

Procedure contents

Introduction	1
Overview of required steps at a glance	3
Preventing concerning and harmful sexual behaviour	4
Responding to sexual behaviour	4
Intervening in sexual behaviour incidents	5
Collect information to assess and respond	6
Potential criminal offence and/or child protection concerns	6
Responding to children or young people affected by the concerning or harmful sexual behaviour of others	7
Assessing behaviour	8
Initial response plan	8
Working with the Department for Child Protection (DCP)	8
Mandatory reports	8
Working with police	9
When to make a police report	9
Rape, sexual assault and other sexual offences	10
Reporting criminal incidents	11
Communication with parents and others	14
Behaviour support	14
Behaviour support plans	15
Suspension and exclusion – government schools only	15
Support and safety plans	15
Documentation	16
Support and debriefing for educators and care providers	17
Roles and responsibilities	18
Definitions	20
Related legislation, policy and resources	22

Additional resources to help you to respond to children and young people's sexual behaviour.

Download the **appendices** that accompany this procedure.

Download the **guideline**.

Download the **fact sheet for ancillary staff and volunteers**.

This procedure and associated guideline replace 'responding to problem sexual behaviour in children and young people: guidelines for staff in education and care settings' (3rd edition, revised 2019).

Introduction

Children and young people's sexual behaviour exists along a continuum. **Most** children and young people display **developmentally appropriate sexual behaviour** that is:

- typical for age and/or developmental ability
- between equals in age, size and developmental ability
- spontaneous, curious, light-hearted, easily diverted, enjoyable, mutual, consensual
- about understanding and gathering information, balanced with curiosity about other parts of life.

Some children and young people display **concerning sexual behaviour**. Behaviour is 'concerning' when:

- the type of activity or knowledge is not appropriate for age and/or developmental ability
- there is inequality in age, size, developmental ability or power
- there is concern about persistence, intensity, frequency or duration of behaviour
- there is a risk to the health, development or safety of the child or young person or others
- there are unusual changes in the child or young person's behaviour.

A **very small number** of children and young people display **harmful sexual behaviour**. Behaviour can indicate or cause harm because it is:

- not appropriate for age and/or developmental ability
- between children or young people with a significant difference in age, developmental ability or power
- secretive, manipulative or involves bribery or bribery
- excessive, compulsive, coercive, forceful, degrading or threatening, abusive or aggressive.

All children and young people can be negatively affected by concerning or harmful sexual behaviour including:

- those who have engaged in the behaviour
- those on the receiving end of the behaviour
- those who witness the behaviour.

Children and young people can also be harmed by adults failing to respond proportionately to the continuum of sexual behaviour.

Educators and care providers may be personally affected or concerned by:

- the issues raised in this procedure and associated guideline
- witnessing and/or responding to children and young people's sexual behaviour.

By following this procedure and the associated guideline, you can prevent and reduce harm to children, young people, educators and care providers.

Note that all incidents of sexual behaviour must be reported to site leaders. This includes developmentally appropriate sexual behaviour that is **inconsistent** with the behaviour expectations of the site.

Purpose of this procedure

This procedure will help educators and care providers to:

- proactively and explicitly teach all children and young people about behaviour expectations, social and emotional skills, child safety, respectful relationships, consent and sexual health
- respond consistently and effectively to the continuum of children and young people's sexual behaviour
- recognise any sexual behaviour incidents that need additional support and escalation
- meet their legal responsibilities and duty of care to children and young people.

For additional information and good practice considerations for responding to sexual behaviour, see the 'sexual behaviour in children and young people [guideline](#)'.

Scope

This procedure has been developed for the government, catholic and independent education and care sectors, including the following services:

- family day care (FDC) services
- long day care (LDC) services and rural care program
- out of school hours care (OOSH) services
- preschools and early learning centres
- respite care program (RCP)
- schools.

Government and catholic education and care services **must** follow this procedure. It is **highly recommended** for independent schools.

The procedure applies to **all children and young people** enrolled in education and care services, including people who are 18 years of age and older.

The procedure applies to **all educators and care providers**, including third-party providers of education or care services for children or young people.

Any staff or volunteers who identify sexual behaviour must **immediately** alert the educator or care provider with supervisory responsibility for the children or young people at the time of the incident, report or disclosure. If the any staff member **is** the person with supervisory responsibility, they must report the sexual behaviour to the site leader. The educator or care provider with supervisory responsibility and/or the site leader must follow this procedure. The accompanying [fact sheet](#) provides any staff and volunteers with information about their roles and responsibilities in responding to sexual behaviour.

Site leaders must ensure there is an appropriate response to any concerning and harmful sexual behaviour that occurs:

- at the site when a duty of care applies
- off-site when a duty of care applies (such as on an excursion)
- off-site and/or outside of service hours when no duty of care applies, but there is a reasonable connection between the child or young person's behaviour, the education and care service community, and relationships within the setting. An example is an alleged sexual assault at a party on a weekend, where the young people involved attend the same school.

Site leaders are responsible for ensuring this procedure is effectively applied, however, may delegate tasks to other educators and care providers. Site leaders must maintain effective oversight of all aspects of procedural requirements.

Private and community-based education and care services not on government, catholic or independent education and care sites are out of scope in this procedure, although it represents a best practice approach.

Overview of required steps at a glance

Prevention of grooming and harmful sexual behaviour (p.4).

- Sexual behaviour in incidents:
- Follow whole-site behaviour support procedures and any individual plans in place.
 - Safely intervene to stop or interrupt the behaviour (p.5).
 - Address immediate safety concerns:
 - Phone 000 in emergency or 13 14 44 for police assistance.
 - Provide first aid.
 - Supervise and support all children and young people involved.

Collect information to assess behaviour. Do not compromise potential criminal or child protection investigation. If you need to speak to individuals involved or witnesses, do so separately (p.6). Consult at any stage: government Ph 8314 4100 (SWISS), Catholic Ph 8301 6600, independent Ph 8179 1400.

Assessment of behaviour (p.6).



Intervening in sexual behaviour incidents

Remember that most sexual behaviour will be developmentally appropriate and all responses must be proportionate.

The first point of intervention is crucial.

Children and young people are likely to be affected by your reactions when responding to an incident of sexual behaviour. Think about the words you use, your body language, tone of voice and facial expression.

It is important that you do not punish or shame children and young people.

When you witness an incident, it is important that you:

- remain calm and control any expressions of panic or shock
- respond immediately
- implement processes from any behaviour support plans that already exist.

Immediate safety

Deal with any immediate safety concerns:

- call 000 in an emergency
- call 13 14 44 if police assistance is required
- provide first aid if required.

Make sure that all children and young people are supported and supervised until police and/or Department for Child Protection (DCP) have provided advice, or the site leader has given direction.

Intervene

Safely intervene to stop or interrupt the behaviour.

The younger the child, the fewer words you should use.

Describe the behaviour and its impact

If it is clear that the behaviour is not potentially criminal, as soon as the children or young people are calm:

- describe the observed behaviour to the children or young people involved in a way they understand
- describe the impact of their behaviour, which will help them to understand that

Collect information to assess and respond

Site leaders must urgently collect enough information to assess the behaviour and the response required. Any required reports to the Child Abuse Report Line (CARL) and/or police must be made as soon as possible.

Site leaders may delegate actions to educators and care providers but must oversee and manage any incident management responses.

Potential criminal offence and/or child protection concerns

Concerning or harmful sexual behaviour might be a criminal offence and/or raise child protection concerns.

If it is possible that a criminal offence has occurred, and/or there may be child protection concerns, be careful not to influence any potential investigation.

Speak separately with each child or young person. Ensure their nominated support person is present if the child or young person wants them to be.

All discussions with the children and young people involved should be:

- the minimum required to assess and respond to the behaviour

- _____

Keep all discussions with the child or young person to a minimum.

If open-ended questions have not provided the minimal details you need, you can ask the following specific questions:

- What happened?
- When did it happen?
- Where did it happen?
- Who was involved?

As soon as site leaders have gathered enough information to decide that a notification to ARL and/or police is necessary, **do not** seek any further details about the incident.

You can ask about the wellbeing and support needs of those involved without asking questions about the incident. [Document](#) all questions asked of children and young people and their responses as soon as possible after the discussion.

Responding to children or young people affected by the concerning or harmful sexual behaviour of others

Listen and remain calm

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Document

- [Document](#) all discussions with the child or young person, including any questions asked of them and their responses.

Assessing behaviour

Site leaders need to make an initial assessment of the incident. This is a decision about whether the behaviour is likely to be:

- [developmentally appropriate](#)
- [normalising, or](#)
- [harmful.](#)

Aim for objectivity and letting go of any personal biases when assessing the incident. Make your assessment in consultation with another person. You can ask for support in your judgement from other educators, care providers and other professionals. Leaders in government sites can seek support from SWISS on 0814 4100 or 0814 4100.

To make this assessment, consider:

- the 'sexual behaviour guide' ([Pro edure Appendix 1](#))
- factors in the 'professional judgement assessment checklist' ([Pro edure Appendix 2](#)).

The 'sexual behaviour guide' will help you to consider behaviour consistently. The 'professional judgement assessment checklist' helps you to consider the broader context, not just the behaviour.



- what information can be disclosed to whom about all children and young people involved
- who will provide this information and when
- the best way to protect the children and young people involved
- about securing evidence (such as digital content and devices).

Record for your files:

- the SA A police message number and any other police reference numbers
- details of the person the report was made to
- advice given.

See [Procedure Appendix 3](#) about police and P interviewing children and young people on education and care sites.

Liaising with police as needed

You may need to continue working with police. Information about criminal charges, conditions set by the Youth Court and dates and outcomes of court hearings could have implications for a child or young person's education and care arrangements.

Give the investigating officer the chance to contribute to any [plans](#) created for children or young people involved in sexual behaviour incidents and give them a copy of the final plan.

Rape, sexual assault and other sexual offences

Responding to alleged or suspected rape, sexual assault or other sexual offences (see definitions on [page 20](#))

Reporting critical incidents

Different services have different requirements about reporting critical incidents. Some are **required**, which means you **must** make a report to this body – these are indicated by X in the table below.

Reporting to the Education Director or Manager, Family Day Care Programs (government)

For government schools and preschools, and long day care services, rural care program and OSH services on **government school sites**, report to the Education Director.

For government family day care services and the respite care program, report to the Manager, Family Day Care Programs on phone 8226 3149.

For critical incidents of **extreme severity**, if the Education Director or Manager, Family Day Care Programs is not available, site leaders **must contact** the Director or Assistant Director of the Incident Management Directorate (IMD) as per [Incident coordination: managing incidents of extreme severity procedure](#) and [flow chart](#). Phone 8226 1840 or 0438 792 180.

For critical incidents **not** of extreme severity, if the Education Director or Manager, Family Day Care Programs is not available, site leaders contact the Incident Report Management unit as per [Reporting critical incidents, injuries, hazards and near misses procedure](#) on phone 8463 6564. Alternatively, government family day care services and the respite care program contact the Case Manager, Family Day Care Programs on phone 8226 0187.

Using the Department for Education critical incident reporting system

Site leaders in government sites must use the critical incident reporting system to report any incidents of [grooming or harmful sexual behaviour](#) between children and young people, or directed towards adults, occurring:

- at the site when a duty of care applies
- off-site when a duty of care applies (such as on an excursion)
- off-site and/or outside of service hours when no duty of care applies, but there is a reasonable connection between the child or young person's behaviour, the education and care service community, and relationships within the setting.

An example is an alleged sexual assault at a party on a weekend, where the young people involved attend the same school.

You must also use the critical incident reporting system for any allegation or incident, where it is reasonably believed that physical and/or sexual abuse of a child or young person has occurred or is occurring while the child is being educated or cared for by the service.

Reporting timeframes

Incidents in government preschools, FSES and RPP, and LRR/rural care program and OSH services on government school sites must be reported in the critical incident reporting system **within 12 hours** of the incident.

Government schools must report incidents in the critical incident reporting system within the following timeframes:

- sexual behaviour that may be a sexual offence, or where physical or sexual abuse has occurred, on site or when a duty of care applies – **within 24 hours** of the incident
- other grooming or harmful sexual behaviour that is not suspected to be illegal and that has occurred on site or when duty of care applies – **within 2 working days** of the incident
- sexual behaviour that may be a sexual offence and that has occurred away from the site and/or out of hours, when there is a reasonable connection between the child or young person's behaviour, the education and care service community, and relationships within the setting – **within 2 working days** of the incident.



Communication with parents and others

Carefully consider how best to communicate with parents about any incidents of sexual behaviour, taking note of advice from police, P and your sector office.

Children and young people directly involved or witness to the incident

As soon as possible, tell the parents of the children or young people directly involved in, or witness to, a sexual behaviour incident unless:

- you are **advised not to** by police, P or your sector office
- doing so would put a child or young person **at risk of harm**.

If parents are not advised as soon as possible, you must document the reason why.

Parents of other children at your site

Consider whether it is useful to communicate with all parents, or specific groups of parents whose children were **not** directly involved in, or witness to, a sexual behaviour incident. For example, this communication may be helpful to:

- reassure parents and foster confidence or trust
- give parents an opportunity to identify and raise concerns
- manage the concerns and expectations of the education and care service community.

See [Procedure Appendix 11](#) for a sample letter to parents. You must not provide personal/confidential information about any child or young person, including information that could identify the children or young people involved, unless advised to do so by Legal Services or via the sector office.

Considering cultural and language needs

Think about your site's cultural context and consult with cultural consultants to support competent and safe practice with Aboriginal and culturally diverse families. This may include:

- communication with family and community members other than parents (such as an elder or grandparent) due to cultural and kinship relationships and child-raising practices
- considering the impact in communities with loose kinship ties.

For families whose home language is not English, see the [South Australian Interpreting and translating policy](#) to arrange appropriate support. It is important to consult with families as to who they wish to have as an interpreter. This may be an unknown worker from a translating and interpreting company or a trusted worker in the sector such as a community liaison officer. Written information should be provided in the family's preferred language.

See the 'sexual behaviour in children and young people [guideline](#)' for detailed information about working with parents and culturally diverse families.

Behaviour support

Where behaviour support is needed in response to sexual behaviour, site leaders in government sites should contact the Behaviour Support coach. If a child or young person has a disability or additional needs, contact the Special Educator, in addition to the Behaviour Support coach.

Site leaders in catholic sites should contact the Engagement and Wellbeing Education Advisor for their region. If a child or young person has a disability or additional needs, contact the Learning, Diversity and Equity Advisor for the region.

It is recommended that site leaders in independent schools contact the Chief Executive or Head of Legal Services at AISSA. Phone 8179 1400.

Behaviour support plans

Sites will need to create a behaviour support plan for some children and young people who have engaged in concerning or harmful sexual behaviour.

When to create a behaviour support plan

Create a behaviour support plan when:

- the child or young person's behaviour poses a risk of future harm to themselves or others
- the child or young person has related support needs
- there is a police investigation related to the child or young person's concerning or harmful sexual behaviour.

See [Procedure Appendix 9](#) for the 'behaviour support plan' template and guiding notes. Securely store all behaviour support plans in the child or student file.

Focus on supporting the child or young person

A behaviour support plan should focus on:

- understanding the function of the behaviour
- supporting the development of alternative behaviour that meets the child or young person's needs in safe and positive ways.

While children and young people are developing and practising new behaviour,



Educators and care providers

Proactively and explicitly teach all children and young people about behaviour expectations, social and emotional skills, child safety, respectful relationships, consent and sexual health.

Respond consistently and effectively to the continuum of children and young people's sexual behaviour.

Meet legal responsibilities and duty of care to children and young people.

Educators and care providers must be familiar with,

Education Director or Manager, Family Day Care Programs (government only)

The Education Director (for government schools and preschools, LINC services/rural care program and OSH services on government school sites) or Manager, Family Day Care Programs (for government FIC services and RCP) assist site leaders to respond to critical incidents and obtain relevant supports and services, including legal advice.

Sector organisations

Department for Education regional and central offices provide policy advice or support services to government education and care services.

The Association of Independent Schools of South Australia supports independent schools to respond to sexual behaviour and apply this procedure.

Catholic Education South Australia supports Catholic schools and the sector to respond to sexual behaviour and apply this procedure.

Definitions

Continuum of sexual behaviour in children and young people

Sexual behaviour exists along a continuum: at one end is **developmentally appropriate** sexual behaviour. At the other end of the continuum is **harmful** sexual behaviour. **Concerning** sexual behaviour falls in the middle of the continuum. See below for definitions of developmentally appropriate, concerning and harmful sexual behaviour.

Developmentally appropriate sexual behaviour

Developmentally appropriate sexual behaviour is:

- typical for age and/or developmental ability
- between equals in age, size and developmental ability
- spontaneous, curious, light-hearted, easily diverted, enjoyable, mutual and consensual
- about understanding and gathering information, balanced with curiosity about other parts of life.

For behaviour to be assessed as developmentally appropriate, all 4 of the above characteristics must be present.

Concerning sexual behaviour

Sexual behaviour is concerning when:

- the type of activity or knowledge is not appropriate for age and/or developmental ability
- there is inequality in age, size, developmental ability or power
- there is concern about persistence, intensity, frequency or duration of behaviour
- there is a risk to the health, development or safety of the child or young person or others
- there are unusual changes in the child or young person's behaviour.

Only one of the above characteristics needs to be a feature of the behaviour for it to be concerning.

Harmful sexual behaviour

Sexual behaviour indicates or causes harm because it is:

- not appropriate for age and/or developmental ability
- between children with a significant difference in age, developmental ability or power
- secretive, manipulative or involves bribery or bribery
- excessive, compulsive, coercive, forceful, degrading or threatening, abusive or aggressive.

Only one of the above characteristics needs to be a feature of the behaviour for it to be harmful.

Educators and care providers

Educators and care providers include staff and third parties who provide education or care to children or young people. For the purpose of this procedure, an illary staff and volunteers are not considered educators and care providers.

Natural and logical consequences

Natural consequences are outcomes that happen as a result of behaviour without the educator or care provider needing to apply the consequences. Instead, the consequences occur naturally.

For example, if a child repeatedly uses sexual language that others find upsetting, other children will not play with them. The consequence was not planned or controlled by the educator or care provider, but they can help the child to make the connection between their behaviour and their peers avoiding them.

Logical consequences do not naturally occur because of the behaviour; they are intentionally applied but are clearly connected to the behaviour.

For example, if a child touches an educator's breast while reading together, the educator names the behaviour ('you're touching my breast') and lets them know it is not allowed.

If the behaviour then continues, a logical consequence is that reading together stops and the child returns to their desk and undertakes another activity.

Non-leading and open-ended questions

Non-leading and open-ended questions allow the child or young person to answer the question in their own words. They do not suggest that a particular response is required, leaving them in control of how they answer the question.

These types of questions are less likely to prejudice a potential police and/or child protection investigation than 'leading' or 'closed' questions. An example of a non-leading and open-ended question is: 'I heard that something happened in the yard at lunchtime today. Tell me what happened.'

Parent

In this context, the term 'parent' includes:

- legal guardians
- persons standing *in loco parentis*
- 'approved carers' as defined by the [Children and Young People \(Safety\) Act 2017](#).

Rape

Rape is sexual intercourse with another person without their consent.

Sexual intercourse means any penetration of another person's vagina, labia majora or anus by any part of the body of another person (such as penis or finger) or other object, or oral sex.

Sexual harassment

Sexual harassment is behaviour:

- that is unwelcome
- that is sexual in nature
- where a reasonable person would anticipate, in the circumstances, that the person who was harassed would be offended, humiliated or intimidated.

Sexual offences

In this procedure sexual offences include – brief definitions in brackets:

- rape (sexual intercourse without consent)
- sexual assault (any sexual act without consent)
- indecent assault (touching a person's body in a sexual manner without consent, eg unwanted touching of a person's breast, bottom or genitals)
- act of indecency (when someone does something of a sexual nature with or towards another person without their consent, or makes the person do something of a sexual nature towards them, such as unwanted masturbation in front of another person)
- making, sharing, requesting, accessing or having images or recordings of child exploitation material.

Site

Site refers to all education and care settings. Sites include:

- adult re-entry settings
- centre-based child care facilities
- out of school hours care facilities
- preschools and early learning centres
- schools
- the homes of approved family day care providers
- the homes of approved respite care providers.

Site leader

Site leader refers to the individual who has



