 recommendations of relevance and their potential links with the South Australian challenges are as follows:

QSAAV Recommendation 1

Urge all Queensland schools to adopt a cyber safety strategy\(^1\) incorporating the following elements:

\(^1\) eSmart Schools (Alannah & Madeline Foundation, Australia) and the Netsafe Kit (New Zealand) are evidence-based examples of cyber safety strategies that schools will be encouraged to consider
QSAVV framework: 10 elements of effective school-based action against bullying

1. Create a caring, respectful, inclusive and supportive school culture.

2. Establish a clear whole-school definition of bullying.

3. Establish a clear anti-bullying policy developed in collaboration with staff, students and parents/carers, which addresses all forms of bullying (including cyber bullying).

4. Collaboratively develop procedural steps to respond appropriately to bullying incidents that are clearly documented, and define the roles and responsibilities of staff, students and parents/carers.

5. Establish teaching and learning programs that promote personal development and address all forms of bullying through the teaching of language skills, social-cognitive abilities, social skills, assertiveness, coping strategies, group mechanisms, motives for bullying and being effective bystanders.

6. Provide professional development to assist school staff to understand the anti-bullying policy, implement teaching and learning programs, and provide support for students at high risk times and in high risk settings.

7. Consult students regularly to monitor and determine the types of bullying behaviour, and in what school and social contexts bullying (including cyber bullying) occurs.

8. Create physical environments in the school and staff supervision practices that limit the incidences of bullying (including cyber bullying).

9. Support and engage families by maintaining regular, clear communication and through systematic parent awareness raising and skill building.

10. Establish a process for regularly reviewing and celebrating the effectiveness of school policies, programs and procedures.
Consultation with students, parents and school staff;

Acceptable use agreements for students and school staff;

Clear directions about the use of mobile phones and other electronic equipment by students during school hours;

Regular review of the strategy;

Inclusion of cyber safety within the school’s teaching and learning program.

QSAAV undertook an investigation of options for a cyber safety framework for Queensland schools. QSAAV would like to see all schools adopting a cyber safety strategy incorporating a sequence of steps recommended in a number of established frameworks. As detailed previously, investigation of existing frameworks is ongoing.

Relevance to South Australia

It is clear that cyber bullying is of major concern to the South Australian community. DECS organised a major conference on cyber bullying on March 29th 2011. This will be helpful to site leaders in developing approaches to deal with cyber bullying in schools and the proposed template for site anti-bullying policies and procedures referred to above should specifically deal with cyber bullying.

QSAAV Recommendation 4

Engage an independent anti-bullying expert to provide ongoing advice to government on issues and policy options as needed

The complexity of both interpersonal relationships and child development, as well as the constant evolution of communication technology, means that bullying and cyber bullying will continue to present challenges to schools. Ongoing advice to government from an anti-bullying expert would inform policy and procedural decisions as new issues emerge. Clear protocols about the role and brief of an anti-bullying expert would need to be developed.

Relevance to South Australia

This is an ever-changing, ever-developing field. It is also a field in which some high profile professional psychologists have strongly held views – views that are often expressed in public forums such as talk-back radio.

It is important that the Minister and the leadership of DECS not only have direct access to current, professional and expert thinking but that such thinking be conveyed to the community – including but not confined to responses to concerns raised on talk-back radio.
The research already conducted and continuing to be conducted into bullying including cyber bullying, suggests that simplistic, one size fits all solutions are not effective or are effective in only specific circumstances.

Through the Coalition, the Minister and the leadership of DECS have potential direct access to some of Australia's most respected researchers in this field and through their international connections to the most current thinking internationally. But from time to time it might be useful for the Coalition, in open forums, to engage with practitioner psychologists to share ideas, experiences and approaches.

By strengthening the role of the Coalition as proposed above, the South Australian system has an opportunity to satisfy the recommendation completely.

**QSAAV Recommendation 5**

*Develop a promotional campaign focussed on improving the awareness of parents and students about bullying and cyber bullying*

**Review Note**

During QSAAV's examination of Professor Rigby's work, it commissioned prominent psychologist Dr Michael Carr-Gregg to develop an education series for Queensland schools.

Dr Carr-Gregg's education series for school staff and parents featured extensive examples of promotional campaigns from overseas which focussed on improving community awareness of bullying and cyber bullying. At the conclusion of the education series, Dr Carr-Gregg recommended a broad promotional campaign to increase understanding that bullying and violence are community issues which require a community response. A number of options, including television advertisements, iPhone applications, posters and postcards, are being investigated as part of a possible promotional campaign.

**Relevance to South Australia**

Bullying is a community issue. Cyber bullying is a relatively new phenomenon which may not be understood by large sections of the community, including teaching staff.

Although it seems that community awareness is increasing as South Australia moves to introduce legislation to make certain cyber related activities criminal offences, community awareness will be increased further. However, that should not minimise continuing promotional activities amongst school communities.

An enhanced and strengthened Coalition should be charged with the responsibility of reviewing existing material and international awareness raising campaigns and, subject to the appropriate protocols, recommending the adoption of relevant campaigns in South Australia.

**QSAAV Recommendation 7**
Develop a strategy for communicating with students about the issues of bullying and violence, including the use of social media options

QSAAV discussed the issue of student consultation extensively, exploring a range of options and noting the pros and cons of each option. Face to face and online models were considered, with cost and the difficulty of ensuring representativeness of students' views identified as two major impediments to adopting consultation at a system level. Investigations in other jurisdictions (for example, school student consultation about bullying undertaken in Western Australia by Edith Cowan University) did not provide suitable models to adopt in Queensland. A restricted access online forum using existing Learning Place platforms may overcome these issues, but would be limited to state schools. The representatives from the Commission particularly highlighted the risks of the perception of tokenism and lack of clear objectives in engaging with children and young people at a state level. The student consultation process undertaken by the Commission focussed instead on providing a model for schools to communicate effectively with students at the local level to inform local responses to the issues of bullying and violence. More investigations are warranted in this area.

Relevance to South Australia

QSAAV's comments reinforce the importance of, but also challenges associated with, consulting and communicating with students. This review has learnt that a number of South Australian schools are working closely with students and are helping to equip students with skills and knowledge to identify and deal with bullying behaviour. Such activities need to be continued and enhanced as our body of knowledge and understanding increases.

QSAAV Recommendation 8

Raise, through the Ministerial Council for Education, Early Childhood Development and Youth Affairs, a national support and effort for the following issues which have been raised in the House of Representatives Standing Committee on Family, Community, Housing and Youth report Avoid the Harm – Stay Calm: Report on the inquiry into the impact of violence on young Australians, which are clearly issues facing all jurisdictions:

► Development of nationally recognised high quality online professional development for school staff on bullying, cyber safety and violence;

► A process for the evaluation of anti-bullying and anti-violence programs that assists schools to determine the right program for the school's needs;

► A mechanism for the ongoing identification of high quality research in the areas of bullying and violence to assist all schools in implementing evidence-based practice

Under Term of Reference 4, QSAAV undertook substantial work reviewing the essential components of professional development from literature and research. Subsequently, it was decided that work on capacity building of school staff and graduate teacher training to address bullying would be more productively referred to the national level through the
Safe and Supportive School Communities project. Late in QSAAV's term, Avoid the Harm – Stay Calm was released containing a number of recommendations which related directly to professional development and providing critical reviews of programs. A national initiative in this area would provide an effective platform for these activities and QSAAV was keen to see support for the Avoid the Harm – Stay Calm recommendations through an appropriate channel.

Relevance to South Australia

QSAAV's recommendation indicates a clear understanding that not only is this a State issue but also a national issue. It is a challenging area for school staff now and will continue to be so in the future. Staff skills need to keep pace with the developments in technology and changing community expectations of appropriate responses.

South Australian support for national initiatives in teacher training would be an important way of demonstrating that this State is willing to collaborate with other States and territories in addressing a serious issue.

In line with comments made previously in this report, it would also be useful if the national initiatives could also extend to supporting school staff in relating to students with disabilities.

Furthermore, a Senate Inquiry into cyber bullying is due to report in June this year and may well lead to proposed changes in the legal framework which South Australia will need to consider.

5.3. National Safe Schools Framework

On 18 March 2011, the National Safe Schools Framework was launched throughout Australia. This extended the initial version of the Framework issued in 2003 and placed increased emphasis on cyber bullying and the important role of bystanders.

The 2011 Framework has nine key elements to assist schools in developing their own anti-bullying policies and practices. They are as follows:

➢ Leadership commitment to a safe school;
➢ A supportive and connected school culture;
➢ Policies and procedures;
➢ Professional learning;
➢ Positive behaviour management;
➢ Engagement, skill development and safe school curriculum;
➢ A focus on student wellbeing and student ownership;
➢ Early intervention and targeted support;
Partnerships with families and community.

They do not conflict with the 10 points referred to by QSAAV and listed in Section 5.1 above.

The 2011 National Safe Schools Framework also provides a toolkit for schools to reference in developing their own policies and processes and an audit tool to enable schools to conduct a self-audit of their policies and procedures.

As referred to previously, there is no shortage of literature to guide schools in their development of policies and procedures. If anything, there is information overload for a school attempting to develop an easy to understand approach and the resource materials distributed as part of the National Safe Schools Framework potentially add to that overload.

A strengthened Coalition to Counter Bullying and Violence in Schools with a modest amount of professional, executive support could not only assist schools to develop and refine anti-bullying policies and procedures by issuing best practice guides and templates but could assist DECS schools, the DECS Regional and State Offices and the Minister to monitor their overall effectiveness. Inclusion of material consistent with the vigilance based approach referred to in Sections 4.3.2 and 4.5 above would also be useful.

In proposing this course of action, the review recognises the absolute significance of the broader school community. The review advocates that there be a standing item related to bullying on the agenda of each Governing Council meeting. Under this item, the school leadership can not only provide information about activities within the school but seek the assistance of community members in communicating with the school community generally about ways to recognise and deal with bullying.

Furthermore, this review has been informed that instances are already occurring whereby senior secondary students who are involved in bullying activities (either as initiators or victims or both) undergo part of their education and training in a TAFE college. In many instances, the TAFE College has been made aware of the situation and has been able to take some measures to minimise its impact on staff and students. However, that has not always been the case. TAFE Colleges are not well placed to deal with problems overflowing from school-based anti-social student interactions so it is crucial that schools be alert to this and be as expansive as possible in providing information and assistance to TAFE Colleges.

This also raises the question of whether the DECS policies regarding information exchange between schools where a student excluded from one school for anti-social behaviour is enrolling in another DECS school also need to be reviewed. The DECS policy is very clear in relation to students under the age of compulsory attendance but may not be as clear or as consistently applied beyond that age.

Furthermore, this issue almost certainly extends to transfers between schooling sectors.
These matters are beyond the scope of this review but are noted for further consideration within DECS.

6. RECOMMENDATIONS

This review makes fourteen recommendations in relation to processes and procedures. It also notes six areas which may be seen as beyond the scope of this review and which may be more aligned with a policy review – but nevertheless have a direct impact on the performance of schools in dealing with violence and bullying and are recorded here for completeness.

The recommendations in 6.1 and 6.2 below are based on the review’s belief that:

- DECS State Office has responsibility, inter alia, for developing overarching policies and strategies, for maintaining high level relationships with other agencies, for ensuring the overall accountability of the State Education sector, for providing up to date information to schools, and for keeping the Minister fully informed of circumstances throughout the State system of high public interest;

- DECS Regional Offices have responsibility, inter alia, for supporting Principals in the local adaptation of State Office policies and strategies, for assisting Principals in their implementation consistent with ensuring a safe and constructive learning environment, for communicating local experiences to State Office as part of the continuing improvement philosophy and for providing first hand support to Principals at times of critical incidents;

- Principals have responsibility, inter alia, for providing a safe school environment, conducive to good teaching and learning, for developing in conjunction with the broader school community, operating policies and procedures consistent with the desired school environment and for keeping Regional Offices fully informed of school circumstances (including critical incidents) which may be preventing the achievement of the desired school environment.

The recommendations are also framed with the knowledge that, in many ways, DECS is at the forefront of national thinking in relation to bullying. Furthermore, research indicates that the incidence of bullying in South Australian schools is lower than in other States.

These recommendations aim not only to strengthen an already strong South Australian commitment to reduce bullying and violence in schools but to put a more practical edge on certain of the systems and processes.

6.1. Recommendations in Respect of Critical Incidents Involving Violence against Students

1. That the Guideline to Site Leaders be amended to:

- Emphasise the absolute importance of all critical incidents being reported and to signal a sense of immediacy in responding to an incident which involves violence;
3. That IRMS be utilised to enable the School Care Unit staff member receiving the call from the school to create an interim record on the IRMS and that that record be made available to the most senior available DECS Executive at the time of the contact proposed in 2. above.

4. That for all instances of violence, an appropriate senior member of the DECS State Office be appointed to coordinate all requests for further information from the Minister and other DECS State Office units and to act as the sole contact point with the school and the Regional Office. Further, this person take responsibility (assisted as appropriate by the School Care Unit) for ensuring that all follow up actions requested of State Office units via IRMS occurs in a timely manner.

5. That DECS management assign priority to improving the performance of IRMS including increases to its functionality (as have been requested by the School Care Unit) and to considerably improving system response times.

6. That in conjunction with SAPOL senior management, DECS senior management determine a classification of incidents of violence which demand an immediate Police response and which can be reported to Police via 131 444 through a direct contact with the uniformed Police officer on duty at the 131 444 call centre and that this be documented in a soon to be finalised Guideline to Site Leaders entitled “Assaults”.

7. That SAPOL and DECS recognise that in the first instance (and as a result of current levels of community concern), greater use may be made of the capacity
provided by (6) above but through monitoring over time, its use may be modified in the light of operational experience.

8. That SAPOL and DECS continue to maximise the involvement of SAPOL Community Police in the operation of programs aimed to minimise and prevent violence in schools (including support for the continuation of pilot programs such as those being conducted under the Neighbourhood Policing concept in the southern and northern suburbs).

9. That SAPOL and DECS commence the development of a protocol which deals with the obligations of schools and SAPOL in relation to responding to possible cyber related criminal activity – and which may not demand an instantaneous Police response but may require a Police response nevertheless.

10. That the DECS Duty of Care policy be updated and reissued to emphasise the importance of record keeping at each school in relation to all incidents. As outlined in Section 4.3.2 of this report, the policy should provide guidance to schools as to the details to be recorded and action taken. Schools would also benefit from guidance in that policy in relation to recording concerns about suspected instances of student bullying including cyber bullying.

6.2. Recommendations in Respect of Bullying against Students

1. That in committing to the recently released National Safe Schools Framework, the Minister take the opportunity to:

   ▶ Require all schools to develop and publish (including on the school website) a specific anti-bullying policy and associated procedures which could be cross referenced to details in existing Behaviour Management or Student Code of Conduct documents. Furthermore, this requirement should extend to continuing refinement including at least an annual review particularly in relation to cyber bullying and which may impact on the school’s IT policies;

   ▶ Request that the topic of bullying behaviour be a standing item on the agenda of each meeting of each school Governing Council;

   ▶ Provide, via a professional, executive support function to the Coalition to Counter Bullying and Violence in Schools continuing guidance to schools in best practice approaches to the development of anti-bullying operational policies and procedures which are easily understood by the school community and are enforceable and enforced;

   ▶ Strengthen the role of the Coalition to enable it to have a direct reporting relationship to the Minister and the Chief Executive of DECS and to require it to monitor the effectiveness of school policies and procedures.

2. Consider ways of utilising the standing of the members of the Coalition so that they can play a continuing role in increasing community understanding of the
dimensions of bullying and ways to address it including, but not confined to, responding to concerns raised in the media.

3. That DECS State Office continues to encourage schools to implement professional, preventative programs aimed at improving the capacity of students to deal with bullying by promoting successful approaches being used in schools and where costs are involved to seek ways of assisting schools to fund such programs.

4. That DECS State Office develops a protocol with TAFESA to deal with the communication and related aspects associated with any known bullying activities involving senior secondary students who are studying at TAFE as part of their senior secondary schooling.

6.3. Policy Related Matters to Note

In the course of this review, several matters were raised which are less associated with processes and procedures and which are more of a policy nature. Although they have not been explored in detail as part of this review or discussed in this report, they are recorded here for completeness, not as firm recommendations but as matters for noting and for further consideration.

1. That DECS State and Regional Offices note the desire by schools for the development of additional strategies which could be used as alternatives to exclusion as a way of dealing with anti-social behaviour. This could include additional time out facilities in schools, ways of using restorative justice practices and more restricted use by students of mobile phones in specified instances.

2. That DECS State Office note the perceived need for discussion with providers of teacher education and training and professionals in dealing with children with disabilities with a view to increasing the knowledge and skills of teachers in relating to students with disabilities. This increase in knowledge and skills would also be useful in enabling teachers to inform all students about the nature of, and most appropriate responses to, various types of disability.

3. That as soon as practicable in the light of national curriculum developments and the evaluation report of Keeping Safe’s Child Protection Curriculum, DECS State Office note a suggestion by SAPOL that there is a need to upgrade the crime prevention component of the school curriculum to include material related to cyber bullying.

4. That the DECS State Office note the need to clarify the duty of care obligations of schools in the light of the "beyond school hours" implications of cyber bullying as well as in relation to students being excluded from one school for anti-social behaviour and enrolling in another school. This may extend to the circumstances of students transferring between school sectors (both to and from the State sector) as well as to the TAFE College circumstances referred to in Section 6.2, Point (4) above (the review has noted that the DECS Duty of Care policy was last updated in November 2007, well before cyber bullying came to prominence).
5. That DECS note the absence of a mechanism to allow parents aggrieved with a school's handling of an incident of violence or repeated instances of bullying, to seek an independent review of the way in which the circumstances have been handled.

6. That DECS State and Regional Offices in recognising that Principals may at times be the spokespersons for media comment purposes in the event of a critical incident, note a desire by Principals to receive media training as a component of their continuing professional development.

7. CONCLUSION

Although this review was confined by its Terms of Reference to matters related to systems and processes, it is an area of significant and increasing complexity for DECS overall and for schools particularly.

The inclusion in 6.3 above of the policy related areas which have been raised in discussions during the review (and which is almost certainly not the entire list of such matters) is indicative of this complexity.

These issues are occupying the minds of educators, administrators and governments nationally and internationally and will continue to do so as community expectations change and new technologies emerge which add to the opportunities for increased forms of cyber bullying.

The challenge for DECS will be to continue to learn from local, national and international experience and to adapt such learning to all local circumstances as rapidly as the impact of new technologies becomes apparent.

International evidence suggests that our schools are among the safest in the world and that in our schools, bullying and violence is not increasing although the community's tolerance for it is declining. By keeping abreast (if not ahead) of national and international experience, we can maintain high levels of student safety and respond to the community's increasing expectations.

Bill Cossey
May 2011
POLICY COMPLIANCE

Completion of the policy compliance checklist will fulfil a school’s quality assurance obligations and ensure that the nominated DECD policies and procedures have been implemented or are in the process of implementation.

Sign Off: The Principal has taken all reasonable steps to meet their obligations to implement these DECD policies and procedures.

Where non-compliance has been identified, measures are being taken to remedy this.

Principal: .................................................................

NAME      SIGNATURE        Date

School: .................................................................

It is requested that this document is tabled at Governing Council

Checklist Process:

It is requested that each section of the checklist is completed by checking one of the boxes:

Yes: Confirming that the policy or procedure has been actioned
NA: Not applicable to your school
TBD: To be developed

The section below is to be used where your school is not meeting requirements, and to advise what action is being undertaken.

<table>
<thead>
<tr>
<th>Identified area of non-compliance: [Section and Item Details]</th>
<th>Action being taken to address non-compliance:</th>
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<tbody>
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<td>Identified area of non-compliance: [Section and Item Details]</td>
<td>Action being taken to address non-compliance:</td>
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Schools are advised that this self checking process sits alongside the existing statutory compliance work of various units – for example Audit and Risk [school finances and census], the Safe Team [child protection], the SACE Board or Work Health and Safety.

The document is to be returned to The Director, Review Improvement and Accountability Courier R 11/46
## Part 1: Governance

<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of Governance</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Is the Governing Council properly elected and constituted?</td>
<td></td>
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</tbody>
</table>

For questions 2 - 8: Has the Governing Council, “provided advice to the principal so as to strengthen and support public education in the local community”, through …

| 2    | ... the collaborative development of | | | |
|      | • the Site Improvement Plan priorities and Plan? | | | |
|      | • the Quality Improvement Plan? | | | |

| 3    | ... an ongoing collaborative engagement in self-review in relation to the above plans, initiatives, evaluation of student achievement, policies and programs at the school? | | | |

<p>| 4    | ... working collaboratively with the principal to report to the school community, on a regular basis&lt;br&gt;• on the achievement of the student group as a whole?&lt;br&gt;• on the school’s finances?&lt;br&gt;• on the governing council’s plans and operations? | | | |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of Governance</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
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<tbody>
<tr>
<td>5</td>
<td>... working collaboratively with the principal on an annual update of the school Strategic Directions and Site Improvement Plan priorities through the Annual School Report.?</td>
<td>Yes</td>
<td>NA</td>
<td>TBD</td>
</tr>
<tr>
<td>6</td>
<td>... working collaboratively with the principal, to develop and implement a school budget that reflects the school’s priorities identified in the School Improvement Plan?</td>
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<td>7</td>
<td>... documenting and monitoring of a site Parent Complaints policy?</td>
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<tr>
<td>8</td>
<td>... working collaboratively with the principal to monitor &lt;ul&gt;&lt;li&gt;the site’s policy and practices in relation to student behaviour including suspensions, exclusions and expulsions.? &lt;br&gt;&lt;br&gt;<a href="http://www.decd.sa.gov.au/speced2/files/links/Draft_for_web_Anti_bullying.pdf">http://www.decd.sa.gov.au/speced2/files/links/Draft_for_web_Anti_bullying.pdf</a>&lt;/li&gt;&lt;li&gt;site bullying data, at least twice each year?&lt;/li&gt;&lt;/ul&gt;</td>
<td></td>
<td></td>
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<td></td>
<td><em><a href="http://www.decd.sa.gov.au/governance">http://www.decd.sa.gov.au/governance</a></em></td>
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</tbody>
</table>
## Part 2: Teaching and Learning

<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of Teaching and Learning</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
</tr>
</thead>
</table>
| 1    | For schools with R-10 enrolments, is the school implementing the **DECD Curriculum, Pedagogy, Assessment and Reporting Policy for Reception – Year 10**, and in particular is the school guided in its work by responding to ..  
the **Guidelines for the implementation of the Australian Curriculum in DECD schools: Reception-Year 10**?  
the **SA Curriculum, Standards and Accountability Framework** [SACSA]?  
the **South Australian Teaching for Effective Learning Framework**?  
the **Reporting on Australian Curriculum: Guidelines for DECD Schools R-10**?  
| 2    | Does the school proactively and systematically implement SACE policies and procedures which ensure students are on track for SACE completion?  
| 3    | Has the school, implemented the VET for Schools Policy and the underlying principles and requirements for schools?  
and is following the guidelines for Work Experience or Structured Workplace Learning?  
<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of Teaching and Learning</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Is the Early Years Learning Framework referenced to the work of early years’ educators at this school?</td>
<td>Yes</td>
<td>NA</td>
<td>TBD</td>
</tr>
<tr>
<td>5</td>
<td>Have all teachers accessed the professional learning program that supports the implementation of the materials, before delivering the <em>Keeping Safe</em> Child Protection Curriculum?</td>
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<tr>
<td>6</td>
<td>Are Negotiated Education Plans developed for all students with an identified disability?</td>
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<td>7</td>
<td>Are Individual Learning Plans developed for all Aboriginal students, and children under the care of the Minister?</td>
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<td>8</td>
<td>Does the school’s professional learning development planning align with the Strategic Plan, School Improvement Plan and systemic priorities?</td>
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<tr>
<td>9</td>
<td>Has the school established provision for “student voice”?</td>
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<tr>
<td></td>
<td><a href="http://www.studentvoice.aitsl.edu.au/">http://www.studentvoice.aitsl.edu.au/</a></td>
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<tr>
<td>10</td>
<td>Where applicable, is the school implementing the Aboriginal Strategy 2013-2016?</td>
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</table>
### Part 3: School Organisation

<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of School Organisation</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Has the school implemented the DECD Enrolment Policy?</td>
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<tr>
<td>2</td>
<td>Has the school implemented the DECD Attendance Policy and an Attendance Improvement Plan which has clearly stated targets and strategies to manage attendance?</td>
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<tr>
<td>3</td>
<td>Has the school implemented a School Discipline Policy?</td>
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<td>4</td>
<td>Has the school implemented a Bullying and Harassment Policy, and completed the policy implementation checklist? [required practice from the Cossey Review into procedures and processes relating to bullying and violence (2011)]</td>
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<tr>
<td>5</td>
<td>Has the school implemented a Camps and Excursions Policy?</td>
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<td></td>
<td>NB: Child Protection and RAN obligations</td>
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</table>
## Part 4: HR Management

<table>
<thead>
<tr>
<th>Item</th>
<th><strong>Aspect of HR Management</strong></th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
</tr>
</thead>
</table>
| 1    | Are Enterprise Agreement and Industrial entitlements met?  
      | • Class size  
      | • Face to face teaching time  
      | • Equitable distribution of duties  
| 2    | Do the DECD Merit Selection Policy and accompanying procedures apply to all applicable vacancy selection and recruitment processes in the school?  
| 3    | Has the school implemented the DECD Performance and Development Policy?  
      | Do all staff have performance plans?  
| 4    | Is a Site Induction policy, in accordance with DECD guidelines, implemented?  
| 5    | Are processes in place to manage employee complaints and grievances?  
| 6    | Are staff aware of their obligations in regard to professional conduct standards described by the Code of Ethics for the SA Public Sector, and the responsibilities of DECD staff in regards to corruption, misconduct and maladministration in public administration?  
| 7    | Has the school established a Personnel Advisory Committee (PAC) which consults with and represents staff in relation to human resource matters?  
<pre><code>  | Ref: Implementation Sheet: IS23 | | | |
</code></pre>
<table>
<thead>
<tr>
<th></th>
<th>Question</th>
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<tr>
<td>8</td>
<td>Are bona fides and monthly returns certified in a timely manner?</td>
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<tr>
<td>9</td>
<td>Is all leave recorded as required?</td>
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</table>
## Part 5: Safety

<table>
<thead>
<tr>
<th>Item</th>
<th>Aspect of Safety</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
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<tbody>
<tr>
<td>1</td>
<td>Are staff and volunteers aware of protective practices in working with children in education settings?</td>
<td></td>
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<tr>
<td>2</td>
<td>Have staff and volunteers been trained in their obligations to respond to abuse and neglect of children in their care?</td>
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<tr>
<td>3</td>
<td>Have employees, prescribed volunteers and other persons designated by legislation or DECD policy been screened for their suitability to work or volunteer with children and young people on DECD sites/services; or to access DECD sites/services for the purposes of training, research or service provision?</td>
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<td></td>
<td>Are all required staff screenings and training current?</td>
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<tr>
<td>4</td>
<td>Has the school implemented a Volunteer Policy that accords with DECD guidelines?</td>
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<tr>
<td>5</td>
<td>Has the school implemented a Cyber Safety Policy?</td>
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<tr>
<td>6</td>
<td>For very high/extreme (R1) and high risk (R2) sites (relevant designated schools only) has a current bushfire preparation plan been developed?</td>
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</table>
### Part 6: Site Procedures

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<tr>
<th>Item</th>
<th>Aspect of Site Procedure</th>
<th>Yes</th>
<th>NA</th>
<th>TBD</th>
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</thead>
</table>
| 1    | In respect to WHS Risk Assessment and Management processes  
- is the WHS Risk Management Matrix used in completing a risk assessment for emergencies or significant changes to workplace practices?  
- are site Emergency Response Procedures developed and implemented? | | | |
| 2    | Is Business Manager on-line documentation and assurance current? | | | |
| 3    | Is the school compliant with the DECD Records Management policy, and has in place processes for confidential management of student data? | | | |
| 4    | Has the school implemented processes to ensure it is compliant with the DECD ICT Security policy? | | | |
| 5    | Annually schools are subject to a Financial Statement Audit and receive an independent auditors report and a Report of Audit Conducted (ROAC).  
Has the school got processes in place to address the audit issues raised in the most recent ROAC? | | | |
Keeping Safe: Child Protection Curriculum

The Department for Education and Child Development has a legal responsibility to protect children and young people from abuse in its own settings and in the wider community.

All children and young people have a right to:

» be treated with respect and to be protected from harm
» feel and be safe in their interactions with adults and other children and young people
» understand as early as possible what is meant by feeling and being safe
» receive the support of counsellors or staff in their education or care setting who are responsible for their safety and wellbeing.

Source: Child Protection in Schools, Early Childhood Education and Care Services Policy (2011)

The Keeping Safe: Child Protection Curriculum teaches all children from a young age, in an age appropriate way, to recognise abuse and communicate with a trusted adult about it. It helps them understand what is appropriate and inappropriate touching and outlines ways they can keep themselves safe.

Further information

Information about the Keeping Safe: Child Protection Curriculum is available from your child's school, preschool or teacher. Alternatively, you can contact the Child Protection Curriculum Officer on 08 8226 5887.

Under Section 82 of the Education Act (1972), schools and preschools are not required to seek permission from parents and carers for their child to participate in the curriculum.

Disability or additional needs

Preschool - Year 12

- The right to be safe
- Relationships
- Recognising and reporting abuse
- Protective strategies

Parent and carer information
An overview of the curriculum

The Keeping Safe: Child Protection Curriculum is divided into five documents. Each document relates to age or year level groups:

» Early Years: Ages 3-5
» Early Years: Years R-2
» Primary Years: Years 3-5
» Middle Years: Years 6-9
» Senior Years: Years 10-12

The curriculum also offers teachers support documents to help them appropriately deliver the information to students from a culturally or linguistically diverse background or those with a disability or additional need. Parents/carers are encouraged to contact teachers with information that could assist with the delivery of the curriculum to their child. All teachers are required to complete professional training to deliver the curriculum.

The Keeping Safe: Child Protection Curriculum is based on two themes:

» We all have the right to be safe.
» We can help ourselves to be safe by communicating with people we trust.

The themes are delivered to students through four focus areas that increase in complexity as they age:

The right to be safe
Children and young people learn about feelings, body language and how to deal with different feelings. They explore the concept of safe and unsafe and learn about safety rules and safe places. They develop an understanding of warning signs and body signals and explore risk taking and emergencies.

Relationships
Children and young people develop a sense of their own identity and of their relationship with others. They learn about trust and how to develop a network of trusted people. They also explore the idea of rights and responsibilities, particularly as a student with a disability or additional need. They identify what is fair, unfair and bullying behaviour.

Recognising and reporting abuse
Children and young people learn the anatomical names for body parts and what is meant by private and safe touching. They explore the concept of abuse, secrets and lies and learn about online safety and reporting abuse.

Protective strategies
Children and young people learn about protective strategies and problem solving. They practice being assertive and persistent and learn about reviewing their network of trusted people.

Children and young people with a disability or additional need

The disability and additional needs support materials are used in conjunction with the Keeping Safe: Child Protection Curriculum documents. Teachers adapt the concepts and activities to meet the cognitive, physical, developmental, age appropriate and individual needs of the child or young person.

Some children and young people with a disability or additional need may be able to access the age appropriate materials with minor modifications. Others may need significant changes to the way the curriculum is delivered or, because of the severity and complexity of their disability, may need an adult to be more active in their protection.

Adding to the learning at home

Parents/carers play a very important role in child protection. There are a number of topics you can discuss with your child at home that add to the focus areas being taught at school and preschool.

Teach your child about their right to be safe:

» Monitor how your child is feeling and if they are showing any warning signs. Physical signs can include tensing muscles or sweating. Emotional signs can include crying or out of the ordinary behaviours. Other signs can include not wanting to undress or being scared to be home alone.
» Discuss safety in a range of settings, such as shopping and medical centres, and identify safe places to be.
» Develop an emergency plan for possible situations. Teach them what to do if no one is home after school, if they are lost in the shopping centre, if someone offers them a ride home from school or a person online wants to meet them.
» Develop a secret family password to be used when someone is picking up your child whom they have never met or when it is someone they know but weren’t expecting.
» Ensure they know how to use the phone and who they can ring in an emergency.

Teach your child about safe relationships:

» Support your child’s choice of trusted people in their network. Speak to their teacher if you have concerns.
» Reinforce your child’s right to safety and discuss how they can deal with situations in a fair and respectful way.

Recognise and report abuse:

» Encourage your child to use the anatomical names for body parts so they can accurately communicate any situation that may arise.
» Reinforce the concept that the whole body is private.
» Establish and monitor rules for online safety, social media, security and passwords.

Develop protective strategies:

» Encourage your child to be assertive. Get them to practice communicating ‘no’ or ‘stop’.
» Discuss the importance of communicating with a trusted person if something happens or they feel unsafe. Teach them to persist until someone listens.

For a selection of resources on child safety, visit
Guideline

Provision of Counselling for Children, Young People, Parents and Employees when responding to Critical Incidents of a Sexual Nature

Summary
This document aims to provide guidelines to ensure that appropriate and accessible counselling support is offered and provided to children and young people, parents and families as part of the Department for Education and Child Development’s coordinated response to critical incidents of a sexual nature.

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<td>Replaces</td>
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<tr>
<td>Policy Officer (Name/Position)</td>
<td>Alana Girvin, Assistant Director, Incident Management Division</td>
</tr>
<tr>
<td>Policy Officer (Phone)</td>
<td>(08) 8226 1840</td>
</tr>
<tr>
<td>Policy Sponsor (Name/Position)</td>
<td>Trevor Lovegrove, Director, Incident Management Division</td>
</tr>
<tr>
<td>Executive Director Responsible (Name/Position/Office)</td>
<td>Julieann Riedstra, Deputy Chief Executive, Resources Office for Resources, Operations and Assurance</td>
</tr>
<tr>
<td>Applies to</td>
<td>All DECD employees</td>
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<td>Key Words</td>
<td>Counselling, Critical Incidents, Sexual abuse, Sexual assault</td>
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<tr>
<td>Approved by</td>
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</tr>
<tr>
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<td>Submitted to the Debelle Response Project Board for approval</td>
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<td>10 October 2013</td>
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<td>Submitted to Senior Executive Critical Incident Management for approval</td>
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<td>25 March 2014</td>
<td>1.3</td>
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<tr>
<td>9 September 2014</td>
<td>2.0</td>
<td>Minor updates and move to new template</td>
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APPENDIX – COUNSELLING SERVICES CONTACT DETAILS .......................................... 9
1. TITLE

- Provision of Counselling for Children and Young People, Parents and Employees when Responding to Critical Incidents of a Sexual Nature.

2. PURPOSE

- The aim of this guideline is to ensure that counselling support is provided to children and young people, parents and families as part of the Department for Education and Child Development’s (DECD) coordinated response to critical incidents of a sexual nature.

- These guidelines are based on the following principle:
  - Protecting the safety of children and young people is a fundamental responsibility that cannot be compromised by other considerations.
  - Responses to the management of critical incidents of a sexual nature must
    - focus first and foremost on children and young people’s safety and wellbeing
    - be timely and transparent
    - be supportive of the families and professionals involved in the critical incident.

- This guideline is used by DECD Incident Management Division, education and care settings and supported by state office and support services staff.

3. SCOPE

- This guideline is to be used by all DECD staff to effectively support and provide appropriate counselling to children and young people, parents and staff in responding to critical incidents of a sexual nature.

- These procedures apply to all:
  - Children and young people enrolled at or attending DECD education and care sites/settings
  - Parents i.e. adults who have parenting responsibility for children and young people
  - Staff i.e. employees working in DECD education and care settings and programs.

4. GUIDELINE DETAIL

- The offer of counselling for the victim and the victim’s family will be made verbally, followed by a written confirmation of the offer of counselling and the details of available services.

4.1. Counselling Support for Children and Young People, Parents and Families

- In critical incidents of a sexual nature, children and young people, parents and families will be supported to access counselling services by site leaders, in conjunction with the Incident Management Division (IMD) and Support Services.

- Site leaders, with advice from the IMD, will advise parents of the most appropriate services to access and support referrals to those services.
Victim and victim’s parents

- The site leader should meet with the victim’s parents to discuss continuing support for him or her. Details of counselling services with contact numbers should be provided to the victim and his or her parents as part of the first meeting. After the meeting, the site leader should complete a written record and have it signed by the parents.

- Over the following days, a support and safety plan should be finalised covering all aspects of the victim’s and the family’s ongoing needs and agreed actions.

-Copies of the plan, and all updated versions, should be provided to the victim and the family. A copy of the plan/s should also be provided to IMD as required.

- The verbal offer of counselling to the victim and the family should be followed by a letter re-stating the offer and the specific service options. If these services have been taken up by the victim and the family, and recorded as part of the support and safety plan, the letter should simply confirm those agreed arrangements and attach the support and safety plan. The site leader should consult with IMD on drafting this letter.

- The site must continue to monitor the wellbeing of the victim and his or her family through regular reviews of the support and safety plan.

- Particular attention must be given to significant dates where court proceedings are likely to prompt further stress and emotional burden.

- Services include:
  - Support Services Social Workers
  - Yarrow Place Rape and Sexual Assault Services
  - Child & Adolescent Mental Health Service (CAMHS)
  - Family General Practitioner
  - Private Psychologists (*Medicare Benefits Schedule)
  - Private Psychiatrists (*Medicare Benefits Schedule)
  - Second Story Youth Health Services Side Street Counselling Service
  - Southern Primary Health – Marion Youth
  - Shopfront Youth Health and Information Service
  - Nunkuwarrin Yunti - Towilla (Counselling & Social Health Team)
  - SA Police Victim Support

(For more information refer to ‘Managing allegations of sexual misconduct in SA education and care settings’).

4.2. Counselling Support for Staff

- Critical incidents of a sexual nature require on site professional psychological support.

- DECD have contracted Davidson Trahaire Corpsych to provide professional psychological services when critical incidents occur.

- Davidson Trahaire Corpsych’s counsellors (psychologists and social workers) are professionally trained in Critical Incident management, including those of a sexual nature, and are available to go to the DECD site to provide support for staff. For support in such circumstances site leaders should contact Health and Safety Services on 8226 1408.
In addition to the psychological services provided when critical incidents occur, Davidson Trahaire Corpsych also provide DECD employees, managers and their immediate families with a counselling service for both personal and work related matters.

This counselling service can be accessed independently of the service offered at the time of a critical incident by telephoning 1300 360 364, 24 hours a day, 7 days a week.

Support Services social workers are also available to support staff in situations of responding to critical incidents of a sexual nature. To access the support of DECD social workers site leaders should contact their Manager Support Services.

Staff of integrated child care centres and family day care educators are also able to access DECD social workers by contacting the Office for Children and Young People.

### 4.3. Funding

- In extenuating circumstances DECD may provide funding for external counselling services for victims of sexual misconduct in an education or care settings.
- The Case Manager will prepare a briefing for the Deputy Chief Executive, Resources, providing background information and seeking initial approval for funding of external counselling services.
- A psychologist will be identified from a DECD preferred provider list to provide DECD with an initial assessment.
- Based on the initial assessment and advice, the Deputy Chief Executive, Resources, may provide approval for a specific number of visits/sessions e.g. 6 sessions.
- Following the completion of the agreed number of counselling sessions, the psychologist will provide DECD with a report and DECD will conduct a review.
- In cases where the department has determined that counselling services, not forming part of the normal services provided by the department (see point 4.1 above), should be provided to a person to whom this policy applies, such counselling services will only be funded by the department for total of 10 sessions. Should the individual require more than 10 sessions of treatment, then the continuation of the provision of such externally/privately sourced counselling services and its funding will be a matter for the individual and/or their guardians. Any offer made by the Department in relation to payment for external counselling services must be made with the following disclaimer:

  *This offer of financial support is made without any admission of liability on behalf of DECD for any damage, loss or injury to [name of person] or [his/her] family as a result of the alleged [incident] on [date] at [site].*

- The Manager, Claims, in the Legislation and Legal Services Unit will be informed of any such offer by the Department to meet the cost of external/private counselling services for any individual.

### 5. ROLES AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Role</th>
<th>Authority/Responsibility for</th>
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<tbody>
<tr>
<td>Site Leader</td>
<td>Meeting with parents of the victim to discuss continuing support.</td>
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<tr>
<td></td>
<td>Make a verbal offer of counselling, followed up by a letter restating the offer.</td>
</tr>
<tr>
<td></td>
<td>Document agreed actions - support and safety plan.</td>
</tr>
<tr>
<td></td>
<td>Continue to monitor the wellbeing of the victim and the</td>
</tr>
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</table>
6. MONITORING, EVALUATION AND REVIEW

- IMD and Senior Executive Critical Incident Management Group will monitor and review the guideline on an annual basis.

7. DEFINITIONS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tr>
<td>Children/young people</td>
<td>All children and young people enrolled at or attending the education and care sites as defined in this document.</td>
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<tr>
<td>DECD</td>
<td>Department for Education and Child Development</td>
</tr>
<tr>
<td>IMD</td>
<td>Incident Management Division</td>
</tr>
<tr>
<td>Parents</td>
<td>Adults who have the parenting responsibility for children and young people, including biological parents, step parents, legal guardians and extended family members such as grandparents</td>
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<tr>
<td>Site</td>
<td>All schools and preschools, alternative education centres or off site learning programs, out of school hours care and vacation care services, the home of a family day care educator, children’s centres and child care centres</td>
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<tr>
<td>Staff</td>
<td>Employees, professional service providers, other paid education and care participants</td>
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</table>

8. SUPPORTING DOCUMENTS

- Managing allegations of sexual misconduct in SA education and care settings
- DECD Social Work Critical Incident Practice Standards, January 2014
- DECD: School-based Counselling Service [School Based Counselling Service](#)
- DECD Support Services Referral Form SSRF02 [Support Service Referral Form](#)
### APPENDIX – COUNSELLING SERVICES CONTACT DETAILS

<table>
<thead>
<tr>
<th>Name of Service</th>
<th>Contact details</th>
<th>Age Group</th>
<th>Service Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Second Story Youth Health Service</td>
<td><strong>Christies Beach</strong>&lt;br&gt;50A Beach road (08) 8326 6053  &lt;br&gt;<strong>Elizabeth</strong>&lt;br&gt;6 Gillingham Road (08) 8255 3477  &lt;br&gt;<strong>Adelaide</strong>&lt;br&gt;57 Hyde Street (08) 8232 0233</td>
<td>12 to 25</td>
<td>• Drop-in medical and nursing clinics  &lt;br&gt;• Health Checks  &lt;br&gt;• Counselling, support and help to get the services you need  &lt;br&gt;• Group activities and peer support</td>
</tr>
<tr>
<td>Side Street Counselling Service  &lt;br&gt;Uniting Communities</td>
<td>14 Pitt Street Adelaide (08) 8202 5871</td>
<td>12 to 25</td>
<td>Free voluntary confidential service</td>
</tr>
<tr>
<td>Yarrow Place  &lt;br&gt;Rape and Sexual Assault Services</td>
<td>Level 2, Norwich Centre  &lt;br&gt;55 King William Road  &lt;br&gt;North Adelaide (08) 8226 8777  &lt;br&gt;Toll free 1800 817 421  &lt;br&gt;AH emergency (08) 8226 8787</td>
<td>12 to 18 year olds  &lt;br&gt;- under the Guardianship of the Minister or Aboriginal</td>
<td>Free voluntary medical assistance, counselling and advocacy  &lt;br&gt;Refferal via Families SA only.</td>
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<tr>
<td>Child and Adolescent Mental Health Services (CAMHS)</td>
<td>(08) 8161 7198</td>
<td>Children and young people up to 18</td>
<td>Free voluntary counselling service for children, young people and their families. CAMH will advise their local service provider.</td>
</tr>
<tr>
<td>Marion Youth at GP Plus Health Care Centre</td>
<td>10 Milham Street, Warradale (08) 7425 8300</td>
<td>12 to 25</td>
<td>Free voluntary service: medical practitioners, nurses, counsellors</td>
</tr>
<tr>
<td>Nunkuwarrin Yunti Towilla Purruttiappendi  &lt;br&gt;(Counselling and Social Health Team)</td>
<td>182 - 190 Wakefield Street  &lt;br&gt;Adelaide (08) 8223 5217</td>
<td>Aboriginal and Torres Strait Islander Adolescents</td>
<td>Can provide free family counselling for affected families and may also provide support to adolescent young people</td>
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<tr>
<td>SA Police Victim Support Service</td>
<td>11 Halifax Street Adelaide (08) 8231 5626</td>
<td>16 and older</td>
<td>Free service providing information, counselling, support and referral</td>
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<tr>
<td>Name of Service</td>
<td>Contact details</td>
<td>Age Group</td>
<td>Service Description</td>
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**Psychiatrists:** (referral through a general medical practitioner (GP)) | **Children and young people** | Under the Medicare Benefits Schedule (MBS) ‘Better Access to Mental Health Services’ initiative, children and young people may be able to access psychological services if referred by a GP or psychiatrist either at no cost or for a gap payment which may count towards the Medicare Safety Net. |

For **rural and remote residents**, please contact your nearest **Community Health Service** for information regarding services in your area.
Information Sharing Guidelines for promoting safety and wellbeing (ISG) – Procedure

Summary

This procedure constitutes the DECD Appendix to the SA Government ISG. It explains how the ISG is to be applied in the DECD context and it must be read in conjunction with the ISG. (See http://www.ombudsman.sa.gov.au/isg/)

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<tr>
<td>Replaces</td>
<td>Department of Education and Children’s Services and Department for Families and Communities ISG Appendices (2009)</td>
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<td></td>
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4. PROCEDURE DETAIL .................................................. 4
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APPENDIX Consent in the DECD Context ........................................ 15
1. TITLE
Information Sharing Guidelines for promoting safety and wellbeing (ISG) - Procedure

2. PURPOSE
To ensure DECD staff:
- follow the ISG decision making steps when sharing and seeking information to promote and protect children’s safety
- ensure a child’s right to safety is paramount in guiding actions and is not overridden by other considerations such as privacy or confidentiality
- share information about ‘at risk’ parents to help prevent children’s experience of cumulative harm

3. SCOPE
3.1 The ISG applies to all DECD staff and most significantly to those who are involved in:
- working directly with children and families
- line management or supervision of people who work with children and families
- receiving and assessing notifications of suspected child abuse or neglect
- investigations of concerns or allegations relating to children and young people’s safety and wellbeing
- providing legal advice
- professional development and workforce training
- data management and records management
- screening and suitability assessments
- licensing and registration
- policy and practice development, and
- IT systems

3.2 The ISG applies to Government agencies and non-government organisations acting under contract with the state government including those working in education, child protection, health, policing, juvenile justice, disability, housing, mental health, family violence, drug and alcohol services, Aboriginal community controlled services, aged care, correctional services and investigations and screening units. All these agencies and organisations follow the same ISG decision making steps as outlined in this Procedure on pages 8 and 9.

The Local Government Association of SA has also established an ISG Appendix for its local councils to adapt.

4. PROCEDURE DETAIL
4.1 Induction, training and development
- General induction:
  All DECD staff will receive general induction on the ISG as part of mandatory staff training schemes: Child Safe Environments training (CSE training) for Families SA staff and Responding to Abuse and Neglect – Education and Care (RAN-EC training) for education staff.
- Role-specific professional development:
DECD staff with roles for which information sharing is integral will receive additional professional development in using the ISG. This will occur as part of their induction to the role.

- Records of the above training must be available for reporting and compliance purposes.

### 4.2. Statutory information sharing obligations

Some DECD staff are required to provide information to other authorities, for example the Courts, Police, Coroner, statutory bodies such as the Office of the Guardian for Children and Young People, Child Death and Serious Injury Review Committee, Ombudsman SA or Royal Commissions of inquiry. While the ISG decision making steps of considering consent and legitimate purpose do not apply in these circumstances (because the information request has a statutory status) many of the ISG principles still remain important. For example:

- verifying the identity of the person requiring the information and clarifying the purpose of their request (for example SAPol conducting a criminal investigation) See section 4.12 re verifying identity
- ensuring that all the information provided is accurate and is relevant to meeting the purpose of the request or obligation; unnecessary information should not be shared simply because it is ‘packaged’ with relevant material
- ensuring appropriate records of the information sharing are made

### 4.3. Coordination of information sharing within DECD

Education and Families SA staff work with the same clients. They are expected to operate as one agency in their involvement with shared clients and to ensure that information sharing within DECD is focussed as much on the prevention of harm as on the response to harm.

<table>
<thead>
<tr>
<th>Examples of information to be shared between relevant DECD staff * where approval is not required:</th>
<th>Examples of information to be shared between relevant DECD staff * where approval is required: (See Section 5 for approving positions)</th>
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<td>- where a child is enrolled/contact details of the relevant education staff member</td>
<td>- unrestricted access to information on C3MS, including identity of notifier</td>
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<tr>
<td>- child’s general educational achievement/social adjustment/ behaviour history/preschool or school attendance pattern</td>
<td>- detailed case notes/psychological &amp; developmental assessments and reports (education or Families SA)</td>
</tr>
<tr>
<td>- status of a Families SA case, social worker contact details</td>
<td>- locations of Families SA residential facilities</td>
</tr>
<tr>
<td>- relevant Families SA information about a child’s social/emotional needs, care arrangements, custody details</td>
<td>- information relating to DECD staff, volunteers and third party providers via Care Concerns Investigations Unit/Incident Management Division /HR information</td>
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<tr>
<td>- general C3MS information without disclosing identity of notifiers (for example, a notification pattern)</td>
<td></td>
</tr>
<tr>
<td>- safety information relating to residential addresses (for proposed home visits)</td>
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</tr>
<tr>
<td>- involvement and contact details of other Government agencies/non-government organisations supporting the child or family</td>
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</tbody>
</table>

*Relevant DECD staff are those whose roles require that they liaise across DECD to coordinate actions designed to promote and protect the safety and wellbeing of children.

- Education: principals and directors, school-based counsellors, family service coordinators, community development coordinators, allied health staff, integrated support services staff.
- Families SA: managers and directors, principal and senior social workers, supervisors and case managers.
- Corporate: senior staff involved in investigations, ministerial and cabinet papers, legal advice, access to sensitive data, management of hard copy records.

4.4 Consent and limited confidentiality (see pages 14/15 ISG)

Consent: DECD’s clients are children and young people. Children’s healthy development relies on them having increasing levels of input into matters affecting them. Seeking children’s consent for sharing their personal information is an important contribution to that development. However, parents and carers also have an important right to express their view about what is in the best interests of the children in their care, particularly those children who are not old enough or developmentally capable of providing informed consent.

Appendix A provides summarised guidance on how DECD staff can meet their primary and complementary obligations to children and to parents/carers respectively.

Limited confidentiality: Children of school age, young people, parents and carers must be informed about the limitations of the confidentiality provided by DECD staff. This means:

- Consent /approval/enrolment forms associated with DECD’s functions should include a statement that personal information may be shared with others, without the client’s consent, if it is necessary to prevent serious risks to children’s safety
- Pamphlets or brochures outlining support for children and young people must explain the limits of confidentiality
- Discussions with children, young people, parents and carers must reference limited confidentiality at regular and appropriate points of engagement
- The perceived needs of vulnerable children and those under the Guardianship of the Minister may seem in conflict with the responsibility to explain limited confidentiality. However, promising and failing to maintain confidentiality will not assist children and young people to trust and feel safe with the adults who have assumed their care

4.5 Assessing Relevance

When DECD staff share confidential client information with other agencies or organisations, (outside the generic procedures described below), they must use the following questions to guide their decisions. If the information is shared without consent, these questions will be part of the discussion and approval from the DECD staff listed in Section 5. If the information is shared with the client’s consent the questions must still guide the process of deciding what is and isn’t relevant.

- In what way is this information intended to help prevent harm?
- What specific information is relevant (needed) to achieve that?
- Whose identities must be disclosed as part of that specific information, and whose identities can be kept confidential?

4.6 Generic procedures

In some DECD business units or offices information sharing processes are embedded in standard operating procedures. These procedures have already addressed the questions of relevance and whether it is safe to seek consent. It is not expected that the ISG flow chart will be routinely consulted in those operations. Some examples are:

- the procedures or guidelines followed by DECD investigations units
- the process for exercising various delegated powers under the Children’s Protection Act 1993
- specific ‘incident response’ guidelines – for example to allegations of adult sexual misconduct/ problem sexual behaviour involving children and young people/ suicides of children and young people
- process for engaging a health professional for a child under guardianship

Where generic procedures are followed, the relevant DECD unit or office must be able to:

- refer to the written procedure or document which outlines the actions required of staff
- Point to where the procedure or document reflects the ISG principles (a legitimate purpose, the consideration of consent and the relevance of the information shared or sought)
- Review, over time, whether the issues of relevance and consent remain the same

4.7 Specific obligations under the Children’s Protection Act 1993

<table>
<thead>
<tr>
<th>Obligation</th>
<th>Requirement</th>
<th>Application</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.7.1</td>
<td>Mandatory notification 11(1)&amp;(2)</td>
<td>Suspicion on reasonable grounds that a child has been or is being abused or neglected must be reported to the Child Abuse Report Line as soon as practicable.</td>
<td>All DECD staff</td>
</tr>
<tr>
<td>4.7.2</td>
<td>Confidentiality of notifier 13 (2)(a) (b) &amp; (c)</td>
<td>The identity of a notifier should not be disclosed unless the disclosure is made in the course of official duties to another person acting in the course of official duties; or the notifier consents; or a court requires the notifier’s identity to be disclosed as evidence.</td>
<td>All DECD staff, Families SA</td>
</tr>
<tr>
<td>4.7.3</td>
<td>Exception to the duty to maintain confidentiality s58</td>
<td>Families SA staff must not divulge personal information they obtain about children, a child’s guardians or other family members, or any person alleged to have abused, neglected or threatened a child, in their administration of the CP Act unless they are authorized or required to do so by law<em>1 or by their employer</em>2.</td>
<td>Families SA staff</td>
</tr>
</tbody>
</table>

---

*1 A person will generally only be authorized or required to disclose this information by law where there is a specific requirement under statute or an order or a Court that requires them to do so.

*2 The DECD Chief Executive has authorized Families SA staff to divulge information under s58(3)(c) when:

- a) the information is divulged to a person (Government or non-government personnel including carers) with a duty of care for a child or young person; and,
- b) it is necessary to divulge that information to that person in order to protect that child or young person from risk of serious harm.

In all other circumstances a staff member should seek appropriate authorization from a relevant staff member to whom the Chief Executive or Minister has given a specific delegation of the power to authorize disclosure under section 58(3)(c). Note: Even where disclosure is authorized under section 58(3), the ISG principles must be followed, including the approval of the Families SA positions listed in section 5 when information is shared without the client’s informed consent.
4.8 ISG Decision making steps and practice guide (see below) to be followed in DECD.

- **ISG decision making steps**

  1. Follow legislative requirements and your ISG appendix

     - **yes**
     - 2. Has the identity of the person seeking information or to whom you wish to give information been verified?
       - **no**
       - 3. Is there a legitimate purpose for sharing the information?
         - **no**
         - 4. Is the information confidential?
           - **yes**
           - 5. Has consent been given?
             - **no**
             - 6. Are you able to obtain consent?
               - **no**
               - 7. Is there a legitimate reason to share without consent?
                 - **no**
                 - 8. Are there obligations for information sharing that must be met?
                   - **do not share**
                   - 9. Document the information sharing decision

If you are unsure at any stage about what to do, consult your line manager/supervisor. If as a supervisor/line manager, you are unsure and need help or advice, you may need to seek legal advice or consult the SA Principal Advisor Information Sharing at Ombudsman SA on (08) 8226 8699 or 1800 182 150 (toll free outside metro area).
Before proceeding, check your ISG appendix for guidance:
- share information in a manner that is consistent with legal obligations and organisational policies and procedures
- follow the ISG STAR principles to make information sharing Secure, Timely, Accurate and Relevant
- collaborate with other providers to coordinate services and manage/mitigate risk.

If you do not know the person seeking information or to whom you wish to provide information, you need to verify who they are and for whom they work before sharing information.

You have a legitimate purpose for information sharing if you believe it is likely to:
- divert a person from offending or harming themselves
- protect a person or groups of people from potential harm, abuse or neglect
- protect service providers in situations of danger
- help service providers more effectively address risks to safety and wellbeing
- alert other service providers to an individual's need for assistance.

Generally, information is considered confidential when the person providing it believes it won’t be shared with others. Assume that people will consider most information about themselves and their families to be confidential unless they have indicated otherwise.

Seeking informed consent is the first approach
This means the person understands the purpose for information sharing, with whom it will be shared, and what might happen as a result of sharing. If informed consent has been obtained, information can be shared.

It may be unreasonable to obtain consent if you are concerned that in doing so, the person might:
- move themselves or their family out of the organisation's or agency's view
- stop using a service seen to be necessary for the client or their children's safety or health
- coach or coerce a person to 'cover up' harmful behaviour to themselves or others
- abduct someone or abseond
- harm or threaten to harm others
- attempt suicide or self-harm
- destroy incriminating material relevant to a person or group's safety.

It may be impracticable to obtain consent if, for example, after reasonable attempts, you cannot locate the client. Discuss your concerns with a colleague/supervisor.

There is a legitimate reason to share information without consent if it is believed that failure to share information will lead to risk of serious harm
Disclosure of information without consent is permitted if:
(1) it is authorised or required by law, or
(2) (a) it is unreasonable or impracticable to seek consent; or consent has been refused; and
(b) the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people.

The decision to share without consent must be based on sound risk assessment and approved by the appropriate officer in your agency or organisation.

Situations where you must share information:
- eg you hold a suspicion, on reasonable grounds, that a child or young person has or is being abused or neglected, you must report this to CARL (131 478).
- eg you believe a person poses a serious risk to themselves or others, consider if you should notify SA Police (131 444) or Mental Health Triage Services (131 465) (formerly known as ACIS).

Keep records — particularly in relation to consent issues
As a minimum, document when sharing information is refused or occurs without consent. Follow your organisation's instructions about recording other significant steps.
4.9 Record keeping (see p.18 ISG)

The ISG do not require separate record keeping systems. Staff are expected to use existing case management or client files to record information sharing decisions as part of their every-day work with their clients, colleagues, supervisors or line managers. The two circumstances where information sharing must be recorded as part of case management or client file maintenance are outlined below.

<table>
<thead>
<tr>
<th>Information sharing situation</th>
<th>What to record</th>
<th>Where to record</th>
<th>Good record keeping principles</th>
</tr>
</thead>
</table>
| 1. Information is shared without the client’s consent (by you or to you) | - why obtaining consent was not considered reasonable  
- your line manager’s approval  
- what is shared, when & by whom  
- outcomes & follow ups | - Notes need to be kept in confidential child-related or service-related DECD electronic or hard file systems (as opposed to personal file systems) so that the information “follows” the child  
- Systems should be secure, for example, lockable hard files or limited access/password protected electronic files.  
- Appropriate DECD record systems - Families SA: C3MS  
- Schools: EDSAS (Students Personal Notes Part 2)  
- Preschools: Child file  
- OSHC/Vacation Care: Confidential section of the Child/Family File  
- Children’s Centre: Family Support Program confidential child file  
- If unsure where to store records in your work situation, ask your line manager | - Be factual and record only what is relevant to the purpose  
- Identify the people whose actions or views you are recording, for example ‘Sue Smith, youth worker at Second Story, provided…’  
- State when you are recording opinion or hearsay, for example, ‘It was Sue Smith’s view that …’  
- Be respectful and specific in noting an individual’s problems, for example, “Mother demonstrates very concerning behaviours including arriving for appointment in pyjamas, forgetting to collect child on 3 occasions, stating that she will kill herself” rather than, “most days she is either off with the fairies or suicidal.”  
- Ensure notes are dated – include day, month and year - and signed (or attributable to a staff member if electronic) |
| 2. Information sharing request is refused (by you or to you) | - the purpose (the immediate or anticipated risk the request was intended to address)  
- reason given for refusal  
- your line manager’s approval  
- outcomes and follow up | | |

4.10 Cultural guidance on information sharing

The ISG is underpinned by the principle ‘respecting cultural difference means having the same aims for people’s wellbeing and safety but finding different ways to achieve them’. This does not mean that staff minimize their wellbeing and safety expectations for children and young people of particular cultural groups. Cultural factors do not excuse behaviour which disadvantages children and young people or places them at risk of harm, abuse or neglect. Instead, it means recognizing the support systems available within families, ethnic groups and communities and utilizing these wherever possible to safeguard children and young people.
It is important to guard against cultural myths and stereotypes – both positive and negative in nature. Anxiety about being accused of racist practice should not prevent the necessary action being taken to protect and promote the safety and wellbeing of a child, young person or adult. Staff should seek guidance whenever they are engaged in information sharing actions involving children and families whose culture is unfamiliar to them. Cultural advice is available from relevant units within education and Families SA.

4.11 Volunteers

Volunteers play a significant role in supporting a wide range of DECD programs. Many of these programs, such as mentoring, provide volunteers with important insights into the general wellbeing of children, young people and families.

While DECD volunteers are not authorised to share confidential information with other agencies* or organisations they are required to immediately advise their supervisor when they have concerns about the safety or wellbeing of children, young people or families.

As part of their induction, all volunteers must be given clear information on:

- what constitutes a ‘concern’, including observed behaviours of other adults towards children
- the process for sharing concerns with their supervisor
- the importance of respecting the sensitivity of the information they share with their supervisor
- the boundaries within which they must conduct their relationships with children and young people

* Except if making a mandatory notification to the Child Abuse Report Line

4.12 Verifying Identity (see page 13 ISG)

Requests for information sharing will possibly have a level of urgency and come via the phone. Unless you have an existing working relationship with the person making a request for information that ensures you know who they are and that they work in the organisation they claim to, you will need to verify their identity. To verify the identity of a caller, ask the person to hang up, look up their organisation phone number and ring the general number and ask to speak to that person.

If you believe someone has deliberately misrepresented themselves in seeking information, the SA Police must be contacted as it may represent an offence.

4.13 Case studies

The Information Sharing Guidelines contain 20 case studies illustrating the ISG’s use by a range of agencies and organisations working with children, young people, parents and vulnerable adults (see pages 27 to 38 ISG). The case studies provided below provide a primary focus on the use of the ISG within DECD.

Case study 1

A children’s centre is trying to engage more closely with a young single mother. The mother appears quite isolated in the community and has disclosed that she sometimes has problems with her children. She has a 4 year old son who only attends preschool sporadically and a toddler of 14 months. When the centre asks if the mother would like help in getting her son to preschool more regularly, the mother says she is coping ok and that she has ‘other people’ supporting her. The children’s centre staff don’t ask for further information about who provides this support, thinking the mother might feel they are prying too much.

The boy and his mother do not appear at the centre for three weeks and phone calls and messages left for the mother are unanswered. The centre staff are concerned about the children’s wellbeing and decide to make a home visit. On arrival, a service provider from an NGO is visiting the mother. The mother is embarrassed by the centre staff being at her house. She turns to the NGO provider and accuses her of talking with the centre staff behind her back. She tells everyone to leave.
The NGO provider tells the centre staff that her organisation has been providing mental health support to the mother through a referral from Families SA. The NGO provider was at the house that day because the mother had missed two appointments.

The mother moves out of sight of both services and the 4 year old does not access preschool at all.

What should have happened?

At the beginning of their contact with the mother, the centre staff and the NGO service provider should have talked with the mother about the importance of information sharing and explained how it could provide both her and her children with much better support.

Both agencies should have sought information through other avenues as soon as they became concerned. Both could have contacted Families SA to see if another agency was involved with the family. That contact would have linked them with each other at which time they could have discussed what information should be shared in order to safeguard the children. They could have planned a joint approach to getting the boy to preschool with less risk to the mother’s sense of being in control of her situation. As well as giving her son a better start to education and putting him within sight of other protective adults, the mother would also have benefitted from the positive reinforcement of seeing herself as an effective parent.

Case Study 2

Following a change in her foster care arrangements a 9 year old girl, under the guardianship of the Minister, is enrolled at a new primary school. The girl has a history of running away to her biological mother’s home. The girl’s social worker tells her that she is going to have a fresh start at her new school and that she will be treated just like every other student. She assures the girl that the only information the principal will be told is that she is in foster care.

The girl runs away from the school on the second day during recess time. Her new classmates see this happening, try unsuccessfully to stop her and then inform the staff. The principal rings the police but she has no helpful information to give them about the girl’s likely whereabouts. She has tried to contact the social worker who is unable to answer her phone because she is in court and the foster carer did not have the address information of the biological parent. Police obtain the required information by contacting Families SA and the girl is located close to her biological mother’s home later in the day. She is taken, against her will, back to her foster carer’s home.

The girl has been further traumatised by this experience, she has not enjoyed a ‘normal’ start at her new school, her relationship with her new foster carer has been complicated and most importantly she was at real risk of harm during the three hours she was alone trying to locate a road she recognised to make her way back to her mother.

What should have happened?

Knowing about the girl’s running away behaviour was directly relevant to the school being able to keep the girl safe. It was information that should have been shared with the school because it was necessary to prevent a clearly understood risk. It should have been part of a plan about what the school, Families SA and foster carer would each do in the circumstance of her running away from school or from her foster home. The school should have the contact details of other Families SA staff that can assist if the social worker is not available.

Had the school known, they could have altered yard duty arrangements or monitoring processes - neither of which would have been obvious to other students. The social worker should have told the girl that this information would need to be given to some of the school staff, even if it was against her wishes, in order to properly care for her. Knowing this may have helped deter the girl from attempting to run away and given her a better chance of establishing a kind of ‘normality’ in her new environments.
5. ROLES AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Families SA</td>
<td>• Approval for information sharing without consent</td>
</tr>
<tr>
<td>Directors, Assistant Directors, Principal Social Workers and Supervisors</td>
<td>• Approval for information sharing refusals</td>
</tr>
<tr>
<td>Education</td>
<td>• Approval for disclosure of notifier identity</td>
</tr>
<tr>
<td>Directors, school principals, preschool directors, integrated support services (leaders and managers) state-wide program managers (services to children/families)</td>
<td>(Families SA only)</td>
</tr>
<tr>
<td></td>
<td>• Consultation on the application of the ISG</td>
</tr>
<tr>
<td></td>
<td>• Dispute resolution</td>
</tr>
<tr>
<td></td>
<td>• Escalation of unresolved issues (through existing line management channels)</td>
</tr>
</tbody>
</table>

6. MONITORING, EVALUATION AND REVIEW

The Office for Child Safety has responsibility to monitor, evaluate and update the DECD ISG Procedure.

DECD Senior Executive Group has responsibility to monitor and advise the DCE Child Safety about matters that have been escalated for dispute resolution.

The DCE Child Safety has responsibility to advise the Chief Executive about matters that impede the application of the ISGs so these can be raised, as appropriate, at Chief Executive or Ministerial forums.

7. DEFINITIONS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>At risk</td>
<td>Risk is the possibility or probability that an event will occur. Risk can be cumulative. Being ‘at risk’ means the possibility or probability of suffering harm or loss or being in danger. People of any age may be considered ‘at risk’ due to circumstances that include but are not limited to; risk of homelessness, disconnection from community, running away behaviour, offending, substance abuse, suicidal ideation, self-harming behaviour, mental illness, domestic and family violence, sexual vulnerability or exploitation.</td>
</tr>
<tr>
<td>CARL</td>
<td>Child Abuse Report Line (Customer Call Centre Families SA)</td>
</tr>
<tr>
<td>Children and young people</td>
<td>For the purposes of the ISG this term includes unborn children, babies, children and young people up to the age of 18.</td>
</tr>
<tr>
<td>Confidential/confidentiality</td>
<td>Information that is provided in confidence and is assumed, by the individual who provided it, that it will not be shared with others.</td>
</tr>
<tr>
<td>Duty of Care</td>
<td>For the purpose of this Procedure the term refers to the responsibility to provide children and young people with an adequate level of protection from harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk of injury. Adults can assume this responsibility formally or informally; as a Government or non – government employee, volunteer, parent, carer or relative. It can arise as a common law concept or as an obligation prescribed within specific legislation (such as mandatory reporting obligations under the Children’s Protection Act 1993).</td>
</tr>
</tbody>
</table>
Cumulative harm

The compounded experience of multiple episodes of abuse or layers of neglect. For children it refers to the effect of patterns of circumstances and events in their life which diminish their sense of safety, stability and wellbeing.

Harm

Physical, developmental or psychological injury or impairment, whether temporary or permanent. Harm can be the result of both intentional and reckless behaviour.

Information

Written, verbal or electronic reports and accounts, including fact and opinion.

Informed consent

Permission an individual gives to information sharing, either implied or explicit, after they have demonstrated that they understand the purpose of the request and the likely outcomes of that consent. Age, intellectual capacity, mental health and abuse of substances will each impact on an individual’s capacity to demonstrate this understanding and these impacts must be acknowledged – they cannot be ‘overlooked’.

Parents/Carers

All individuals who have responsibility for caring for children and young people. It includes biological parents, step-parents, extended family members such as grandparents, people who have adopted, and the wide range of registered and informal care providers who undertake this role.

Reasonable

Showing reason or sound judgement; acceptable because it is logical, fair or sensible.

Safety

The condition of being and feeling safe. Freedom from the occurrence or risk of physical or psychological injury, danger or loss.

Wellbeing

Refers to an individual’s physical, social and emotional welfare and development.

8. SUPPORTING DOCUMENTS

- SA Information Sharing Guidelines for promoting safety and wellbeing
- Consents and Decisions for Family Based Carers of Children and Young People under the Guardianship of the Minister
- School-based Counselling Service - Information for Students
- Charter of Rights for Children and Young People in Care

9. REFERENCES

- Children’s Protection Act 1993
- SA Information Privacy Principles Instruction
- United Nations Convention on the Rights of the Child
APPENDIX

Consent in the DECD context

The recommended approach to sharing personal information is with the client’s informed consent. Children and young people are DECD’s clients. They should be asked to provide their informed consent if they are developmentally capable of doing so and it is considered reasonable and practicable to seek it. (Step 6) Respecting the informed view and consent of the child is an important contribution to a child’s ‘best interests’ by affirming their right to contribute, and where possible, to control matters affecting their lives.

Two common consent circumstances in the DECD context are when school-based counsellors seek children’s consent to share their personal information with parents/carers, and when Families SA staff seek the consent of children in out of home care to share relevant information about their background with their carers or with education staff.

Children and young people will often have sound reasons for not wanting their personal information to be shared with others. Some children do not want their status as a person under the Guardianship of the Minister to be known at their school; some young people managing relationships, sexuality or mental health issues are reluctant to inform their parents.

DECD staff have a responsibility to follow the below guidance when talking with children and young people about seeking their consent to share their personal information, both with other agencies and with parents or carers

- Work hard at explaining why and how the sharing of their information will help them. What situation are you trying to protect them (or others) from?
- Explore the restrictions that can be put on who is given information about them. Who needs to know what information in order to protect them? For example, is it the school-based counsellor but not the class teacher who needs information; is it the carer but not the carers’ other children?
- Be honest about when information might be shared without their consent; help them understand that keeping some kinds of information ‘a secret’ is against the law and that the laws are there to protect people from harm.
- Avoid making children feel that their right to help or support through information sharing is conditional on the consent of their parents/carers

Assessing the capacity to provide informed consent

The recommended way to assess whether a child has understood the implications of an information sharing request, and for their consent to be considered ‘informed’, is to ask them to tell the staff member in their own words:

- what the request is and why it has been made
- what the child or young person understands will happen if they do or do not give consent, and
- why he/she has either given or withheld their consent.

The clarity and consistency of the answers given to these questions will help determine whether or not a child’s consent is genuinely informed. If consent is not given or the consent is judged to be uninformed, the information sharing may still occur - but

- there must be a legitimate risk to be prevented,
- it must be approved by a senior member of staff, and
- it must be recorded.
The role of parents/carers

DECD staff engage with biological parents (including parents whose children have been removed from their care) adoptive parents, step- parents, grandparents, adult siblings, kinship carers and foster carers. The role each of these groups play in the sharing of children’s personal information will differ from one case to the next. For children and young people in care a set of specific consents and decisions are outlined in the document ‘Consents and Decisions for Family Based Carers of Children and Young People under the Guardianship of the Minister’ (See Section 8 Supporting Documents.)

In general, parental/carer involvement is central to children’s safety and wellbeing. Where parents/carers are considered protective the following is recommended practice

- Respect children’s decisions not to involve their parents/carers but use opportunities as they arise to discuss why parental/carer involvement might be beneficial for them. Continue to return to the topic at intervals.
- Keep the child’s safety as the overriding goal - sometimes this will mean sharing information against a young person’s wishes (for example when a young person is at risk of suicide)

Managing conflicting views

Conflicting views between children and young people and their parents, carers or case workers must be managed. Actions must not be ‘shelved’ simply because people disagree. Some circumstances will involve not just opposing views between children and adults but between the relevant adults themselves, for example a husband and wife, separated parents, biological parents and carers, carers and case workers, case workers and school staff.

As an example, a young person may wish to change their gender identity and to share this information with their school so they can be enrolled under their chosen gender. Their parents may disagree with each other about whether this should happen. The treating psychiatrist may recommend that the young person’s wishes be respected. The young person may be aged 16 or they may be aged 9. The young person may be under the Guardianship of the Minister.

Recommended practice:

- Involve a senior staff member in managing the conflict of view.
- Consider and seek the views of relevant experts if these haven’t been provided.
- Ensure the child’s rights under relevant legislation and United Nations Convention on the Rights of the Child (UNCROC) are understood.
- When considering ‘the child’s best interests’ remember their immediate physical and psychological safety takes precedence over all other interests.
- The informed view and consent of the child should be respected unless all the involved adults agree that to do so would put the child’s immediate physical and psychological safety at clear risk.
- Escalate the matter as soon as all reasonable efforts to resolve the conflicting views prove unsuccessful.
RESPONSE TO

‘REVIEW OF PROCEDURES AND PROCESSES IN DEPARTMENT OF EDUCATION AND CHILDREN’S SERVICES (DECS) RELATED TO BULLYING AND VIOLENCE IN SCHOOLS’, BY BILL COSSEY

July 2011
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1. EXECUTIVE SUMMARY

Background to the 2011 ‘Review of procedures and processes in Department of Education and Children’s Services (DECS) related to bullying and violence in schools’

On 10 February 2011 video footage of an assault of a student at Craigmore High was aired on local and national television news services. It was alleged that the assault and the filming of the assault were carried out by students of the school. Court proceedings in relation to the assault are underway.

The incident occurred on Monday 7 February 2011 and three days later the television stations (and the school) had access to the filmed material. This incident followed a previous incident on Friday 4 February 2011 which is understood to have been connected with the incident on Monday 7 February 2011.

Subsequent talk-back radio and other media coverage of the incidents ensued, which included public and media commentary in relation to Department of Education and Children’s Services (DECS) policies and processes for dealing with bullying and violence related incidents in schools, and the responses of schools, SAPOL and DECS Regional and State Offices.

In recent times, the incidence of bullying and violence in schools, both interstate and in South Australia, has received media, academic, community and government attention, particularly in relation to cyber bullying.

In light of the Craigmore High School incident and the level of discussion, community concern and debate that has arisen in relation to bullying and violence in schools, the Minister for Education, Hon Jay Weatherill, MP, commissioned Mr Bill Cossey AM, to review aspects of DECS processes and procedures related to bullying and violence in schools.

The terms of reference and conduct of the review were as follows:

“The review will provide commentary on the current processes/procedures for bullying and violence in schools, taking into account the circumstances of the Craigmore High School incident, with reference to the following matters:

- Violence and bullying policies and practices in government schools and their application in this incident;
- The reporting relationship between schools and DECS Regional and State Office;
- The reporting relationship between DECS (including schools) and SAPOL; and
- A review of the Queensland Schools Alliance against violence report and the application of its recommendations to South Australia.”

The Cossey Report (‘Review of procedures and processes in Department of Education and Children’s Services (DECS) related to bullying and violence in schools’) makes 14 recommendations in relation to DECS processes and procedures, and raises six policy matters for DECS to note.

All recommendations are supported or broadly supported.
2. RESPONSE TO REVIEW

2.1 Introduction

The findings of the recently completed review, undertaken by Mr Bill Cossey, of procedures and processes related to bullying and violence in schools are timely, and compatible with the current and future work priorities of the government.

Significant work has and continues to be undertaken by the Department of Education and Children’s Services to address bullying and violence in schools. For example:

- Extensive involvement in the development of the National Safe Schools Framework.

- A review of suspension and exclusion guidelines which provides principals with tougher disciplinary responses to extreme and repeated misbehaviour.

- A review, undertaken by Ernst & Young, of the Incident and Response Management System (IRMS) functionality.

- South Australia was the first state to work on the issue of cyber bullying and is considered to be proactive in this area.

The report notes the positive impact of the work that the Department continues to undertake in this area and that South Australian schools are among the safest in the world. The importance, and value, of current relationships between State Office, Regional Offices and Schools is also recognised, particularly for translation of policy into practice at the local level and for building confidence in the community.

It should be noted that no matter the level of system effort directed towards minimising violence in schools, each incident is one of real concern in terms of the well-being of the individual. Accordingly, the Department’s first priority should always be to support the victim and their family.

The report also notes that whilst coverage of school related incidents of violence by the media is relatively high, the actual incidence of bullying in schools is not increasing and may even be in slight decline. It is noted, however, that there is a need for continuing vigilance in relation to the changing nature of the issue (e.g. increasing shift towards cyber bullying) and for
pro-active work to continue to be undertaken in this area.

The report finds that any level of bullying is too high and that the community’s concern in relation to violence and bullying related incidents in schools is increasing. It stresses that in the event of a serious incident, the school, and the Department as a whole must be able to show the community that the incident is being dealt with as a matter of urgency and, as appropriate, that corrective action is being taken to minimise the possibility of a repeat occurrence.

The Department has been diligent in its efforts to improve its capacity to respond to incidents of violence and bullying in schools. Current bullying related research and the lessons learned from previous incidents have led to a number of changes to practices and procedures. There are several areas that require further work, including the need for business redesign of some processes, and the level of assistance that is provided to schools in relation to the development and implementation of local level policies and procedures.

Section 2.2 of this paper provides a detailed response to each of the recommendations.

### 2.2 Response to Recommendations

#### 2.2.1 Recommendation 6.1:

**Recommendations in respect of Critical Incidents involving violence against students:**

1. That the Guideline to Site Leaders be amended to:

- Emphasise the absolute importance of all critical incidents being reported and to signal a sense of immediacy in responding to an incident which involves violence;

**Response: Supported**

- Require an appropriate school leader to telephone the Director or Assistant Director in the Regional Office, and the School Care Unit with details of the incident as a matter of urgency after an incident involving violence has occurred;

**Response: Supported**
• Cross reference it to the “companion” document issued by the School Care Unit entitled ‘Checklist – When an incident Occurs; Consideration Responsibility’ which guides schools in the management of critical incidents. This document should be updated to guide schools in how to deal with the likely implications of a criminal investigation and ensuring the possible availability of filmed material of the incident so as to preserve the integrity of potential evidence;

Response: Supported

• Emphasise the importance of the earliest possible notification of the parent(s) or nominated contact person of the victim of violence.

Response: Supported

Recommended Actions:
• All guidelines related to school and student safety will be amended to:

- Emphasise the importance of all critical incidents being reported and the need for immediacy in responding to an incident of violence

- Require leaders to notify, as a matter of urgency, their Regional Director or Assistant Regional Director and the School Care Unit of the details of the incident

- Cross reference the Guideline to Site Leaders and the School Care ‘companion’ document “Checklist – When an Incident Occurs; Consideration Responsibility

- Require leaders to notify parent(s) or caregiver(s) of the victim of violence at the earliest opportunity

• The ‘companion’ School Care document titled “Checklist – When an Incident Occurs; Consideration Responsibility” will be updated.

2. That for all instances of violence, the School Care Unit immediately contact the most senior available member of the DECS Executive to provide details and that that Executive member immediately contact the Minister. At that point, the Executive of DECS determines which of the senior DECS Executives, including the Chief Executive, should
fulfil the role of spokesperson in the event of media interest and what role the DECS Regional Office and School Principal should play in responding to media questions.

Response: Supported

**Recommended Actions:** The Deputy Chief Executive, Schools and Children’s Services, supported by the appropriate units, will be the nominated person for contact and communication to the Minister and the Chief Executive, and media spokesperson.

A documented protocol will be developed to make this critical action path clear to schools, regions and state office.

3. That Incident Response Management System (IRMS) be utilised to enable the School Care Unit staff member receiving the call from the school to create an interim record on the IRMS and that that record be made available to the most senior available DECS Executive at the time of the contact proposed in 2. above.

Response: Supported

**Recommended Action:** The difference noted by the review between an 'interim record' and the final 'critical incident' report is appreciated. Schools experiencing an incident are not able to complete a considered report at the time.

Current processes will be reviewed to ensure that schools are assisted to provide all relevant and critical information at the point of initial contact and then to complete a more detailed report within 24-48 hours of the incident.

4. That for all instances of violence, an appropriate senior member of the DECS State Office be appointed to coordinate all requests for further information from the Minister and other DECS State Office units and to act as the sole contact point with the school and the Regional Office. Further, this person take responsibility (assisted as appropriate by the School Care Unit) for ensuring that all follow up actions requested of the State Office units via IRMS occurs in a timely manner.

Response: Supported
5. That DECS management assign priority to improving the performance of IRMS including increases to its functionality and to considerably improving system response times.

Response: Supported

Recommended Actions:
A business redesign of the School Care Unit, including a review of all processes and materials will be undertaken.

A documented protocol in relation to school and system responses to incidents of violence in schools will be developed, which includes the State Office process for coordinating information and the management of any follow up action such as counselling, repairs etc in relation to incidents of violence in schools.

6. That in conjunction with SAPOL senior management, DECS senior management determine a classification of incidents of violence which demand an immediate Police response and which can be reported to Police via 131 444 through a direct contact with the uniformed Police officer on duty at the 131 444 call centre and that this be documented in a soon to be finalised Guideline to Site Leaders entitled “Assaults”.

Response: Supported

Recommended Action:
A number of functionality improvements to the Incident and Response Management System (IRMS) were identified in a review of the system undertaken by Ernst and Young in May 2011 and are currently being considered.

Functionality improvements to IRMS will be made.
7. That SAPOL and DECS recognise that in the first instance (and as a result of current levels of community concern), greater use may be made of the capacity provided by (6) above but that through monitoring over time, its use may be modified in the light of operational experience.

Response: Supported

**Recommended Actions:** The Guidelines for Site Leaders’ - “Assaults”, referred to in the Cossey Review Report, is currently being developed in partnership with SAPOL. This guideline will provide sites with a DECS/SAPOL agreed classification of incidents of violence requiring an immediate Police response.

A new Memorandum of Understanding (MoU) between SAPOL and DECS will be developed in relation to site contact with SAPOL and will be promulgated to schools.

8. That SAPOL and DECS continue to maximise the involvement of SAPOL Community Police in the operation of programs aimed to minimise and prevent violence in schools (including support for the continuation of pilot programs such as those being conducted under the neighbourhood Policing concept in the southern and northern suburbs).

Response: Supported

**Recommended Action:** DECS in consultation with SAPOL will undertake an audit of SAPOL Community Policing initiatives (including, the neighbourhood policing concept), specifically regarding program effectiveness and possible implementation at more school sites.

9. That SAPOL and DECS commence the development of a protocol which deals with the obligations of schools and SAPOL in relation to responding to possible cyber bullying related criminal activity – and which may not demand an instantaneous Police response but may require a Police response nevertheless.

Response: Supported
10. That the DECS Duty of Care policy be updated and reissued to emphasise the importance of record keeping at each school in relation to all incidents. As outlined in section 4.3.2 of this report, the policy should provide guidance to schools as the details to be recorded and action taken. Schools would also benefit from guidance in that policy in relation to recording concerns about suspected instances of student bullying including cyber bullying.

Response: Recommendation broadly supported.

Recommended Actions: DECS will revise its policy to note the need for a sound evidentiary base to be on record for serious incidents of violence, and for the principles of natural justice to be upheld.

A requirement for schools to formally record and file securely all incidents of anti-social behaviour would place an unrealistic burden on schools given the frequency of child and adolescent testing behaviours. It would also be a difficult definition/categorisation judgement for teachers to make.

DECS will, however, develop guidelines for schools about the types of incidents to be recorded to ensure that schools are identifying problem behaviours before they escalate.

2.2.2 Recommendation 6.2:
Recommendations in Respect of Bullying against Students

1. That in committing to the recently released National Safer Schools Framework, the Minister take the opportunity to:

- Require all schools to develop and publish (including on the school website) a specific anti-bullying policy and associated procedures which could be cross referenced to details in existing Behaviour Management or Student Code of Conduct documents.
Furthermore, this requirement should extend to continuing refinement including at the least an annual review particularly in relation to cyber bullying and which may impact on the school’s IT policies;

Response: Recommendation broadly supported.

**Recommended Actions:** Qualified support has been given to this recommendation as an audit of school bullying policies undertaken by DECS in 2007 indicated that all schools either have a stand alone anti-bullying policy or a section on anti-bullying contained within another policy.

Schools will be reminded of the 2005 policy requiring schools to have a stand alone anti-bullying policy or have included a section on anti-bullying within their Student Behaviour Management policy or Student Code of Conduct. They will be advised of a repeat of the 2007 compliance audit later this year.

The revised brochure titled ‘Bullying and harassment at school: Advice for parents and care-givers’ will be distributed.

As part of site visits, Regional Directors will sight school anti-bullying policies and report on compliance levels, and the quality of the policy and its integration into the culture of the school.

All sites will be required to ensure that an easily locatable and well publicised link on the school website to the relevant anti-bullying policy or anti-bullying section within an existing policy is available. This is to link to the schools’ resolution process for bullying.

All schools will be encouraged to review their anti-bullying policy annually, and involve parents and students in this process.

All schools will include as part of the enrolment process a requirement for parent(s)/caregiver(s) and/or students to annually acknowledge/agree to the school’s Student Code of Conduct.
• Request that the topic of bullying behaviour be a standing item on the agenda of each meeting of each School Governing Council;

Response: Recommendation broadly supported.

Recommended Actions: Principals will be required to provide to the school Governing Council termly updates in relation to school bullying related data and trends and any anti-bullying programs/initiatives in place or being considered. This report is to be made available to the general school community via the newsletter and be placed on the school's website for easy access by parents.

Governing Councils will be encouraged to include the topic of bullying behaviour as a council meeting agenda item at least once per term.

A number of recommendations refer to an expanded role for the Coalition to Decrease Bullying, Harassment and Violence in South Australian Schools, and the provision of a support function. These recommendations are grouped below and responded to in the one set of recommended actions.

• Provide, via a professional, executive support function to the Coalition to Decrease Bullying, Harassment and Violence in South Australian Schools continuing guidance to schools in best practice approaches to the development of enforceable and enforced anti-bullying operational polices and procedures which are easily understood by the school community and are enforceable and enforced.

• Strengthen the role of the Coalition to enable it to have a direct reporting relationship to the Minister and the Chief Executive of DECS and to require it to monitor the effectiveness of school policies and procedures.
2. Consider ways of utilising the standing members of the Coalition so that they can play a continuing role in increasing community understanding of the dimensions of bullying and ways to address it including, but not confined to, responding to concerns raised in the media.

Response: Recommendations broadly supported.

**Recommended Actions:** DECS will provide the Minister with a plan to expand the Coalition’s role (including provision of advice to schools in relation to best practice approaches to anti-bullying practices and procedures), covering the level and source of resources for an executive support function, the composition of the Coalition’s membership, and terms of reference.

The Coalition will be asked to brief the Minister and Chief Executive regularly about its activities. DECS will provide comprehensive data to the Coalition on at least an annual basis for their monitoring of the effectiveness of school policies and procedures.

The Coalition has been active in increasing community understanding of the dimensions of bullying and ways to address. The university Coalition members, for example, have participated in all DECS state-wide conferences and have responded to the media.

3. That DECS State Office continues to encourage schools to implement professional, preventative programs aimed at improving the capacity of students to deal with bullying by promoting successful approaches being used in schools and where costs are involved to seek ways of assisting schools to fund such programs.

Response: Supported

**Recommended Action:** DECS State Office will continue to provide assistance to schools. Programs will need to focus on respectful relationships and tolerance.
4. That DECS State Office develops a protocol with TAFESA to deal with the communication and related aspects associated with any known bullying activities involving senior secondary students who are studying at TAFE as part of their senior secondary schooling.

Response: Recommendation broadly supported

**Recommended Action:** The current information sharing protocols will be reviewed and consideration given to improving information sharing practices in relation to known bullying activities involving senior secondary students who are studying at TAFE as part of their senior secondary schooling.

2.2.3 Recommendation 6.3: Policy Related Matters to Note

Six policy related matters are identified for noting in the report. Further consideration of these matters by DECS, in consultation with relevant stakeholders, will now need to be undertaken. In the interim an initial response and proposed action is provided below with more detailed advice to follow.

1. That DECS State and Regional Offices note the desire by schools for the development of additional strategies which can be used as alternatives to exclusion as a way of dealing with anti-social behaviour. This could include additional time out facilities in schools, ways of using restorative justice practices and more restricted use by students of mobile phones in specified instances.

Response: Recommendation noted
2. That DECS State Office note the perceived need for discussion with providers of teacher education and training and professionals in dealing with children with disabilities with a view to increasing the knowledge and skills of teachers in relating to students with disabilities. This increase in knowledge and skills would also be useful in enabling teachers to inform all students about the nature of, and most appropriate responses to, various types of disability.

Response: Recommendation noted

**Recommended Actions:** The Teacher Education Taskforce will be asked to consider the need for improved teacher education and training and professional development in regards to dealing with children with disabilities.

Advice will be forwarded to the Minister in relation to available disability and behaviour management programs and initiatives, such as Peer Awareness training in relation Autism.

The Review of Teacher Performance Development announced by the government in February 2011 will be asked to consider the need for mandating teacher knowledge and skills regarding students with a disability.
3. That as soon as practicable in the light of national curriculum developments and the evaluation of the Keeping Safe’s Child Protection Curriculum, DECS State Office note a suggestion by SAPOL that there is need to upgrade the crime prevention component of the school curriculum to include material related to cyber bullying.

Response: **Recommendation noted**

| Recommended Action: | DECS will update the cyber bullying content of the Keeping Safe Child Protection Curriculum to reflect current research and practice |

4. That the DECS State Office note the need to clarify the duty of care obligations of schools in light of the “beyond school hours” implications of cyber bullying as well in relation to students being excluded from one school for anti-social behaviour and enrolling in another school. This may extend to the circumstances of students transferring between school sectors (both to and from the State sector) as well as to the TAFE College circumstances referred to in Section 6.2 Point (4) above (the review has noted that the DECS Duty of Care policy was last updated in November 2007), well before cyber bullying came to prominence).

Response: **Recommendation noted**

| Recommended Action: | Schools currently have the ability to utilise disciplinary procedures for out of hours activities (e.g. cyber bullying) that impact directly on the wellbeing or safety of a student or staff member. The South Australian Government was the first to ensure that principals’ powers regarding student behaviour (involving cyber bullying) extend to activities occurring outside the school grounds and after school hours. This information was communicated to all schools via the 8 May 2009 Chief Executive Circular – ‘The action principals can take for incidents of cyber bullying or electronic crime’ and these procedures are currently being utilised by sites. DECS will seek to negotiate a cross sectoral information sharing protocol as part of the school enrolment process. |
5. That DECS note the absence of a mechanism to allow parents aggrieved with a school’s handling of an incident of violence or repeated instances of bullying to seek an independent review of the way in which the circumstances have been handled.

Response: Recommendation noted

**Recommended Action:** It is accepted that there is a need to improve the processes for handling parent concerns. DECS will establish new processes which will include clearer guidance for parents support for parents during the grievance process, and a panel process to review decisions. This will ensure that parents can have greater confidence that their concerns will be fairly addressed.

6. That DECS State and Regional offices in recognising that Principals may at times be the spokespersons for media comment purposes in the event of a critical incident, note a desire by Principals to receive media training as a component of their continuing professional development.

Response: Recommendation noted

**Recommended Action:** Principals are to be supported, where appropriate, to manage issues and speak to the media about incidents at the local level. Media training will be provided where necessary as part of ongoing professional development.
3. CONCLUSION

In conclusion, all 14 of the recommendations from the Review of Procedures and Processes in Department of Education and Children’s Services (DECS) Related to Bullying and Violence in Schools by Bill Cossey and its six areas for noting will be acted upon by the Department of Education and Children’s Services.

This work will commence immediately and will be completed in time for the beginning of the 2012 school year with the majority implemented within the next four months.

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