



RESPONDING TO STUDENT SEXUAL OFFENDING POLICY

Rationale

- School staff must take all measures that are reasonable in the circumstances to protect a student under their care from risks of injury that the staff member should reasonably have foreseen. Schools must have in place systems to adequately supervise students in order to meet their duty of care obligations.
- In the context of student to student sexual offending it is important to remember that staff have a duty of care towards all students involved, including the alleged victim, the child alleged to have engaged in the offence and any other students who may have been affected.
- Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development. Sexual behaviour can present itself along a broad continuum, with research suggesting that only a small number of children and young people develop problem sexual behaviour.
- Guidance on how to respond if you suspect a child under 10 years of age has engaged in concerning sexual behaviour can be found in the **Sexual Behaviour in Children Under 10 Years** section of the *Identifying and Responding to Student Sexual Offending* guide.

The Department will develop further guidance on this.

- In the context of student to student sexual offending it is important to remember that staff have a duty of care towards all students involved, including the alleged victim, the child alleged to have engaged in the offence and any other students who may have been affected.
- School staff must refer to the Department's *Responding to Identifying and Responding to Student Sexual Offending* guide when responding to allegations or disclosures of student sexual offending. This guide is a detailed resource for schools providing guidelines and advice for schools about responding to allegations of student sexual offending or sexual behaviour in children under 10 years of age.
- The Incident Management and Support Unit (IMSU) is a group of specialist staff who provide support, guidance and advice in relation to incidents that occur in school communities.
- The team includes psychologists, social workers and trained staff who take incident notifications, provide initial support and guidance and referral pathways and resources to assist in the response, management and recovery of those impacted.
- IMSU sits within the Incident Support Operations Centre (the ISOC) of Security and Emergency Management Division.
- IMSU will:
 - take notification of the incident, record it and work with the notifier to categorise and triage severity of impact
 - disseminate the IRIS alert to relevant people
 - provide emotional support to the caller and referrals for further assistance as required
 - support regions and schools to respond to incidents and to meet their legal obligations and duty of care responsibilities
 - assist principals and staff to manage incidents of a concerning sexual nature or those that are serious and concerning in a manner that minimises potential for adverse outcomes
 - link to additional supports within the Department and externally, if indicated
 - provide support and guidance to allied health staff as they provide place based critical incident and recovery support
 - provide psychosocial recovery advice and support.
- Principals must also refer to:

- Four Critical Actions: Responding to Student Sexual Offending
- Responding to Suspected Student Sexual Offending: Template
- Principal Checklist: Responding to Student Sexual Offending

See: [Department resources](#) at the website below.

Purpose

- To ensure Footscray North Primary School complies with the requirements of the *Children, Youth and Families Act 2005*, *Commonwealth Criminal Code Act 1995*, the *Crimes Act 1958* and other legislation.
- To ensure the school is informed about responding to allegations of student sexual assault or inappropriate sexualised behaviour in children under ten years of age and misuse of internet or mobile phones in relation to child pornography and youth produced imagery or 'sexting'.
- To ensure the school complies with DET policy and guidelines.
- To ensure the safety of children through the creation and maintenance of a child safe environment.
- To ensure the school complies with Child Safe Standard 5.

Definitions

For the purposes of the information contained in this policy, a sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching. For more detailed definitions see: the **Definition** section of the Identifying and Responding to Student Sexual Offending guide, see: [Department resources](#).

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

Child pornography is material that is captured, transmitted or stored electronically that depicts or implies a person who is 17 years or under in a sexual pose or act displaying full or partial nudity.

Implementation

- The safety of every child at the school is our highest priority.
- The school has a **zero tolerance of child abuse**.
- The school will ensure all staff are fully informed about their obligations in connection with responding to incidents, disclosures and suspicions of child abuse and are expected to act as follows:

Critical Action 1 – Responding to an Emergency

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

Critical Action 2 – Reporting to Authorities

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

- If the source of suspected abuse comes from within the school, all concerns involving a staff member, contractor or volunteer must be reported to Victoria Police.
- The staff member must also report to the Principal/Leadership Team, Employee Conduct Branch and Security Services Unit.
- If the source comes from the family or community, you must report to DHHS Child Protection if the child is considered to be in need of protection from child abuse and/or is at risk of being/has been harmed and the harm has had or is likely to have a serious impact on a child's safety, stability or development.
- All instances of suspected sexual abuse, including grooming, must be reported to Victoria Police.
- The staff member must also report to the Principal/Leadership Team and Security Services Unit.

Critical Action 3 – Contacting Parents/Carers



- The Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers.

- They may advise **not to contact parents/carers** e.g. in circumstances where the parents are alleged to have engaged in the abuse or to contact the parents/carers as soon as possible (preferably on the same day) and provide agreed information.

Critical Action 4– Providing Ongoing Support

- The school must provide support for children impacted by abuse. This should include a Student Support Plan in consultation with professionals. Please note: this is an essential part of the school's duty of care requirements.
- For incidents involving sexually related incidents, the school will contact DET's Student Incident and Recovery Unit (SIRU). The SIRU will provide timely advice, ensure appropriate supports are in place to maximise the health and wellbeing of students involved in sexually related incidents including advice, assisting the Principal/Leadership Team to manage incidents in a manner that minimises the adverse impact on the community, monitor the progress of school management of incidents, ensuring appropriate recovery measures such as counselling are provided.
- The above action will be taken every time a staff member becomes aware of a further instance or risk of abuse. This includes reporting new information to authorities.
- If deemed necessary, the school will refer to the IMSU as above.

Misuse of Internet/Mobile Phones

- Identification of child pornography sexting is a critical incident requiring immediate reporting to Victoria Police SOCIT Unit and Security Services Unit.
- The school will respond with the four critical actions as above.
- In the event of an incident, the school will refer to:
[Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
[Identifying and Responding to Student Sexual Offending](#)
 [Responding to Student Sexual Offending: Template for all Victorian Schools \(pdf - 303.06kb\)](#)
 [Responding to Student Sexual Offending: Principal Checklist \(pdf - 134.24kb\)](#)
and the SIRU as above.
- Please refer also to the school's *Duty of Care Policy, Child Protection (Mandatory Reporting) Policy, Risk Management Policy, Police & DHHS Interviews Policy, Mobile Phones, Use by children Policy* and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid-December 2018).

This policy was ratified by School Council 25/3/2019.

Reference:

www.education.vic.gov.au/principals/spag/safety/pages/sexualassault.aspx