

# Managing allegations of sexual misconduct in SA education and care settings

Introduction for site  
leaders



**Government of South Australia**  
Department for Education and  
Child Development



A I S S A  
**AS**  
ASSOCIATION of  
INDEPENDENT  
SCHOOLS of SA

# Introduction

- This resource takes approximately 10 minutes to read and is designed to provide an introduction to the guideline - *Managing allegations of sexual misconduct in SA education and care settings*.
- Mandated professional development sessions for education leaders will be provided on the guideline beginning Term 1 2014.
- The guideline can be downloaded from the [A-Z policies page on the DECD website](#).
- Hard copies of the guideline will be distributed to all sites across the government and non-government sectors for the beginning of the 2014 school year.
- In the guideline the term 'sector office' is used to mean DECD central office - specifically the Incident Management Division.

# Background

- The guideline has been adapted from Chapter 15 of the Independent Education Inquiry Report – its broad purpose is to give education communities a single guide that everyone can follow if an allegation of sexual misconduct is made.
- It sets out – within a legal framework - the decisions and actions that need to be taken at particular stages when managing an allegation of sexual misconduct.
- Every case of sexual misconduct is different. This means the actions taken by sites may also need to be different. It does not mean that sites are operating outside the guideline.
- The guideline only relates to allegations made against adults - incidents between children and young people must be managed by following the document *Responding to problem sexual behaviour in children and young people*.

# Prevention

- The best 'response' to adult sexual misconduct in education and care settings is to prevent it occurring in the first place.
- The best way to limit adults' opportunity to harm children and young people is to establish an environment where it is extremely hard for any inappropriate adult behaviours to occur *unnoticed and unchecked*.
- The best way to support a safe environment of this kind is to ensure everyone connected to the site understands and follows the requirements of the Protective Practices document.
- “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.” (p. 7 Managing Allegations of Sexual Misconduct)

## 6 prevention questions to consider

- Are the conduct and relationship boundaries of the Protective Practices guidelines (pages 8 and 9) understood and followed at the site, and do staff and volunteers know how to speak up about their concerns?
- Is the child protection curriculum being taught and do children and young people know what to speak up about, and how to speak up?
- Do parents and governing council members understand the conduct and relationship boundaries expected of adults and do they know how to speak up about their concerns?
- Are all reports of inappropriate adult conduct responded to and documented by you in consultation with your education director?
- Are the messages of Responding to Abuse and Neglect training reflected in staff practice? Do staff act on, record & monitor the concerns they have about safety and wellbeing? (Act Record Monitor ARM model)
- Are screening requirements complied with at all times?

# How does the guideline connect with other site procedures?

Like a number of other serious critical incidents managed by site leaders, responding to allegations of sexual misconduct will involve

- Contact with the police
- Making a report on IRMS
- A report to the Child Abuse Report Line
- Contact with parents of the affected children and young people
- Sharing information with staff, governing council members and sometimes the broader school community



# How does the guideline differ from other site procedures?

Sexual misconduct incidents are rare but extremely serious. Given their seriousness and the complexity of issues that need to be addressed, the site leader and education director will have a case manager assisting and consulting with them on required actions such as

- liaison with police and other agencies
- support for the victim and victim's parents
- directing the adult away from the workplace
- advising staff and governing council members as appropriate
- considering the possibility of other victims
- drafting communication for sections of the parent community where appropriate
- managing the support needs of staff

# Important sections of the guideline for site leaders to read and earmark

- A summary checklist of the actions site leaders will be responsible for managing - Appendix 1 page 21.
- 'Note for site leaders' provides key messages about the consultation and support site leaders can expect from central office – page 7.
- 'Definitions' and 'scope' explain the range of persons to whom the guideline applies and the scope of circumstances in which the site leader is responsible to act – page 8.
- Section 3 provides a full description of the immediate and longer term decisions and actions the site leader and case manager will undertake - pages 11 to 20.
- Appendices 3, 4, 5 and 6 – record keeping templates, sample letters to parents and a safety and support plan for the child young person - pages 22 to 30.
- Note: the sample letters in the guideline use a site leader's signature. However, the individual who signs letters may differ according to each case. Central office and the site leader will make this decision consultatively.



# Inappropriate behaviour and sexual misconduct

- The definition of 'sexual misconduct' provided on page 8 makes it clear that site leaders are not expected to distinguish, in every case, which behaviours represent sexual misconduct and therefore immediate police involvement - and which represent professional boundary violations that require a performance management response. In most cases it will be immediately obvious but in some cases it may not.
- Site leaders can be confident they are responding appropriately if they:
  - **act on *all* allegations or reports of inappropriate adult conduct in consultation with their education director, and**
  - **wherever a matter is not immediately clear as to its seriousness they seek the advice of the Incident Management Division Intake Officer: 8226 1604**

# Important points sometimes forgotten

- The site leader's responsibility to act in response to allegations of sexual misconduct applies
  - to *any* adult with a connection to the site (see definition p. 8.)
  - whether the connection to the site is current or the adult has moved, resigned, is on leave or is deceased
  - no matter *where or when* the incident is alleged to have occurred
- When an allegation relates to electronic material **do not delete** – quarantine it for SA Police investigation.
- Document everything as soon as possible and ensure staff describe matters in a *factual* manner. Use the templates provided in Appendix 3 and 4 of the guideline.

## In summary

Site leaders have key responsibilities in ensuring that effective responses are made to allegations of sexual misconduct. The new guideline gives them and others greater clarity about how to undertake that work which, most importantly, will help support victims and their families and sometimes help identify other victims.

Site leaders also have key responsibilities to help prevent sexual misconduct. To do this they need to

- know how to raise, document and monitor concerns about adult conduct
- ensure all adult conduct issues are discussed with their education director so questions of 'seriousness' are shared discussions
- establish environments where children and young people, staff and parents know to speak up about what they see, hear or experience as inappropriate adult conduct

# Associated key resources

- Incident Management Division Intake Officer – 8226 1604
- Protective Practices for Staff in their Interactions with Children and Young People (See particularly - professional boundaries p.8&9 and staff responsibilities in responding to behaviour p.14) [A-Z policies page on the DECD website](#)
- Responding to Problem Sexual Behaviour in Children and Young People (See particularly the Prevention Checklist Appendix1.) [A-Z policies page on the DECD website](#)
- [Child protection curriculum](#) – requirements resources and professional development
- [National Safe Schools Framework](#) and [resources](#) for schools, parents and children and young people
- Responding to Abuse and Neglect - Education and Care training online resource  
<http://rantraining.e3learning.com.au/>