All Saints Parish School

Responding to Student Sexual Assault

Ratified by SAC: 2016

Review: 2020

Rationale

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. This leads us to ensure that all children and especially the most vulnerable are treated with the highest respect. This policy ensures that All Saints Parish School provides an environment that is safe, supportive and a secure environment that promotes respect and care and values diversity.

This policy is intended to provide information for schools about responding to:

* Allegations of student sexual assault or inappropriate sexualised behaviour
* Misuse of internet or mobile phones in relation to child pornography and sexting.

Policy

All Saints Parish School staff must follow the Responding to Allegations of serious abuse and student sexual assault-procedures when responding to allegations or disclosures of serious abuse and student sexual assault.

The Principals must refer to the flowchart, Responding to Allegations of Student Sexual Assault - Compulsory Actions for Principals. The flowchart is a step-by-step guide in dealing with allegations of serious abuse and student sexual assault and must be followed. Important: This is a mandatory requirement for all principals.

1. Provide a safe environment for the alleged victim. Separate the alleged victim and others involved, and provide staff support for each individual. Address duty of care issues for all students involved.
2. Inform the student of our obligation to report the incident to the Department of Education, Victoria Police and if appropriate DHS Child Protection.
3. In case of emergency call 000 for medical assistance/police.
4. Report the incident to the Catholic Education Office Critical Incident team. 53377123 Peter Kerwan.
5. Report the incident to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit 000.
6. If appropriate, report the incident to DHS Child Protection 131 278.
7. Contact the parents/carers of the alleged victim unless circumstances indicate this should not occur.
8. Document the disclosure and ensure that staff have documented their actions.
9. Make no communication with the alleged perpetrators, their parents/carers and any other students involved until after approval from the Victoria Police SOCA Unit.
10. Allegations of sexual assault must be managed in partnership with the Critical Incident Team at CEO who will provide ongoing advice and support to the school.

Definition - sexual assault.

For the purposes of this policy, ‘sexual assault’ is defined as any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation. Sexual assault includes rape, assault with intent to rape, and indecent assault, which are offences under the Crimes Act 1958.

Duty of care obligations for school staff.

All Saints Parish School will take all measures that are reasonable in the circumstances to protect a student under their care from risks of injury that the staff member should reasonably have foreseen.  We have in place systems to adequately supervise students in order to meet our duty of care obligations.

In the context of student to student sexual assault it is important to remember that staff have a duty of care towards all students involved, including the alleged victim, the alleged perpetrator an any other students who may have been affected.

Student Critical Incident Advisory Unit (SCIAU)

The CEOB Critical Incident Team ensures appropriate supports are in place to maximise the health and wellbeing of all students involved in sexually related incidents in Ballarat Diocesan Catholic Schools.

The CEOB Critical Incident Team will:

* Provide timely and appropriate advice.
* Support All Saints Parish School Principal to respond to critical incidents and meet their legal obligations and duty of care responsibilities.
* Assist the principal and leadership team to manage sexually related incidents in a manner that ensures adverse impact on the school community is minimised.
* Monitor the progress of school management of such incidents.
* Ensure that appropriate recovery measures such as counselling are provided to support those involved in the allegations of sexual assault.
* Facilitate the provision of a suitable level of support to school staff and members of the school community on whom the incident has impacted.

Responding to an allegation of inappropriate sexualised behaviour under 10 years.

Sexualised behaviour among children less than 10 years old can present on a broad spectrum, ranging from experimental behaviours to behaviours that are very concerning.

The Principal must respond appropriately to concerns about inappropriate sexualised behaviour in children under 10 years.  The initial response is the same as for an allegation of student sexual assault and managed in consultation with the regional office and the SCIAU.  The Victoria Police Sexual Offence and Child Abuse Units (SOCIT/SOCA) can also provide advice on an appropriate course of action.

Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. Thus the term ‘inappropriate sexualised behaviour’ will be used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute sexual assault.

Although such inappropriate sexualised behaviour cannot be prosecuted, the impact of the assault on the victim is no less serious and this must be recognised by the manner in which schools address such allegations of inappropriate sexual behaviour.

After suitable consultation with SCIAU, the Principal may decide the matter is best dealt with by:

* Support from school or network or regional CEO wellbeing staff.
* Providing education about appropriate behaviour.
* Support management planning through Management Support Plans and Supportive Behaviour Management Plans.
* Engaging the Centres Against Sexual Assault (CASA); or Children’s Protection Society (CPS).

Note: Department of Human Services, Child Protection should be contacted and consideration given to making a mandatory report if teachers and principals have concerns about the origin of behaviours in a child under 10 years and they believe the child may not be protected at home.

Misuse of internet/mobile phones in relation to child pornography and sexting.

| Abuse | Response required |
| --- | --- |
| **Child pornography and sexting** | Identification of child pornography is a critical incident requiring immediate reporting to:   * Victoria Police SOCIT/SOCA unit * Security Services Unit.   Definition: Child pornography is material that:   * is captured, transmitted or stored electronically that depicts or implies a person who is 17 years or under: - in a sexual pose or act - displaying full or partial nudity. |

Immediate compulsory actions for allegations of student sexual

assault or inappropriate sexualised behaviour.

Once school staff are informed of or form a belief about child abuse or neglect, student sexual assault, sexual harassment or inappropriate behaviour under 10 years, there must be an immediate response.

The table below outlines the actions.

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| --- | --- |
| Stage | Description |
| 1 | Provide all the victims with an environment that is safe and separated from others involved. Note: The role of investigating an allegation rests solely with Victoria police and DHS Child Protection. Schools must not investigate an allegation. |
| 2 | Inform the student of the obligation to report the incident to the Department of Education and Early Childhood Development, Victoria Police, and the Department of Human Services Child Protection as appropriate to the nature of the concern. |
| 3 | Report to the necessary authorities including:   * 000 if the incident is an emergency requiring medical or police assistance * Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT/SOCA) on 000 if the incident relates to: - student sexual assault - child abuse - child pornography/sexting * Security Services Unit on (03) 9589-6266 * Conduct and Ethics Branch on (03) 9637-2594 or (03) 9637-2595 if the incident involves allegations of sexual assault by a teacher or school staff member and/or * Department of Human Services, Child Protection on 131 278 if the Principal believes the student would not be supported at home.   Contact the parents/guardians unless the circumstances indicate this should not occur. |
| 4 | Ensure the duty of care to provide support for all students involved is met. This may include:   * developing short-term action plans for all students involved in an allegation of student sexual assault, including the alleged perpetrator, in consultation with the regional support person and the SCIAU * ensuring appropriate supports are in place for student/s involved and the school continues to communicate regularly with their parents/carers. * Note: Allegations of sexual assault must be managed in partnership with the SCIAU and the regional office, which will provide ongoing advice and support to schools. |
| 5 | Consult with CEO and the regional Educational Consultant if there is the possibility of media interest. |

**Note 1**: Reporting child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age **must** report that information to police. Failure to report the information to police is a criminal offence except in limited circumstances - for example, if the information has already been reported to DHS Child Protection. The reporting obligation is different to mandatory reporting obligations under child protection laws.

To read more information about this offence, see [Failure to disclose offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)

**Note 2**: Incidents occurring out of school

Some incidents may not have occurred when a student was at school or otherwise in school care, such as on camps, excursions or at school functions. The response to these incidents should be the same as it would be if the incident occurred at school. See: *Responding to Allegations of Student Sexual Assault - Compulsory Actions for Principals*within [Department resources](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1).

Schools are required to ensure that the incident has been reported to the appropriate authorities such as the:

* Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)
* Department of Human Services, Child Protection

This may involve connecting students and their families to appropriate school or community support services.

**Note 3**: Older Incidents

In some cases, students will disclose abuse or neglect including allegations of sexual assault that may have occurred sometime in the past. In some cases, the incident disclosed may have occurred a number of years ago and may have occurred off-site or within a family or community context.

Time elapsed between the incident occurring and disclosure is irrelevant.  Disclosure of older incidents whether during school care or not should be responded to immediately.

Appropriate actions and support processes must still be undertaken. Principals must follow immediately the compulsory actions listed in *Responding to Allegations of Student Sexual Assault - Compulsory Actions for Principals*flowchart.

Follow up actions for allegations of student sexual assault and

inappropriate behaviour.

This table explains how principals follow up on accusations of abuse, neglect or sexual assault.

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| Stage | Description |
| 1 | Continue to support the students involved. |
| 2 | Develop a short-term action plan for all students involved, including the management of the alleged perpetrator; in consultation with a regional support person and the SCIAU, as appropriate. |
| 3 | Regularly communicate with the parents/guardians and provide them with contact cards, listing the contact details of staff and other agencies involved. |
| 4 | Continue to consult with the necessary authorities including:   * SCIAU * the regional office * Victoria Police * Department of Human Services, Child Protection. |

Ongoing actions for Principals

This table describes the ongoing actions principals take in response to accusations of student sexual assault.

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| Stage | Description |
| 1 | Ensure all students involved receive:   * support during police interviews (see: [Police and DHS Interviews](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx)) * uninterrupted educational program * school-level supports * monitoring of their health and wellbeing, for example, by: - classroom teachers - year level coordinators - student welfare staff.   Note: The school must provide support and respond to the needs of students even if the police or Department of Human Services, Child Protection decide not to proceed with investigations. |
| 2 | Regularly:   * consult with the regional office and the SCIAU to form a long-term response * make contact with the parents/guardians. |
| 3 | Develop and regularly review [support management planning](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#3) for individual students. |
| 4 | Provide support to staff at a school level and through the Department’s Employee Assistance Program on 1800 337 068 FREE. |
| 5 | Address any complaints or concerns as they arise and media enquiries in consultation with the Media Unit and the regional director. |
| 6 | Attend court, if required. The Department's Legal Division is available to provide advice and support. |
| 7 | In consultation with the regional director, communicate with the school community if required. |

Support management planning

This table describes items related to support management planning.

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| Element | Description |
| Aims of plans | Management Support Plans and Supportive Behaviour Management Plans aim to identify:   * who provides direct support to the student, e.g. student welfare coordinator * the main contact point for parents/guardians * the frequency of plan reviews * timelines for actions * responsibility for the student’s ongoing education plan. |
| Developing plans | The plans are developed and signed off by establishing student support groups and case conferences involving:   * parents/guardians * school staff * school welfare staff * representatives from other support agencies including:   + Department of Human Services, Child Protection   + Centres Against Sexual Assault   + Children’s Protection Society   + Department of Human Services Disability Services   + Child and Adolescent Mental Health Services   + Family support services. |

Related legislation

* Children, Youth and Families Act 2005
* Commonwealth Criminal Code Act 1995
* Crimes Act 1958
* Education and Training Reform Act 2006