

Sexual behaviour in children and young people procedure

This is a mandated procedure under the operational policy framework. Any edits to this procedure must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

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 services
- long day care services and rural care program
- out of school hours care services
- preschools and early learning centres
- respite care program
- 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.

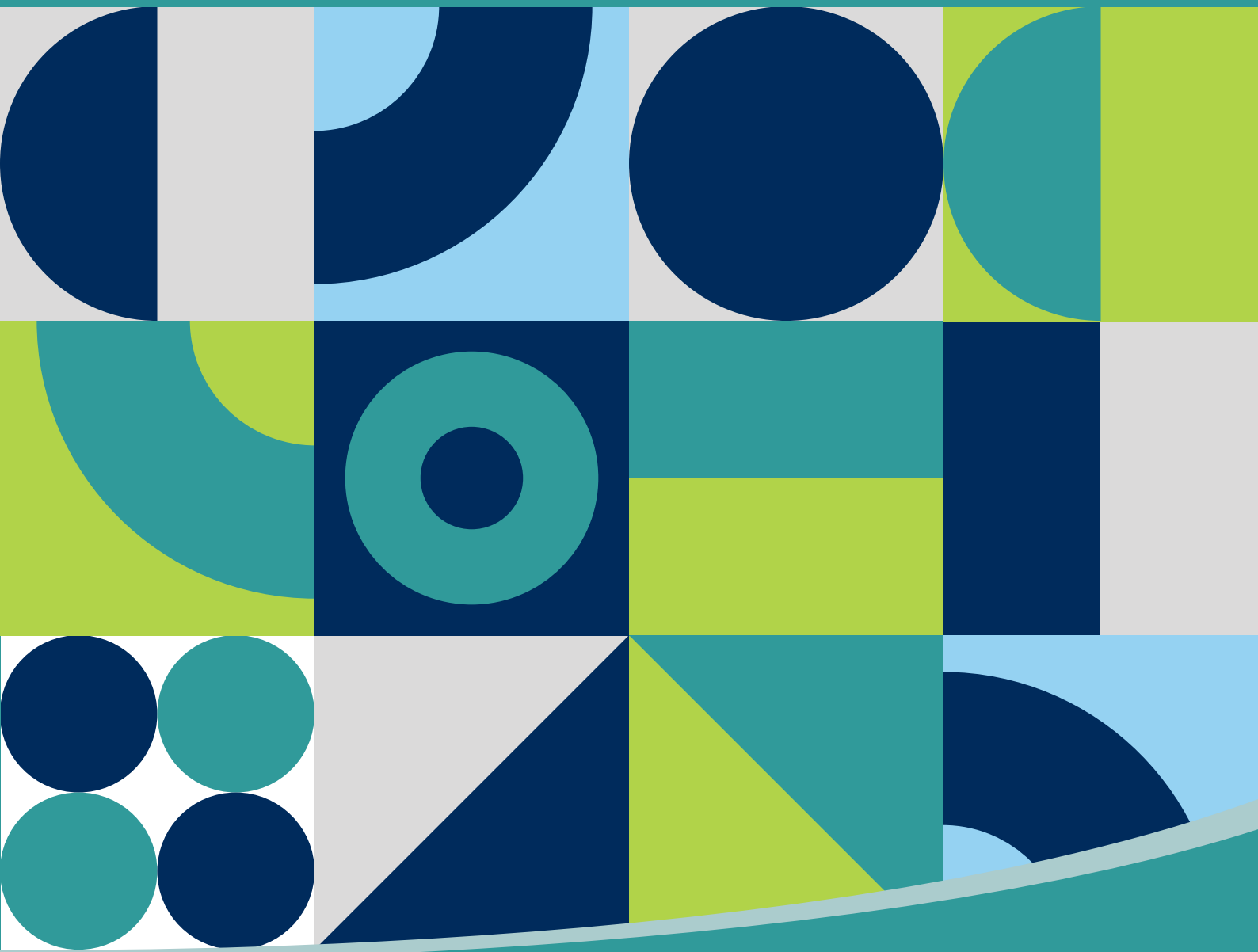




Sexual behaviour in children and young people

Procedure

Immediate and necessary
actions when responding
to sexual behaviour



Government of South Australia
Department for Education



Association of
Independent Schools
of South Australia



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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 trickery
- 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 (OSHC) 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.

Ancillary 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 ancillary 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 ancillary 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:

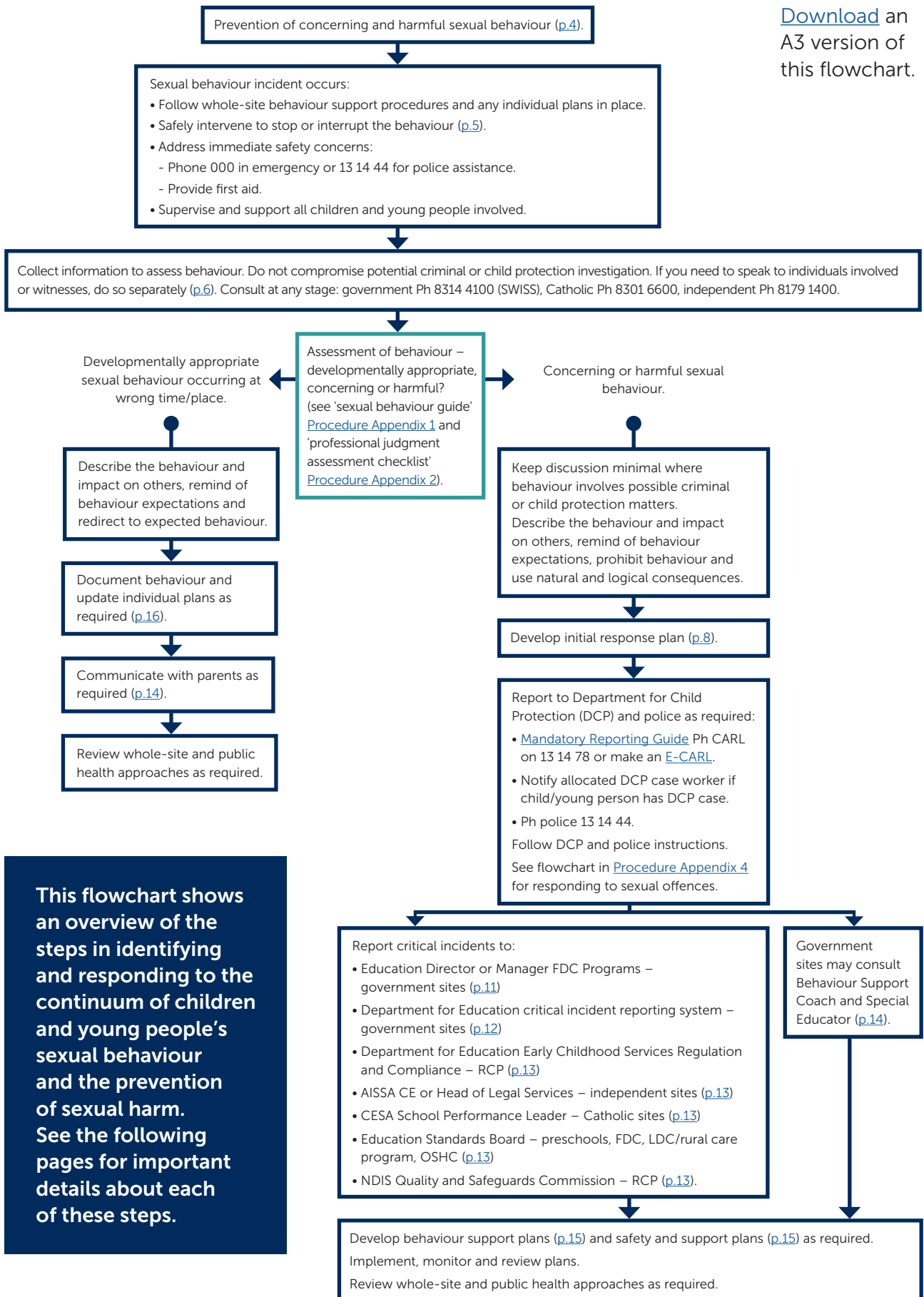
- at the site when a duty of care applies
- off-site when a duty of care applies (such as on an excursion)
- off-site and/or outside of service hours when no duty of care applies, but there is a reasonable connection between the child or young person's behaviour, the education and care service community,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

[Download](#) an A3 version of this flowchart.



This flowchart shows an overview of the steps in identifying and responding to the continuum of children and young people’s sexual behaviour and the prevention of sexual harm. See the following pages for important details about each of these steps.

Advise parents at earliest opportunity unless advised not to by police/DCP/sector office (p.14). Document behaviour and responses (p.16). Provide support and debriefing to involved staff (p.17).

Preventing concerning and harmful sexual behaviour

Keeping children and young people safe is the responsibility of all educators and care providers. You must:

- support children and young people to develop knowledge, understanding and skills to have respectful relationships and behave in ways that protect their own safety and the safety of others
- explicitly teach behaviour expectations, social and emotional skills, child safety, respectful relationships, consent and sexual health education (as appropriate to year level)
- adjust curricula so that children and young people can access the required learning
- create and maintain supportive, safe and inclusive learning environments.

Responding to sexual behaviour

You must respond to sexual behaviour in children and young people when:

- you witness the behaviour
- a child or young person makes a disclosure or complaint
- another person reports the behaviour.

See [Procedure Appendix 5](#) for a checklist to use when responding to **developmentally appropriate** sexual behaviour. See [Procedure Appendix 6](#) for a checklist to use when responding to **concerning or harmful** sexual behaviour.

These checklists help you to consider all the requirements in this procedure. You must respond proportionately to all incidents. Any incident of sexual behaviour is an opportunity to teach children and young people about the safe and respectful behaviour that is expected in your setting.

If it is possible that a criminal offence has occurred, or there may be child protection concerns, you must be careful not to influence any potential investigation. Discussions with children and young people should be kept to a minimum and thoroughly [documented](#).

Site leaders in Catholic sites can consult their School Performance Leader at any stage in responding to sexual behaviour.

Site leaders in government sites can consult the [Social Work Incident Support Service \(SWISS\)](#). Contact the duty line on 8314 4100.

Site leaders in independent schools can consult the AISSA Chief Executive or Head of Legal Services. Phone 8179 1400.

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.

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 it affects others.

Remind

Remind the children or young people of the behaviour expectations of your site.

Redirect

Redirect **developmentally appropriate** sexual behaviour that occurs at the wrong time and in the wrong place to the expected behaviour.

Prohibit and use consequences

Prohibit **concerning or harmful** sexual behaviour and use [natural and logical consequences](#).

Report

Report **all sexual behaviour** to site leaders and develop an initial response plan.

Nominate a support person.

- Offer children and young people involved in sexual behaviour incidents someone to support them throughout the immediate and ongoing response.
- This person should regularly check in with them to assess and support their safety and wellbeing.
- Consider the individual needs of the child or young person (for example, culture and disability).

See [Procedure Appendix 7](#) for examples of responding to sexual behaviour incidents.

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
- thoroughly [documented](#).

You should be particularly careful when asking children or young people questions about the incident. See 'If details of an incident are unknown or unclear' (on this page) for information about asking questions.

Minimise the number of times children and young people are spoken with and the number of people who speak with them.

Find out what happened

Site leaders should start by finding out what happened and who was involved. Sources of information may include:

- verbal reports from children, young people, educators, care providers, other staff and parents

- direct observations
- digital content (such as screenshots, text messages, video footage).

Seek information from individuals separately. Do not ask for information by bringing people together.

Be careful with digital content of children and young people

Secure digital content and devices if appropriate.

If you have reason to believe that digital content may involve nude, nearly nude or sexual images of a child or young person, it is recommended that this content is not viewed. Seek advice or instructions from the police. Intentional viewing, sending, copying and storage of this content may place the viewer at risk of committing a criminal offence and possible prosecution.

Remain with the child or young person until police arrive. This is to ensure a device is not tampered with, resulting in loss of evidence.

See [Responding to online safety incidents in South Australian schools](#) for more information about the management of sexually explicit material on devices.

If details of an incident are unknown or unclear

In this case, site leaders should use [non-leading and open-ended questions](#) (see definition on page 21) to find out what happened. If the matter is potentially criminal, ask the child or young person only for minimal details about the incident, as a last resort if a child or young person **has been harmed** or is at **risk of harm**, and if:

- you don't have enough information about the incident to know whether you need to make a report to CARL and/or police
- you can't get information about the incident from anyone else, such as a witness, or someone the child or young person has told about the incident.

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 CARL 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

- Listen to the child or young person.
- Provide expert communication assistance for those who use augmentative and alternative communication systems or whose first language is not English.
- Allow them to give a free narrative account of the concerning or harmful sexual behaviour and tell you what they are worried about. This does not need to be an exhaustive account. You only need sufficient information to make an initial assessment. Be mindful of not prejudicing any possible police and/or child protection investigation.
- Remain calm and control any expressions of panic or shock.

Acknowledge and reassure

- Thank the child or young person for telling you and reassure them that telling was the right thing to do.
- Acknowledge what the child or young person has told you.
- Where appropriate, reassure the child or young person that the behaviour was not their fault.
- If it is clear that the behaviour is not potentially criminal, talk about the site's behaviour expectations. For example, 'sexual behaviour is not allowed at this school. It is never okay for someone to use sexual language towards another person like that.'
- If the incident might result in a criminal and/or child protection investigation, be mindful not to say anything that might prejudice a subsequent investigation and keep all discussion minimal. For example, 'that behaviour is not okay.'

Follow up

- Let the child or young person know what is likely to happen next. This will depend on whether the behaviour is potentially criminal or may result in a child protection investigation. Let the child or young person know that their parent will be told. Depending on the nature of the behaviour, you might tell the child or young person that you need to talk with other people who can help, such as police or child protection.
- If it is clear that the behaviour is not potentially criminal, you can let the child or young person know that someone will need to talk to those who engaged in the behaviour, and their parent. If you are unsure if the incident might be criminal in nature, seek advice from police before talking to the child or young person about what is likely to happen next.
- Make a plan to check in with the child or young person later in the day, the following day or in a couple of days to see how they are and whether they need further support.

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](#)
- [concerning, 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 8314 4100.

To make this assessment, consider:

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

Initial response plan

Site leaders must develop an initial response plan to:

- support decision making and problem solving
- identify clear roles and actions based on the advice of key stakeholders.

The plan should be informed by:

- as much information about the incident as possible. In circumstances where police and/or DCP may become involved, there may be little information available at the early stage

- the site's behaviour policies
- any individual safety and risk assessments and behaviour support plans.

In making the plan consider:

- who needs to be informed of the incident, and when
- your reporting requirements
- whether police or DCP are likely to be involved.

Working with the Department for Child Protection (DCP)

You must report suspected risk to children and young people aged 17 years and younger to the Child Abuse Report Line (CARL) as soon as possible.

Mandatory reports

You must report any behaviour that leads you to suspect on reasonable grounds that a child or young person:

- is or may be at risk – a child or young person is considered to be at risk if they have suffered or will suffer harm caused by sexual abuse or neglect
- has sexually harmed or is at risk of sexually harming others

when that suspicion is formed in the course of your employment or volunteering.

See the [Mandatory Reporting Guide](#) to help make a professional judgement about notifying CARL. The guide contains decision-making trees about:

- sexual abuse
- children and young people's sexual behaviour.

Phone CARL on 13 14 78 or make an online electronic notification through [eCARL](#).

You must phone CARL (do not use eCARL):

- for serious concerns where children or young people may be in imminent or immediate danger
- if the child or young person has an injury that may require medical assessment
- if the child or young person is complaining of symptoms related to the alleged incident
- if the child or young person is in care under the guardianship or in the custody of the Chief Executive, DCP.

If there is an existing case with DCP

If the child or young person has an open case with the DCP, advise the case worker in addition to making a mandatory notification to CARL. If they are not available, ask to speak to the Senior Practitioner or Supervisor.

Seek advice from CARL and/or the case worker

Ask about:

- relevant background information
- likelihood of or current DCP involvement
- immediate incident management
- what information can be disclosed and to whom about all children and young people involved
- who will provide information and when
- the best way to protect and support the children and young people involved.

Follow DCP instructions.

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

Liaise with DCP as needed

You may need to continue to work with DCP. Information about child protection investigations, changes to care arrangements and Youth Court applications and orders

may have implications for a child or young person's education and care arrangements.

Give the case worker the chance to contribute to any [plans](#) created for any children or young people they have case management responsibility for and give them a copy of the final plan.

Working with police

When to make a police report

Site leaders **must report** all incidents of alleged or suspected [rape](#) to police, regardless of the age of the child or young person who engaged in the behaviour.

Site leaders **must also report** alleged or suspected [sexual offences](#) to police where the child or young person who engaged in the behaviour is 10 years of age or older.

Report **immediately** upon becoming aware of the allegation or suspicion. Phone 13 14 44 to report to police, or 000 in an emergency.

Information you need to give police

You must tell police if the child or young person:

- is in care under the guardianship or in the custody of the Chief Executive, DCP
- has a disability
- has English as a second language.

Information you should get from police

Ask police:

- for the SACAD police message number (reference number)
- about the likelihood of police involvement
- about immediate incident management
- about what discussions you can have with all children and young people involved

- 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 SACAD 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 DCP 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](#)) is particularly complex for site leaders. You have a duty of care to children and young people; you must prioritise safety, support those involved and advise parents about harmful sexual behaviour as soon as possible. You must make decisions about what actions to take and in what order.

Seek and follow police advice so you do not compromise a potential criminal investigation. Follow the flowcharts in [Procedure Appendix 4](#). Site leaders in government sites should seek the support of their Education Director. Site leaders in Catholic sites should work closely with their School Performance Leader. Independent schools can contact the Chief Executive or the Head of Legal Services at AISSA for support.

See the 'sexual behaviour in children and young people [guideline](#)' for additional considerations when responding to alleged or suspected sexual offences.

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 OSHC 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.

Site leaders in government sites and services must **immediately** report the following to the Education Director or Manager, Family Day Care Programs:

- suspected [sexual offences](#) between children and young people (extreme severity)
- suspected sexual offences by children and young people directed towards adults (extreme severity)
- circumstances where the concerning or harmful sexual behaviour of children and young people poses a risk to the health, safety or wellbeing of themselves or others
- circumstances where parents are expressing high concern and/or consideration is being given to communicating with parents of children and young people who were not directly involved in or witness to the incident.

Critical incident reporting requirements

	Education Director or Manager, FDC Programs	Department for Education critical incident reporting system	Education Standards Board ¹	Early Childhood Services Regulation & Compliance	NDIS Quality & Safeguards Commission	Catholic Education SA School Performance Leader	Association of Independent Schools of SA
Government schools	X	X					
Government preschools	X	X	X				
Family day care	X	X	X	X			
Respite care program	X	X		X	X		
Long day care/ rural care program	X If on government site	X If on government site	X				
OSHC	X If on government site	X If on government site	X				
Catholic sites			X			X	
Independent sites			X				Seek advice

¹ See Reporting to the Education Standards Board on [page 13](#) for information about who is responsible for making the report.

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 [flowchart](#). 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 can 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 can 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 [concerning 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, FDC services and RCP, and LDC/rural care program and OSHC 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 concerning 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.

Reporting to the Education Standards Board (ESB)

The ESB must be notified of:

- allegations or incidents where it is reasonably believed that physical and/or sexual abuse of a child or young person has occurred, or is occurring
- any complaint alleging that a serious incident has occurred or is occurring
- any circumstance that poses a risk to the health, safety or wellbeing of a child or young person

while being educated or cared for by a preschool, FDC service, LDC service/rural care program or OSHC service.

Notifications to the ESB are **not** required for incidents in the RCP or schools (other than school-based preschools).

For **government preschools and FDC services**, notifications to the ESB will be made by the Early Childhood Services Regulation and Compliance team. Regulation and Compliance are alerted to incidents in government preschools and FDC services through the report recorded in the critical incident reporting system. Regulation and Compliance consider the information from the preschool or FDC service, and determine if a notification to the ESB is required.

Leaders of **LDC services/rural care program and OSHC services on government school sites** must:

- immediately email details of the allegation or incident to the school Principal/Service Director for recording in the critical incident reporting system
- directly notify the [ESB](#) within the [legislated timeframes](#).

For **Catholic sites**, the site leader must report the allegation or incident to their School Performance Leader and notify the ESB within legislated timeframes.

Site leaders in **independent schools** should report allegations or incidents directly to the ESB within legislated timeframes.

Reporting to National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission

Abuse or neglect of a person with a disability while attending the Department for Education respite care program must be notified to the [NDIS Quality and Safeguards Commission](#).

Government sector notifications to the NDIS Quality and Safeguards Commission will be made by the Manager, Respite Care Program. They must also email Regulation and Compliance at Education.NQFEnquiries@sa.gov.au to advise that the NDIS Quality and Safeguards Commission has been notified.

Reporting to Catholic Education South Australia

Catholic sites must report critical incidents to the School Performance Leader for their region. If this person is unavailable, contact People, Leadership and Culture (phone 8301 6600), or an assistant director.

Contact with Association of Independent Schools of South Australia (AISSA)

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

Contact with Social Work Incident Support Service (SWISS)

It is recommended that leaders in government sites contact the [SWISS](#) in response to all harmful sexual behaviour. You can also ask for support in responding to any sexual behaviour. Contact the duty line on 8314 4100.

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, DCP 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, DCP 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 close 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, external supervision and guidance may be needed to ensure safety until they have successfully mastered the skills to independently behave safely. The interventions in a behaviour support plan must be proportionate to the assessed risk. See the 'sexual behaviour in children and young people [guideline](#)' for more information.

Reviewing the behaviour support plan

The behaviour support plan must be reviewed and updated **at least once a term**. The plan should be reviewed sooner if risk or needs change, such as if there is a new incident of concerning or harmful sexual behaviour.

As soon as the child or young person has consistently demonstrated safe and positive behaviour, the plan can cease. It must not be in place for any longer than is necessary.

See the 'sexual behaviour in children and young people [guideline](#)' for more information.

Suspension and exclusion – government schools only

The targeted use of suspension and exclusion may be required to provide immediate safety while further supports are put in place. In very rare circumstances, expulsion or direction by the Chief Executive for a child or young person to be enrolled in a particular school may be required.

See [Procedure Appendix 8](#) for more information about suspension, exclusion and expulsion, and Chief Executive authority to direct enrolment.

Support and safety plans

Create a support and safety plan for a child or young person who has been on the receiving end of concerning or harmful sexual behaviour, if the child or young person is:

- at further risk
- has related support needs.

See [Procedure Appendix 10](#) for a 'support and safety plan' template with guiding notes.

Support and safety plans should be reviewed and updated **at least once a term** or sooner if risks or needs change and stored in the child or student file.

Also consider the support needs of children and young people who witness or hear about sexual behaviour, not only those directly involved in the incident.

See the 'sexual behaviour in children and young people [guideline](#)' for detailed information about supporting those affected by the concerning or harmful sexual behaviour of others.

Who to involve in developing and reviewing plans

When developmentally appropriate and safe to do so, the child or young person and their parents should be involved in developing and reviewing a behaviour support plan or support and safety plan, and also given a version of the agreed plan that they can understand.

Sometimes, the child or young person or their parents might want someone else there to support them in meetings. This could be:

- a student wellbeing leader or student support services staff member
- social welfare or health professional
- disability or cultural support person
- an advocate.

Other professionals involved with the child or young person should be consulted in developing and reviewing plans and receive a copy of the plan. Examples are a:

- DCP case worker
- investigating police officer
- youth justice case manager
- therapist.

Parent rights and responsibilities

Make sure that parents understand what they need to do to support their child to be safe and access the supports and services they need.

If a parent is **unable and/or unwilling** to support their child as agreed in the plan, such as to attend therapy, consider whether the child or young person is **at risk**.

If you suspect on reasonable grounds that the child or young person is or may be at risk, you must phone CARL on 13 14 78 or make an online electronic notification through [eCARL](#).

See the [Mandatory Reporting Guide](#) to assist your professional judgement about making a notification to CARL. The guide contains decision-making trees about:

- children and young people's problematic sexual behaviour
- neglect: health assessment and care.

Documentation

Education and care services must keep **confidential documentation** of all incidents of:

- developmentally appropriate sexual behaviour that is **inconsistent** with the behaviour expectations of the site
- concerning or harmful sexual behaviour

and the responses to the behaviour in accordance with their sector's protocols.

Documenting the incident and immediate response

Comprehensively document the incident and immediate response to include:

- details of the incident (eg a description of the behaviour, who was involved, witnesses, where it happened, what happened before and after the incident)
- all discussions with children or young people, such as the exact words they used to disclose what happened, any questions asked of them, and all information given by them
- your own observations and those of any witnesses
- the immediate response, including reports to CARL and/or police, and the advice given by CARL and/or police.

The written record must be signed and dated and given to the site leader.

See [Procedure Appendix 12](#) for a template for documenting sexual behaviour incidents.

Other documentation to keep

Keep detailed documentation of the steps taken in responding to concerning and harmful sexual behaviour beyond the immediate response. This includes:

- critical incident reporting and documentation
- reports made to other agencies and information given in response
- referrals made for supports and services
- behaviour support plans developed to support children and young people who have engaged in concerning or harmful sexual behaviour
- support and safety plans for children and young people affected by the concerning or harmful sexual behaviour of others.

This documentation must be kept up to date to reflect changes in the assessment of risk, responses and the involvement of other agencies.

Documentation should be securely stored in the child or student file.

You may be required to provide your documentation to a court. Documentation should be limited to **known facts and assessment information**. It should not include personal opinion.

See the 'sexual behaviour in children and young people [guideline](#)' for documentation and record keeping.

Support and debriefing for educators and care providers

Sexual behaviour in children and young people may cause feelings of shame and concern for adults, which can affect how they respond. Sometimes children and young people's sexual behaviour is directed towards educators and care providers, creating additional support needs.

Site leaders should offer and recommend that educators and care providers seek:

- debriefing, guidance and support
- psychological support from the Employee Assistance Program, other appropriate counselling service or their general practitioner, if required.

Leaders in government sites and Department for Education education directors should seek critical incident support from [Employee Psychological Services](#) where an incident has negatively impacted wellbeing. Phone 8226 0744 or email education_employeepsychologicalservices@sa.gov.au.

Considerations in small communities

In small sites or communities, raising concerns, and in particular, making a notification to the CARL or reporting to police, can cause difficulties and safety concerns.

Site leaders are responsible for the safety and wellbeing of educators and care providers on site, such as by providing nearby support during times of risk and ensuring families cannot approach these professionals on site, for example, by accompanying them to their vehicles.

Roles and responsibilities

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 and follow this procedure.

Site leaders

Make sure that whole-site behaviour policies and curriculum delivery (where applicable) explicitly support teaching all children and young people:

- behaviour expectations
- social and emotional skills
- child safety
- respectful relationships
- consent
- age-appropriate sexual health education, including adjustments for children and young people with disability, and others who require them.

Manage responses to sexual behaviour in a way that supports the safety and wellbeing of children, young people and the broader community.

Support the wellbeing of educators and care providers.

Make sure this procedure and related service and sector policies/procedures are effectively applied.

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

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

Sector offices

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.

Government-only services

The roles and responsibilities listed below only apply to government education and care services.

Social Work Incident Support Service (SWISS)

Support and make recommendations to education and care sites to enable them to:

- assess sexual behaviour incidents
- develop behaviour support plans for children and young people who have engaged in concerning or harmful sexual behaviour
- develop support and safety plans for those affected by the sexual behaviour of others
- have meetings with parents.

Provide training and development for education and care sites in understanding and responding to sexual behaviour.

Behaviour Support Coach and Special Educator

Behaviour support coaches:

- provide specialist support aimed at promoting and supporting safe and positive behaviour
- support school and preschool leadership teams to build school capacity to support children and young people with additional behaviour needs.

Special educators:

- support schools and preschools to improve learning and wellbeing outcomes for children and young people with disabilities, learning difficulties or health support needs
- help schools and preschools to increase the inclusive participation of children and young people with identified needs.

Incident Management Directorate

Receive and assess reports of critical incidents from education and care services via the critical incident reporting system.

Refer the education and care service to this procedure and SWISS where appropriate.

Employee Psychological Services

Support site leaders, education directors and the Manager, Family Day Care Programs to manage critical incidents, including offering consultation and advice on:

- the incidents and the impact on those involved
- developing effective responses
- making referrals to internal and external services for appropriate supports.

Engagement and Wellbeing Directorate

Support education and care services to use this procedure, including providing policy advice on sexual behaviour.

Legal Services Directorate

Provide legal advice to education and care services.

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 trickery
- 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, ancillary 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 childcare 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 ultimate responsibility for the safety and wellbeing of children and young people in an education or care setting. Site leaders include the:

- Family Day Care Scheme Manager
- Long Day Care/Rural Care Program Leader
- Out of School Hours Care Leader
- Preschool/Early Learning Centre Director
- Principal
- Respite Care Program Manager.

Related legislation, policy and resources

Related legislation

[Children and Young People \(Safety\) Act 2017](#)

[Criminal Law Consolidation Act 1935](#)

[Disability Discrimination Act 1992](#)

[Disability Standards for Education 2005](#)

[Equal Opportunity Act 1984](#)

[Young Offenders Act 1993](#)

Related policies

[Behaviour support policy](#) (government only)

[Building Respectful Relationships: Behaviour Education and Student Behaviour Support Policy](#) (Catholic only)

[Incident coordination: managing incidents of extreme severity procedure](#) and [flowchart](#) (government only)

[Information Sharing Guidelines for promoting safety and wellbeing](#)

[Interagency Code of Practice: Investigation of suspected harm to children and young people](#)

[Protective practices for staff in their interactions with children and young people](#)

[Provision of counselling for children, young people, parents and employees when responding to critical incidents of a sexual nature procedure](#) (government only)

[Reporting critical incidents, injuries, hazards and near misses procedure](#) (government only)

[Responding to online safety incidents in South Australian schools](#)

[Safeguarding children and young people policy](#) (government only)

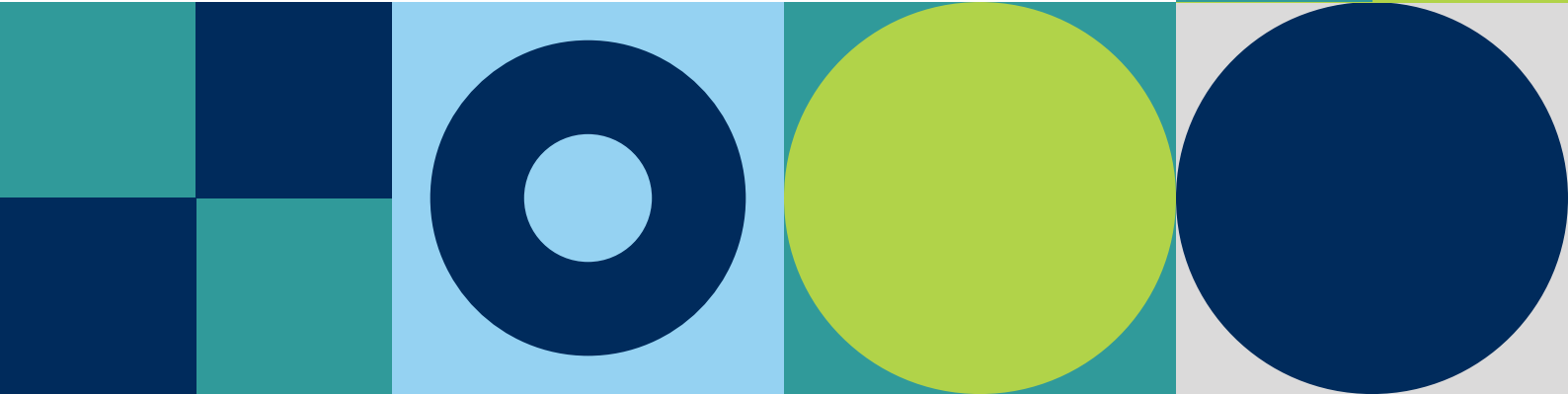
[Sexual behaviour in children and young people guideline](#)

[Suspension, exclusion and expulsion of students procedure](#) (government only)

Related resources

[Safety and risk assessment](#) (government only)

See the following web page <https://education.sa.gov.au/sexual-behaviour> for additional resources to support the implementation of this procedure and associated guideline.



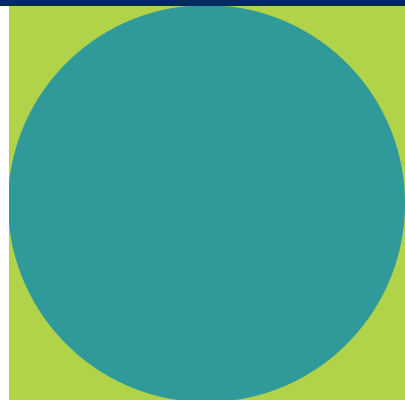
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