

Sexual behaviour in children and young people procedure appendices

These are mandated procedure appendices under the operational policy framework. Any edits to these procedure appendices must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

These procedure appendices provide the resources to help you carry out the actions in the [sexual behaviour in children and young people procedure](#).

Scope

These procedure appendices have 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.

They apply to:

- all children and young people enrolled in education and care services, including those who are 18 years of age and older
- 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 Appendices

Resources to help you
carry out the actions in
the procedure



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 **procedure**.

Download the **guideline**.

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

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

Sexual behaviour guide

This guide should not be used as a standalone resource, rather in conjunction with the [procedure](#) and associated 'sexual behaviour in children and young people [guideline](#)'. This guide is adapted with permission from True Relationships and Reproductive Health (2019).¹

Sexual behaviour is not just about sex; it may include any talk, touch, questions, conversations and interests that relate to sexuality and relationships. Relationships can occur online and offline.

'Developmentally appropriate sexual behaviour' is a term used from a secular and developmental perspective, which may be different from cultural, ethical and religious views about sexual behaviour.

Developmentally appropriate	Concerning	Harmful
<p>Sexual behaviour is developmentally appropriate when it is:</p> <ul style="list-style-type: none"> • 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. <p>For behaviour to be assessed as developmentally appropriate, all 4 of the above characteristics must be present.</p>	<p>Sexual behaviour causes concern because of:</p> <ul style="list-style-type: none"> • the type of activity or knowledge for age and/or developmental ability • inequality in age, size, developmental ability or power • persistence, intensity, frequency or duration of behaviour • risk to the health, development or safety of the child/young person or others • unusual changes in the child/young person's behaviour. <p>Only one of the above characteristics needs to be a feature of the behaviour for it to be concerning.</p>	<p>Sexual behaviour indicates or causes harm because it is:</p> <ul style="list-style-type: none"> • 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. <p>Only one of the above characteristics needs to be a feature of the behaviour for it to be harmful.</p>
Response	Response	Response
<ul style="list-style-type: none"> • Talk, explain and give support • Take a whole-site and/or class approach to relationships and sexual health education and skill development, with individual responses where indicated • Record behaviour inconsistent with behaviour expectations of the site and the site's response. 	<ul style="list-style-type: none"> • Record, monitor and give targeted support • Report to CARL and/or police if required • Work with others including parents and agencies where required • Create a behaviour support plan or support and safety plan if required. 	<ul style="list-style-type: none"> • Give immediate protection and follow-up support and make an official record • Report to CARL and/or police if indicated • Work with others including parents and agencies where required • Create a behaviour support plan or support and safety plan if required.

¹ Traffic Lights® 'sexual behaviours in children and young people: a guide to identify, understand and respond to sexual behaviours' (v4). True Relationships and Reproductive Health, 2019, Brisbane, Queensland.

Examples 0 to 4 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> • Comfortable being nude • Body touching and holding own genitals • Unselfconscious masturbation • Interest in body parts and functions • Wanting to touch familiar children's genitals during play, toilet or bath times • Participation in games involving looking at and/or touching the bodies of familiar children eg 'show me yours and I'll show you mine' • Asking about or wanting to touch the 'sexual body parts' of familiar adults eg when in the bath or shower • Supervised online communication with family or known peers. 	<ul style="list-style-type: none"> • Masturbation in preference to other activities • Preoccupation with sexual behaviour • Explicit sexual talk, art or play • Persistently watching or following others into private spaces eg toilets, bathrooms to look at them or touch them • Pulling other children's pants down or skirts up against their will • Touching the 'sexual body parts' ² of other children in preference to other activities • Touching or attempting to touch the sexual body parts of adults in ways that are persistent and/or invasive • Touching the sexual body parts of animals after redirection • Recurrent urinary tract infections • Communicating online with known people, which may include giving out personally identifying details. 	<ul style="list-style-type: none"> • Compulsive masturbation that may be self-injurious, of a persistent nature or duration • Persistent, explicit sexual themes in talk, art or play • Disclosure of sexual abuse • Simulation of sexual touch or 'sexual activity' ³ • Persistently touching the 'sexual body parts' of others • Forcing other children to engage in 'sexual activity' ⁴ • Sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex • Indication of a sexually transmitted infection • Communicating online with unknown people, which may include giving out personally identifying details • Providing sexual images or videos online to known or unknown people.

² 'Sexual body parts' include the bottom, breast, penis, testes/testicles, vagina and vulva.

³ See [page 7](#) for information about 'sexual activity'.

⁴ See [page 7](#) for information about 'sexual activity'.

Examples 5 to 7 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> Increased sense of privacy about bodies Body touching and holding own genitals Masturbation with increasing awareness of privacy Curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children eg 'show me yours and I'll show you mine' Curiosity about sexuality, eg questions about babies, gender, relationships, sexual activity ⁵ Telling stories or asking questions, using swear words, 'toilet' words or names for sexual body parts Kissing or holding hands with known peers Mimicking or acting out observed behaviour such as pinching a bottom Supervised online communication with family or known peers. 	<ul style="list-style-type: none"> Persistent rubbing or touching own genitals after redirection Masturbation in preference to other activities, in public, with others and/or causing self-injury Explicit talk, art or play of sexual nature Playing or attempting to play 'show me yours and I'll show you mine' games with significantly older or younger children Persistent attempts to touch the genitals of other children Persistent interest in touching or viewing other people's sexual body parts or private activities Persistent questions about sexuality despite questions being answered Persistent nudity and/or exposing sexual body parts in public places Touching the sexual body parts of animals after redirection Recurrent urinary tract infections Communicating online with known people that may include giving out personally identifying details. 	<ul style="list-style-type: none"> Rubbing or touching own genitals to the exclusion of usual activities Masturbation that is compulsive, self-injurious, self-harming or seeking an audience Rubbing own genitals on other people Disclosure of sexual abuse Simulation of sexual touch or sexual activity ⁶ Forcing other children to play sexual games Sexual knowledge beyond expected for age and/or developmental ability Indication of sexually transmitted infection Excessive talk about sex and sexual activity ⁷ Communicating online with unknown people that may include giving out personally identifying details Providing sexual images or videos online to known or unknown people.

^{5,6,7} See [page 7](#) for information about 'sexual activity'.

Examples 8 to 12 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> • Growing need for privacy • Masturbation with increasing awareness of privacy • Curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children eg 'show me yours and I'll show you mine' games with peers • Showing curiosity about sexual body parts but having respect for the privacy of others • Hugging, kissing, flirting, touching with known peers • Interest and/or participation in a relationship with a peer of any gender • Curiosity and seeking information about sexuality • Use of sexual language • Exhibitionism amongst same-age peers within the context of play eg occasional flashing or mooning • Communicating online with family and known peers. 	<ul style="list-style-type: none"> • Masturbation in preference to other activities, in public and/or causing self-injury • Persistent explicit talk, art or play that is sexual or sexually intimidating • Intentional viewing of other people's sexual body parts or private activities • Marked changes to behaviour eg mimicking older or adult flirting behaviour, seeking relationships with older children or adults in preference to peers • Simulation of sexual activities eg oral sex, sexual intercourse with clothes on • Mutual or self-masturbation with known or unknown peers • Hugging, kissing, flirting, touching with unknown peers • Accessing age-restricted materials with sexually explicit content eg movies, games, adult pornography • Persistent expression of fear of sexually transmitted infection or pregnancy • Recurrent urinary tract infections • Communicating online with known people that may include giving out personally identifying details. 	<ul style="list-style-type: none"> • Compulsive masturbation eg self-harming, seeking audience • Persistent bullying involving sexual aggression eg pulling/lifting/removing other children's clothing, sexually threatening notes, sending sexually explicit material, drawings, text messages • Degrading or humiliating self or others using sexual themes • Disclosure of sexual abuse • Accessing the rooms of sleeping children to touch or engage in sexual activity ⁸ • Touching another person's sexual body parts without permission • Sexual activity ⁹ or penetration with animals, dolls/stuffed toys • Participating in or simulating intercourse and/or oral sex with known or unknown peers with clothes off • Sexual activity ¹⁰ in exchange for material items or privileges • Indication of sexually transmitted infection or pregnancy • Communicating online with unknown people that may include giving out personally identifying details • Communicating online with known or unknown people to send or publish sexual images, videos or audio of self or another person.
<p>⁸ See page 7 for information about 'sexual activity' and 'consent'.</p> <p>⁹ See page 7 for information about 'sexual activity'.</p> <p>¹⁰ See page 7 for information about 'sexual activity'.</p>		

Examples 13 to 15 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> • Need for privacy • Masturbation in private • Accessing information about sexuality • Viewing age and developmentally appropriate materials for sexual arousal eg music videos, magazines, movies • Sexually explicit mutual conversations and/or use of humour and obscenities with peers • Interest and/or participation in a relationship with a peer of any gender • Mutually consenting sexual activity ¹¹ for pleasure, in private, with a known peer of similar age/developmental ability • Communicating online with peers • Arranging a meeting with a known peer, who they communicate with online with the knowledge of a known adult. 	<ul style="list-style-type: none"> • Sexual preoccupation that interferes with daily functioning • Sexual activity ¹² with a person of more than 2 years' difference in age, developmental ability and/or peer grouping • Viewing age and developmentally inappropriate materials for sexual arousal eg music videos, magazines, movies, adult pornography • Indication of sexually transmitted infection or pregnancy • Non-consensual viewing of others while they are engaged in sexual activity ¹³ or nudity • Explicit communications, art or actions that are obscene or sexually intimidating • Repeated exposure of sexual body parts in a public place with peers eg flashing • Recurrent urinary tract infections • Communicating online with unknown people that may include giving out personally identifying details • Communicating online to send or publish sexual images, videos or audio of self or another person with their consent ¹⁴ • Arranging a meeting with an online acquaintance accompanied by a known peer or adult. 	<ul style="list-style-type: none"> • Compulsive masturbation eg self-harming, in public, seeking an audience • Engaging vulnerable others in a process to gain sexual gratification by using grooming techniques eg gifts, lies, flattery • Force or coercion of others into sexual activity ¹⁵ • Disclosure of sexual abuse/sexual assault • Sexual activity ¹⁶ or penetration with animals, dolls/stuffed toys • Unsafe sexual activity ¹⁷ including unprotected sex, sexual activity while intoxicated, multiple partners and/or frequent change of partner • Sexual activity ¹⁸ in exchange for material items or privileges • Sexual contact with others with a significant difference in age and/or developmental ability • Creating, possessing, accessing or sending child exploitation materials eg photos of children naked or in sexual activities • Harassing or coercing others to take or send sexual images, video or audio • Deliberately sending and/or publishing sexual images, videos or audio of another person without their consent ¹⁹ • Arranging a meeting with an online acquaintance accompanied by a known peer or adult.

^{11,12,13}

See [page 7](#) for information about 'sexual activity'.

^{14,15,16,17,18}

See [page 7](#) for information about 'sexual activity' and 'consent'.

¹⁹

See [page 7](#) for information about 'sexual activity' and 'consent'.

Examples 16 to 18 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> • Need for privacy • Masturbation in private • Accessing information about sexuality • Viewing materials for sexual arousal eg music videos, magazines, movies, adult pornography • Sexually explicit mutual conversations and/or use of humour and obscenities with peers • Interest and/or participation in a relationship with a person of any gender • Mutually consenting sexual activity ²⁰ for pleasure, in private, with a partner of similar developmental ability • Communicating online with peers • Arranging a meeting with an online acquaintance accompanied by a known peer or adult. 	<ul style="list-style-type: none"> • Sexual preoccupation that interferes with daily functioning • Non-consensual viewing of others while they are engaged in sexual activity ²¹ or nudity • Explicit communications, art or actions that are obscene or sexually intimidating • Sexual activity ²² in exchange for material items or privileges • Repeated exposure of sexual body parts in a public place with peers eg flashing • Unsafe sexual behaviour, including unprotected sex, sexual activity ²³ while intoxicated, multiple partners and/or frequent change of partner • Indication of sexually transmitted infection or unplanned pregnancy • Arranging a meeting with an online acquaintance with the knowledge of a known peer or adult. 	<ul style="list-style-type: none"> • Compulsive masturbation eg self-harming, in public, seeking an audience • Preoccupation with sexually aggressive and/or illegal pornography • Disclosure of sexual abuse or sexual assault • Sexual contact and activities with animals • Forcing or manipulating others into sexual activity ²⁴ • Engaging others in a process to gain sexual gratification by using grooming techniques eg gifts, manipulation, lies • Creating, possessing, accessing or sending child exploitation materials eg photos of children naked or in sexual activities • Harassing or coercing others to take or send sexual images, videos or audio • Deliberately sending or publishing sexual images, video or audio of another person without their consent ²⁵ • Arranging a meeting with an online acquaintance without the knowledge of a known peer or adult.

^{20, 21, 22, 23, 24}

See [page 7](#) for information about 'sexual activity'.

²⁵

See [page 7](#) for information about 'sexual activity' and 'consent'.

Information to support the use of the 'sexual behaviour guide'

Sexual activity and the 'sexual behaviour guide'

The guide refers to 'sexual activity' rather than specifying particular sexual behaviour. This is because the context of the behaviour is usually more critical in assessing whether it is likely to be developmentally appropriate, concerning or harmful than the specific behaviour itself.

The context of the behaviour includes factors such as mutual consent, the age, developmental ability and relationship between those involved. See the 'professional judgement assessment checklist' on [page 10](#) for more information about context.

'Sexual activity' refers to a broad range of sexual behaviour, including:

- kissing
- hugging
- touching
- fondling
- oral sex
- vaginal or anal penetration with a penis, finger or other object.

When you read 'sexual activity' in the 'sexual behaviour guide', you will need to consider what sexual behaviour is likely to be age and developmentally appropriate within the specific context for the particular children and young people involved.

Consent and the 'sexual behaviour guide'

The term 'consent' in the guide does **not** consider laws about the age of consent. Rather, it refers to a voluntary agreement to engage in a particular sexual activity. Consent is explicitly expressed through mutually understandable communication or words.

Consent must be:

- mutual – all participants agree every time
- freely given – a choice made without pressure, guilt or threats
- informed – all participants understand what's about to happen
- certain and clear – it's a 'yes', not a 'maybe' or 'I think so'
- enthusiastic – all participants are excited and want to continue
- reversible – anyone can stop and change their mind at any time
- specific – saying yes to one thing doesn't mean yes to everything
- ongoing – given before and during the activity, and next time.²⁶

A person **cannot give consent** if they:

- are tricked, coerced, threatened, forced or afraid
- are restrained against their wishes
- are asleep or unconscious
- are affected by alcohol or drugs to the point that they cannot consent
- are affected by a physical, mental or intellectual condition or impairment that affects their ability to consent
- are mistaken or cannot understand the nature of the act or the identity of the person they are engaging in the activity with.²⁷

Sexual activity without consent is **harmful sexual behaviour** and a **sexual offence** and should be reported to CARL and the police.

²⁶ <https://kidshelpline.com.au/teens/issues/what-consent>

²⁷ Adapted from Youth Law Australia <https://yla.org.au/sa/topics/health-love-and-sex/sex/>

Consent and the law

The age of consent

The age of consent is the age at which the law says a person can agree to have **sexual intercourse**. 'Sexual intercourse' means any penetration of another person's vagina, labia majora or anus by any part of the body of another person (eg penis or finger) or other object, or oral sex. If a person is under the age of consent, the law says they cannot legally agree to have sexual intercourse. Any person who has sexual intercourse with a person who is under the age of consent is breaking the law.

It is against the law for:

- a person to have sexual intercourse with a person **under the age of 17 years**
- a person in a **position of authority** in relation to a person under the age of 18 years, to have sexual intercourse with that person
- a person, knowing that another is by reason of **intellectual disability** unable to understand the nature or consequences of sexual intercourse, to have sexual intercourse with that person.

Examples of positions of authority include a teacher, religious leader, sports coach, step parent, employer.

Willingness to engage in sexual intercourse is not a defence to a charge of unlawful sexual intercourse.

See the [Mandatory Reporting Guide](#) to assist your professional judgement about whether a notification to CARL about unlawful sexual intercourse is required.

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.

Some examples of concerning and harmful sexual behaviour listed in the 'sexual behaviour guide' are sexual harassment. Other examples of sexual harassment include:

- unwelcome touching, hugging or kissing
- staring or leering
- suggestive comments or jokes
- intrusive questions about a person's private life or body
- insults or taunts based on a person's sex
- unwanted invitations to go out on dates or requests for sexual activity
- communicating content of a sexual nature through social media or text messages
- behaviour that would be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Section 87(3) of the *Equal Opportunity Act 1984* states: 'It is unlawful for a student of or over 16 years of age, while in attendance at a place in connection with his or her education, to subject a person who works at the educational institution at which the student is enrolled or a fellow student to sexual harassment.'

See the [Mandatory Reporting Guide](#) to assist your professional judgement about whether a notification to CARL about sexual harassment is required. Sexual harassment that is **also a sexual offence** should be reported to police.

Child exploitation material

In Australia, it is illegal to make, share, request, access or have images or recordings that show a person under 18 (or who looks like they are under 18) in a sexual way. This includes text messages or pictures of children and young people who are:

- posing in a sexual way
- involved in a sexual act
- with someone else who is posing in a sexual way or involved in a sexual act
- showing their genital area, anal area or their breasts for a sexual purpose.²⁸

Child exploitation material is **concerning or harmful sexual behaviour** and a **sexual offence** and should be reported to CARL and the police.

²⁸ Youth Law Australia <https://yla.org.au/sa/topics/internet-phones-and-technology sexting-laws/>

Appendix 2

Professional judgement assessment checklist

Nature of the behaviour

- Was the child or young person's behaviour directed towards themselves or others?
- How intrusive was the behaviour (eg penetration, attempted penetration, oral sex, touching over or under clothes, sexual talk, voyeurism)?
- Was the behaviour illegal?

Developmental stage and ability of the children or young people involved

- Do any of the children or young people have a disability or additional needs?
- Was the behaviour typical for the age in years, and/or developmental abilities of the children or young people involved? See [Appendix 1](#) 'sexual behaviour guide'. Consider that the developmental abilities of children and young people with disability and additional needs may be different from what is typically expected for their age in years.
- Was the behaviour between children and young people of similar ages and/or developmental abilities?

Context of the behaviour

- Was the behaviour spontaneous, mutual and in the context of play?
- Was there secrecy, coercion, threats, force, aggression or violence?
- Was the behaviour a strategy for coping with negative emotion or seeking attention or control?
- Is there a history of previous sexual behaviour?

Relationship between the children or young people involved

- Was the behaviour between children and young people who usually play or spend time together (eg friends, siblings, other family members or kin)?
- Was there an imbalance of power, control or vulnerability (eg age, ability, size, strength, status, sexual knowledge or experience)?

Frequency and persistence of the behaviour

- Is the behaviour one-off, occasional, frequent or compulsive?
- Does the behaviour happen more often than is typical for age and/or developmental ability?
- Is the child or young person's interest in the behaviour in balance with other aspects of their life?
- Is the behaviour responsive to adult intervention?

Impact of the behaviour on all children or young people involved

- Does the behaviour negatively impact the child or young person's development or functioning?
- Does the behaviour cause fear, anxiety, distress or worry for the child or young person and/or others?

Responses of those involved

- How did the child or young person who engaged in the behaviour respond to adult intervention?
- Were they comfortable, anxious, embarrassed, ashamed, angry, aggressive, defensive or did they show no emotion?
- Did they understand the likely impact of their behaviour on others and why people were concerned about the behaviour?
- Did they take responsibility, demonstrate remorse and empathy?
- How did those on the receiving end of the behaviour respond?
- Were they comfortable, embarrassed, irritated, anxious, fearful?
- Were they able to tell someone and seek help?
- If the behaviour was directed towards an adult, did the adult feel unable to control the behaviour and protect themselves or others?

In considering the responses of the children and young people involved, consider:

- non-verbal responses
- that children and young people who have experienced trauma, have a disability, or are from a culturally and linguistically diverse background may respond differently than some other children and young people.

Broader behaviour, social and family context²⁹

- Does the child or young person who engaged in the behaviour have other concerning behaviour or social and emotional, or mental health difficulties?
- What are the family and family network's attitudes towards and boundaries about sexuality, sex education, privacy and discussing sexual behaviour?
- Is the family and family network:
 - minimising and discounting of the concerns about sexual behaviour
 - rejecting, harsh and punitive towards the child or young person
 - or do they demonstrate protectiveness towards the child or young person and are willing and able to support them?
- Is there a background of abuse, neglect, trauma, discontinuity of care and disrupted attachment?

²⁹ See 'working with culturally diverse families' on page 33 of the 'sexual behaviour in children and young people guideline' for cultural and communication considerations.

Appendix 3

Police and Department for Child Protection (DCP) initial discussions with children and young people on education and care sites

The following information is adapted from the [Interagency Code Of Practice: Investigation of Suspected Harm to Children and Young People](#), (Government of South Australia, November 2021).

If it is necessary for police or the Department for Child Protection to speak to a child or young person on an education or care site, then:

- police and/or DCP should allow sufficient time to contact the site to arrange for the discussion with the child or young person
- all parties need to be sensitive to the needs of the child or young person (police will consider non-uniformed personnel)
- the presence of the site leader or other site personnel to support the child or young person during the discussion depends upon the circumstances surrounding the alleged harm and/or to whom the initial allegation was made
- the person to whom the child or young person first disclosed the alleged abuse is a potential witness. Only in exceptional circumstances should this person be present for any subsequent discussion or interview with the child or young person. If the alleged harm relates to a sexual offence, a statement must be obtained from the initial complaint witness prior to them being present during any discussion or interview with the child or young person
- if the discussion is to be conducted by DCP, DCP must provide a letter to the site leader outlining its authority under the *Children and Young People (Safety) Act 2017*

- following the discussion, the education or care service should follow their internal processes for supporting the child or young person.

Additionally:

- police and/or DCP will decide whether to advise the parents before or after the discussion
- police and/or DCP will decide when it is reasonably practicable in the circumstances to advise the parents
- it is the responsibility of police and/or DCP to advise the parents that an initial discussion has taken place with the child or young person
- the primary responsibility of the site leader and other site personnel is the wellbeing of the child or young person.

If police need to interview a young person (on an education or care site), which could result in the arrest, report or caution of the young person, the police officers should contact or report to the site leader prior to this occurring, to make appropriate arrangements to ensure the safety of the young person, other children and young people and personnel on site.

When a young person is spoken to, arrested, reported or cautioned on site, the young person must be dealt with pursuant to the *Young Offenders Act 1993* for the offence.

Police are responsible to take all reasonable steps to inform before commencing an interview

- the young person's parent
- an adult nominated by the young person (where a parent is not available) who has a close association with the young person or has been counselling, advising or aiding them (this could be an educator, care provider or other staff member at the site)

and invite them to be present during any interview.

Police must comply with Section 74D of the *Summary Offences Act 1953* (obligations to record interviews with suspects).

During the interview, the police are responsible for:

- informing the young person of their rights, including the right not to answer questions, to have someone present and legal representation present. It's the job of police to ensure that the young person understands their rights before the interview commences
- explaining to the young person the nature of the allegations against them
- assisting the young person by facilitating contact with legal counsel by providing them with a 'notice to youth of legal advice' where the young person is unable to nominate legal counsel
- organising communication assistance to meet the young person's communication and/or language needs if required. For example, if they have a disability or are from a culturally and linguistically diverse background.

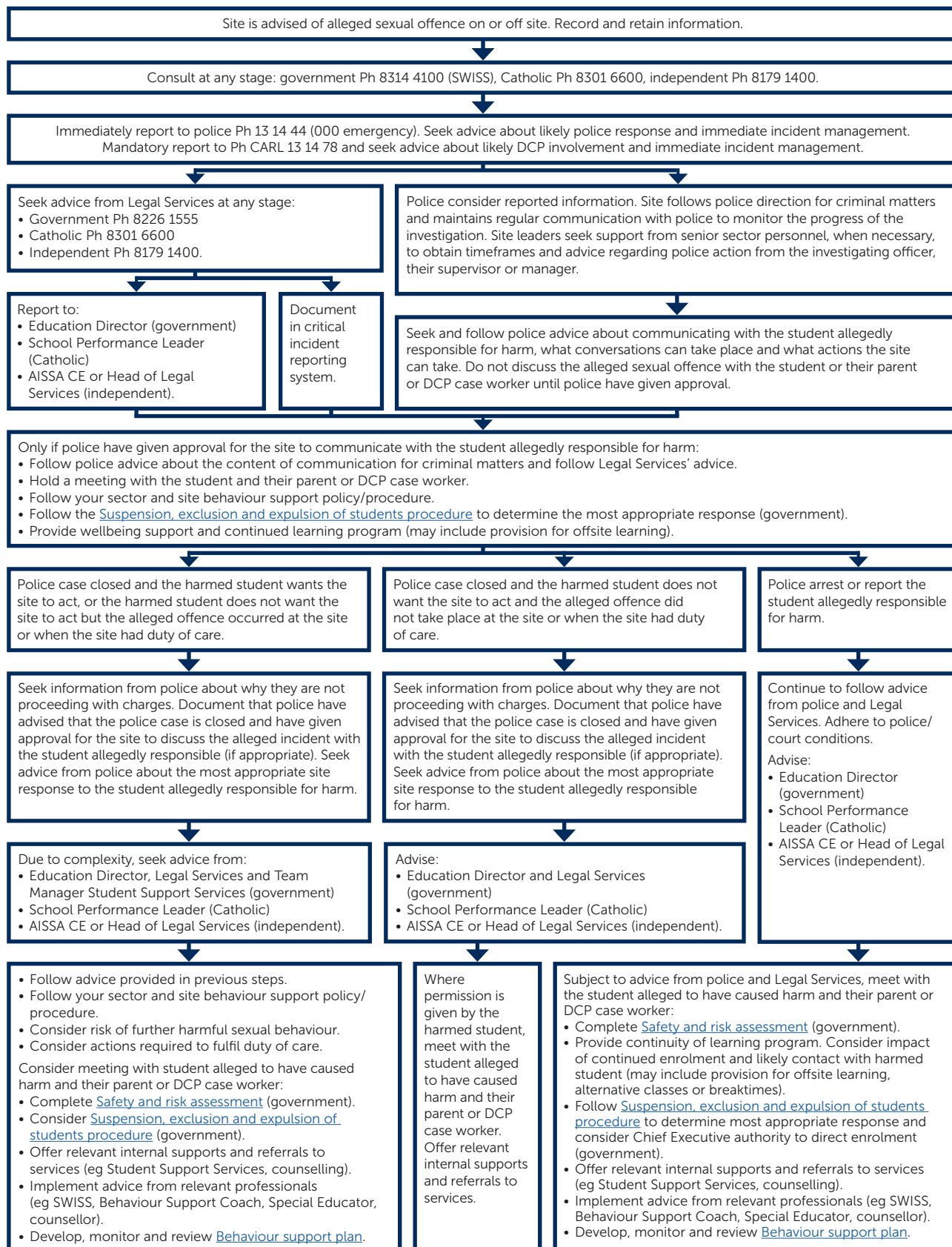
If an educator, care provider or staff member who is assisting to support the young person during interview is concerned that the young person has not understood their rights, they should raise this with the interviewing police officer.

It should be noted that site personnel who act as the responsible adult in a police interview could be summonsed to court as a witness. If site personnel have concern in relation to this, they should contact their sector's Legal Services before agreeing to sit in the interview.

Appendix 4

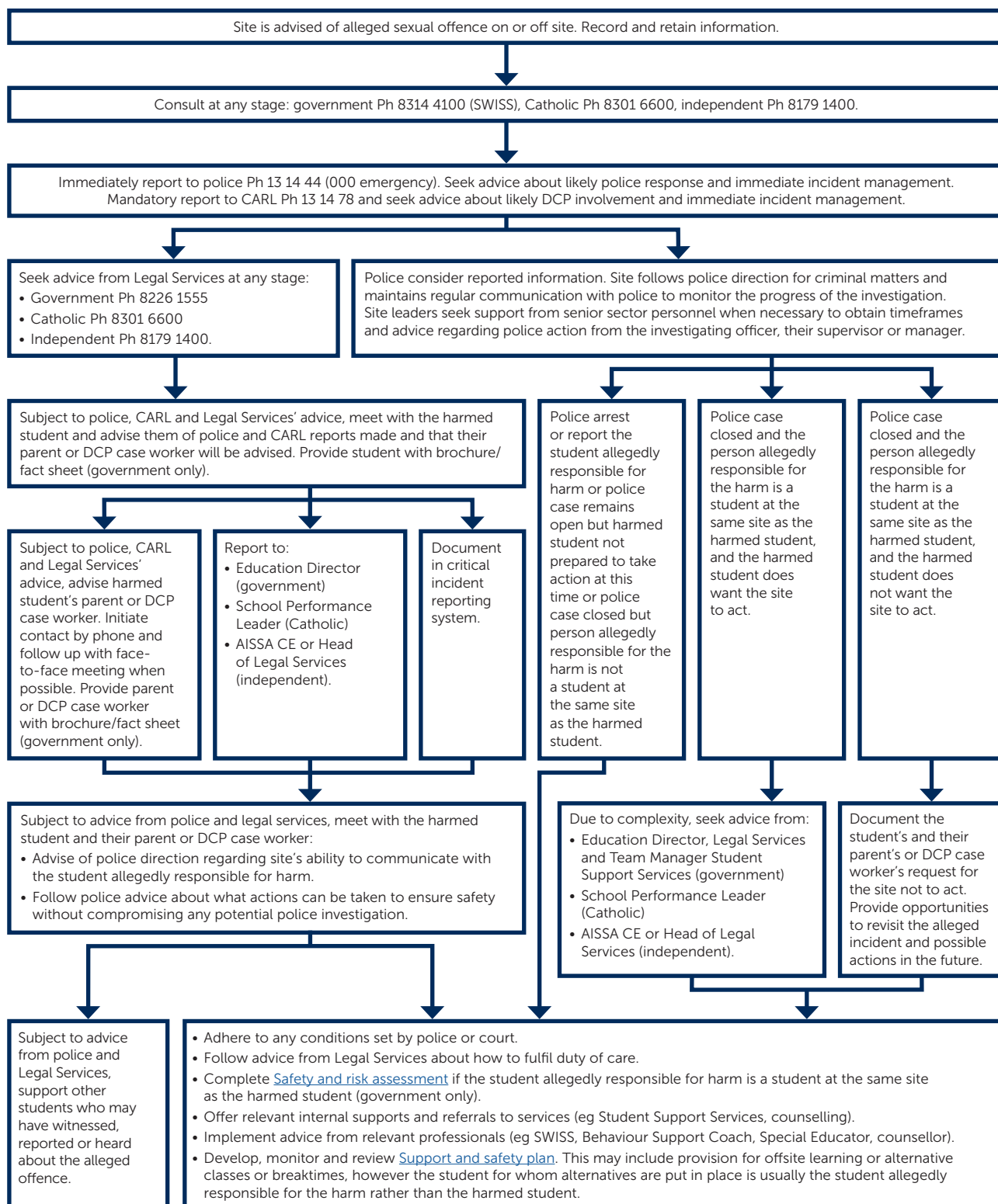
Sexual offence flowchart – student allegedly responsible for harm

This flowchart must be read and actioned together with the flowchart for the harmed student (see [page 15](#)) and the 'sexual behaviour in children and young people [procedure](#)'. [Download](#) an A3 version of this flowchart.



Sexual offence flowchart – harmed student

This flowchart must be read and actioned together with the flowchart for the student allegedly responsible for harm (see [page 14](#)) and the 'sexual behaviour in children and young people procedure'. [Download](#) an A3 version of this flowchart.



Response checklist – developmentally appropriate sexual behaviour

Whole-site and public health approaches to prevention

- ☐ Adopt, monitor and review whole-site and public health approaches to prevention.
- ☐ Create and maintain supportive, safe and inclusive learning environments.
- ☐ Teach and model behaviour expectations, social and emotional skills, safe behaviour and sexual health education in an age and developmentally appropriate way.
- ☐ Teach child safety and respectful relationships curriculum.
- ☐ Teach about consent and the importance of seeking, giving and refusing permission in relationships.
- ☐ Adjust the curricula to ensure all children and young people can access the required learning.

See the 'sexual behaviour in children and young people [guideline](#)' for detailed information about whole-site and public health approaches to prevention.

Respond to developmentally appropriate sexual behaviour that occurs at the wrong time and/or in the wrong place

- ☐ Respond proportionally to any incidents – consider your first reaction, do not punish or shame.
- ☐ Safely intervene to stop or interrupt the behaviour.
- ☐ Describe the behaviour in a way that the child or young person understands.
- ☐ Describe the impact of the behaviour on others.
- ☐ Remind them of the behaviour expectations of your site.

- ☐ Redirect to expected behaviour.
- ☐ Communicate about healthy sexuality (such as when redirecting developmentally appropriate holding of genitals or masturbation during group time in preschool, refer to the behaviour as private).

Document and report to the site leader behaviour that is inconsistent with the site's behaviour expectations

- ☐ Document sexual behaviour and the response, including updating personalised learning plans such as behaviour support plans.
- ☐ Report sexual behaviour to site leaders.

Communicating with parents

- ☐ Let parents know about:
 - developmentally appropriate sexual behaviour
 - the impact that disability and additional needs may have on what may be considered developmentally appropriate
 - behaviour expectations of the site.
- ☐ Explain how parents can positively reinforce messages about appropriate sexual behaviour.
- ☐ Provide parents with 'sexual behaviour in children and young people: information for parents and carers'.
- ☐ Educate parents about child safety, respectful relationships, consent and sexual health education.

Work with others

- ☐ Communicate with DCP worker if the child or young person has an open DCP case.

Response checklist - concerning or harmful sexual behaviour

Concerning and harmful sexual behaviour includes behaviour directed towards self and others. Not all the items in this checklist will apply to all concerning and harmful sexual behaviour. Some behaviour may be a suspected sexual offence or child protection concern and others will not.

Immediate response – first person involved

- ☐ Safely intervene to stop or interrupt the behaviour.
- ☐ Respond proportionately – consider your first reaction, remain calm, do not punish or shame.
- ☐ Respond to immediate safety concerns.
- ☐ Implement processes from any plans already in place.
- ☐ Support and closely supervise children and young people.
- ☐ Secure digital content and devices if appropriate.
- ☐ Inform and handover to site leader.
- ☐ Document what you heard, saw and did, including any questions asked of or responses from the children or young people involved.

Assess and respond to behaviour – site leaders

- ☐ Clarify the nature of the incident and who was involved.
- ☐ Do not prejudice a potential criminal investigation. Do not ask leading questions. Speak separately to those involved. Minimise the number of times the children or young people are spoken to and the number of people who speak with them. See page 6 of the [procedure](#).

- ☐ Thoroughly document all discussions.
- ☐ Consult SWISS (government) Ph 8314 4100.
- ☐ Use 'sexual behaviour guide' (see [Appendix 1](#)) and 'professional judgement assessment checklist' (see [Appendix 2](#)) to determine if the behaviour is likely to be developmentally appropriate, concerning or harmful.
- ☐ Develop an initial response plan for clear actions.
- ☐ Check the wellbeing and support needs of those involved as frequently as required.

Involve Department for Child Protection (DCP)

- ☐ Refer to the [Mandatory Reporting Guide](#).
- ☐ Report any children or young people at risk to CARL Ph 13 14 78 or through [eCARL](#).
- ☐ Advise allocated DCP case worker.
- ☐ Seek and follow DCP advice about current or likely DCP involvement, incident management, what information can be provided to others, how to support and protect those involved.
- ☐ Make record of notification and advice.
- ☐ Do not prejudice a potential child protection investigation by asking leading questions.
- ☐ Give DCP the chance to contribute to any plans.
- ☐ Continue to work in partnership with DCP.

Work with police

- ☐ Report alleged/suspected sexual offences immediately if child is 10 years of age or older. Ph 13 14 44, or 000 in emergency.
- ☐ Report alleged/suspected rape immediately regardless of the age of the child or young person who engaged in the behaviour. Ph 13 14 44, or 000 in emergency.

- ☐ Seek and follow police advice about incident management, what information can be given to others, how to support and protect those involved, and how to secure evidence.
- ☐ Record police reference number and advice given.
- ☐ Do not prejudice a potential criminal investigation.
- ☐ Carefully document any information provided by children, young people and others.
- ☐ Give police the chance to contribute to any plans.
- ☐ Continue to work in partnership with police.
- ☐ Seek legal advice from your sector's legal services or via your sector office when offences are involved.

Report critical incidents

- ☐ Report to the Education Director or Manager, Family Day Care Programs (government).
- ☐ Report to CESA School Performance Leader (Catholic).
- ☐ Report to AISSA CE or Head of Legal Services (independent).
- ☐ Document critical incidents in critical incident reporting system (government) (see timeframes in the [procedure](#)).
- ☐ Report to Education Standards Board (preschools, FDC, LDC/rural care program and OSHC only) within [legislated timeframes](#).
- ☐ Report to NDIS Quality and Safeguards Commission (RCP only via Manager, Respite Care Program).
- ☐ Report to Regulation and Compliance (RCP only).

Behaviour support plans, and support and safety plans

- ☐ Develop hypothesis for the function of the behaviour (eg seeking connection with peers).

- ☐ Implement alternative strategies for the child or young person's needs to be met without the behaviour (eg explicit teaching of social skills).
- ☐ Develop, monitor and review behaviour support plans (see [Appendix 9](#)) and/or support and safety plans (see [Appendix 10](#)), involving others as appropriate.
- ☐ Revise or develop personalised learning plans (eg One Plans in government education and care sites).
- ☐ Consult relevant professionals (eg SWISS, Behaviour Support Coach, Special Educator).

Communicate with parents

- ☐ Seek advice from police and/or DCP before informing parents (where relevant).
- ☐ Advise parents of those directly involved or witness to the incident at the earliest possible opportunity (unless otherwise directed by police or DCP).
- ☐ Seek advice from your sector's legal services before advising other parents (see [Appendix 11](#)).
- ☐ Give parents 'children and young people's sexual behaviour in education and care settings: a guide for parents and carers'.
- ☐ Explain how parents can positively reinforce messages about appropriate sexual behaviour.

Documentation

- ☐ Keep confidential documentation of incidents and responses in the child or student file.
- ☐ Keep the critical incident reporting system up to date.

See 'documentation' in the [procedure](#).

Support and debriefing for educators and care providers

- ☐ Offer debriefing, guidance and support.
- ☐ Offer psychological support (EAP, counselling, GP).
- ☐ Consult [Employee Psychological Services](#) or Ph 8226 0744 (government).

Appendix 7

Examples of responding to sexual behaviour incidents

Response to developmentally appropriate sexual behaviour

Scenario: Two boys (both aged 6), are found in a secluded area of the yard with their trousers and underwear down. They are playing 'I'll show you mine, if you show me yours', showing each other their penises. There is no imbalance of power between them, and they are giggling.

Steps	Example
Safely intervene to stop or interrupt the behaviour.	'Pull up your trousers and underwear please'.
Clearly and directly describe the observed behaviour using communication or language that the children or young people understand.	'You had your trousers and underwear down and were showing each other your penises'.
Describe the impact on others.	'When I saw you both with your trousers down, I felt uncomfortable'.
Remind of the behaviour expectation.	'Clothes stay on at school. Taking your clothes off is what you do in a private place. School is a public place'.
Redirect to expected behaviour.	'Let's go back and join the football game'.

Response to concerning sexual behaviour

Scenario: Seema (aged 11) has previously used explicit sexual language in her conversations with peers in class. She doesn't appear concerned about the effect of what she says on others. She appears to get something from negative attention. The teacher has previously spoken to Seema about her language, the impact it has on others and the expectations about how people talk to one another at school. The teacher heard Seema say to Yasmin, 'I bet you play with your pussy, don't you? I play with mine', while Seema pointed to her genital area. Yasmin looked confused and moved away from Seema.

Steps	Example
Safely intervene to stop or interrupt the behaviour.	'Seema, I need you to stop talking to Yasmin now and come to talk with me'.
Clearly and directly describe the observed behaviour using communication or language that the children or young people understand.	'I heard you say "I bet you play with your pussy, don't you? I play with mine" to Yasmin and I saw you point to your genital area'.
Describe the impact on others.	'When I heard you say that I felt disappointed. When you say sexual things to your classmates, it makes them feel uncomfortable and they avoid you because of the way you talk to them'.
Remind of the behaviour expectation.	'The word "pussy" is a slang word for vagina and is sexual talk. We do not use sexual talk at school. You do not have the right to talk to anyone in a way that makes them feel uncomfortable'.
Prohibit the behaviour and use natural and logical consequences.	'You must stop saying sexual things to other people. You can only work in the group when I am present. If I am not available to monitor the group work, you must work at your individual desk'.

It is important to use the child's own words. In this case, the teacher clearly heard what Seema said to Yasmin. That's why it's okay for the teacher to repeat back to Seema what she heard Seema say to Yasmin. Take care when talking to children and young people about sexual behaviour incidents. This style of questioning would only be used if the responder, such as the teacher, had observed and heard what was said for themselves. If this wasn't the case, the responder would need to ascertain what had happened from the child on the receiving end, before speaking with the child or young person who initiated the behaviour.

In this scenario Seema's behaviour is not criminal in nature and is unlikely to attract a child protection investigation. However, some concerning (amber) behaviour may result in a police and/or child protection investigation. Therefore, it is important when responding to concerning sexual behaviour not to take any action that may prejudice any subsequent investigation.

Response to harmful sexual behaviour

Scenario: While on yard duty, the teacher heard a female voice say 'No! Stop!' When they walked around the corner, they saw Amir (aged 15) grabbing Rana's breast over her shirt and placing her hand on his penis over his trousers. Rana is also aged 15.

This sexual behaviour incident is a potential criminal offence because:

- it appears that Amir has indecently assaulted Rana
- Amir is over the age of criminal responsibility.

The incident must be reported to police. It is important to keep discussion with Amir and Rana minimal so as not to undermine any potential criminal investigation. You can ask about Rana's wellbeing and support needs without asking questions about the incident.

Steps	Example
Safely intervene to stop or interrupt the behaviour.	'Amir, stop what you are doing'.
Clearly and directly describe the observed behaviour using communication or language that the children or young people understand.	Unlike the previous 2 examples, you must not explicitly describe what you saw, as this could undermine a potential police investigation. You could say 'Amir, I saw what happened'. This lets Amir know that you saw his behaviour.
Describe the impact on others.	Unlike the previous 2 examples, you must not describe the impact on others as this could undermine a potential police investigation. You should skip this step.
Remind of the behaviour expectation.	Again, so as not to undermine a potential police investigation, you would not explicitly state the behaviour expectation. You could say 'Amir, that behaviour is not okay'. This lets Amir know that his behaviour is not acceptable.
Prohibit the behaviour and use natural and logical consequences.	'Amir, you must not do that. I need you to come with me to the Principal's office straight away'.

Appendix 8

Suspension, exclusion and expulsion, and Chief Executive authority to direct enrolment – government schools only

Targeted use of suspension and exclusion

The targeted use of suspension and exclusion may be required for immediate safety while supports are put in place to ensure the ongoing safety of all children and young people. Do not use suspension and exclusion as punishment.

While suspension and exclusion may be necessary as an immediate response to a high-risk situation, they do not reduce the risk of children and young people engaging in concerning or harmful sexual behaviour in the longer term. In fact, they may increase the risk of future harm as exclusionary discipline may reinforce the difficulties that contributed to the sexual behaviour in the first place (such as feelings of loneliness, isolation, difference and low self-esteem), and cause feelings of anxiety, anger and resentment.

Government schools must follow the [Suspension, exclusion and expulsion of students procedure](#) so that the use of suspensions, exclusions and expulsions complies with the legislative authority provided by the *Education and Children and Children's Services Act 2019* (the Act) and the Education and Children's Services Regulations 2020.

Incidents that happen outside of school hours and/or off school grounds

Principals may suspend, exclude or expel (16 years or older) a child or young person for behaviour that happens outside of school hours and/or off school grounds where there is a reasonable connection between

the child or young person's behaviour, the school community and school relationships. For example, an alleged sexual assault at a party at the weekend and the young people involved attend the same school.

Illegal behaviour

Sections 76, 77, 78 and 79 of the Act provide for the suspension, exclusion and expulsion of children and young people where there is a reasonable belief that they have acted illegally. Suspensions, exclusions and expulsions can occur in response to behaviour being investigated by police. The Principal or Chief Executive must believe on reasonable grounds that the child or young person has acted illegally.

Refer to the [Suspension, exclusion and expulsion of students procedure](#) for details about who (Principal or Chief Executive) is authorised to make the decisions in sections 76, 77, 78 and 79 of the Act.

The suspension, exclusion or expulsion:

- may happen while the matter is being investigated by police
- is valid even where police do not proceed with charges or where a finding of guilt is not made by a court
- may be made some time after the original incident if the information that causes the principal or Chief Executive to form a reasonable belief has only recently been discovered.

Principals should consult with the investigating police officer to:

- make sure any actions taken do not compromise any potential police investigation
- determine if there are any legal conditions imposed on the child or young person.

Sometimes circumstances arise where a Principal determines that a child or young person should be suspended or excluded, however, police are not yet able to lay criminal charges, and the child or young person may not be aware that an allegation of a sexual offence has been made to police.

Principals must liaise with the investigating police officer in these circumstances to determine how actions can be taken to ensure safety without compromising the police investigation.

Chief Executive authority to direct enrolment

Section 62 of the Act provides for the Chief Executive, Department for Education to direct that a child or young person be enrolled in a specified government school. The need for the Chief Executive to consider an enrolment direction will be rare, for example:

- the child or young person's behaviour poses an unmanageable risk to the health, safety and wellbeing of members of the school community
- it is necessary for the child or young person's own health, safety or welfare.

The Principal of a government school may seek a direction of enrolment as per the 'direction to enrol procedure' (under development). For further advice and support contact the Conditions for Learning, Partnerships, Schools and Preschools division at education.partnershipsschoolsandpreschoolsdivision@sa.gov.au.

Appendix 9

Behaviour support plan

Download the [behaviour support plan template](#), type your information into the template, and delete the explanatory text.

Behaviour support plan for children and young people who have engaged in concerning or harmful sexual behaviour		
Name:		
Date of birth:		
Behaviour expectations	Persons responsible	Success indicators
What are the specific expectations about behaviour: <ul style="list-style-type: none">• in class?• in the yard?• in their contact with others? – consider individuals and age groups.• when using toilets or change rooms?• when using technology?• at the beginning and end of each day?• in other specific settings (eg while attending camps, formals, sports days, excursions, work experience, on transport)?	The child or young person. Who is responsible for informing others (eg other teachers, relief staff, yard duty staff, and front office staff) of the behaviour expectations? Who will discuss the behaviour expectations with the parents or carers?	How will you know the child or young person is following the behaviour expectations? Who will notice? How will it be documented?

Support in the education and care site	Persons responsible	Success indicators
<p>How is the site supporting the child or young person to achieve the expected behaviour:</p> <ul style="list-style-type: none"> • in class? • in the yard? • in their contact with others? – consider individuals and age groups • when using toilets or change rooms? • when using technology? • at the beginning and end of each day? • in other specific settings (eg while attending camps, formals, sports days, excursions, work experience, on transport)? <p>Who can the child or young person communicate with about any personal issues or concerns they have about this plan?</p> <p>How do they access this person?</p>	<p>Who directly supports the child or young person with these support strategies?</p> <p>Who is responsible for informing others (eg other teachers, relief staff, yard duty staff, and front office staff) of the information in this plan that they need to know?</p> <p>Who will coordinate communication with the parents or carers?</p>	<p>How will you know the internal support strategies are working?</p> <p>What will you observe?</p> <p>What will the child or young person be doing?</p> <p>What will other people be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>
Teaching and learning support	Persons responsible	Success indicators
<p>What learning programs are being used to teach and help reinforce the expected behaviour?</p> <p>How does this relate to the work of other professionals?</p> <p>How does it relate to actions being taken by the parents or carers at home?</p>	<p>Who is responsible for the learning described in this plan?</p> <p>Who is responsible for informing and supporting others with these requirements?</p>	<p>How will you know the teaching and learning support strategies are working?</p> <p>What will you observe?</p> <p>What will the child or young person be doing?</p> <p>What will other people be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>

Parent or carer support	Persons responsible	Success indicators
<p>What actions are being taken at home to help reinforce positive behaviour and protect against behaviour of concern?</p> <p>What should the parents or carers communicate with the site about and how this should happen?</p> <p>Are other agencies or professionals helping the family and if so, how does their work relate to this plan?</p> <p>What do the parents or carers need to do to support their child to access services from other agencies? (eg transport, participate in therapy)</p> <p>Do the parents or carers understand what the site's response will be if:</p> <ul style="list-style-type: none"> • parents or carers are unable or unwilling to support the plan? • agreed support services (eg therapy) are not accessed? 	<p>Which parent or carer will be taking what responsibilities?</p> <p>Who will be the key contact for the parents or carers in all matters relating to this plan?</p>	<p>How will you know the parent or carer support strategies are working?</p> <p>What will the parents or carers be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>

External support	Persons responsible	Success indicators
<p>Are there any police or court conditions that must be reflected in this plan?</p> <p>What other agencies or professionals are involved with the child, young person or their family?</p> <ul style="list-style-type: none"> • List their contact names and details, including secondary contacts where applicable. • What is the nature and length of their support? • How do they liaise with the site? Have parents/guardians given consent to share information? • Have they contributed to the development of this plan? • Have they been given a copy of this plan? <p>Details of any medications and possible side effects?</p>	<p>Who communicates with other involved agencies or professionals?</p>	<p>How will you know the external support strategies are working?</p> <p>What will other agencies or professionals be doing?</p> <p>What will the child, young person or their family be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p> <p>What will the communication look like between the education and care service and other agencies or professionals?</p> <p>How will other agencies or professionals be involved in developing and monitoring the plan?</p>

Response to behaviour expectations not met	Persons responsible	Success indicators
<p>What will be the immediate response to unmet behaviour expectations? – consider that behaviour responses are not intended to punish; they are intended to support safe and positive behaviour.</p> <p>What reminders will be provided in response to unmet behaviour expectations?</p>	<p>Who will respond to unmet behaviour expectations?</p> <p>Who will remind the child or young person of the behaviour expectations and help them to understand how their behaviour has not met the expectations?</p>	<p>How will you know that you have applied the least exclusionary response to support the safe inclusion of all children and young people?</p>
Plan monitoring and review	Persons responsible	Success indicators
<p>How will this plan be monitored?</p> <p>When will this plan be reviewed? Must be at least once per term or more frequently if circumstances change.</p>	<p>Who is responsible for the monitoring and review of the plan and associated documentation?</p> <p>Who will contribute to the review? (include the child or young person, parents and carers, other professionals involved).</p>	<p>How will you know the plan is being successfully monitored and reviewed?</p>
Others with a duty of care	Persons responsible	Success indicators
<p>Who else needs to know about this plan?</p> <p>Consider:</p> <ul style="list-style-type: none"> • OSHC or vacation care employees • family day care provider • boarding or residential staff • transitions between classes, educators and care providers, year levels, settings. <p>How will the relevant information be shared with those who need it?</p>	<p>Who is responsible for discussing this plan with other people who have a duty of care?</p> <p>Who will decide what information is relevant to share?</p>	<p>How will you know appropriate information sharing is occurring on an ongoing basis with others with a duty of care?</p>

Plan participants, site leader details and date of plan	
Plan participants Names, roles and signatures of everyone who contributed to the development of the plan including child or young person, parents, carers, educators, care providers, other staff and external agencies.	
Site leader name and signature	
Plan date Date plan was agreed.	
Review date Date plan will be reviewed.	

Appendix 10

Support and safety plan

Download the [support and safety plan template](#), type your information into the template, and delete the explanatory text.

Support and safety plan for children and young people affected by the concerning or harmful sexual behaviour of others		
Name:		
Date of birth:		
Support in the education and care site	Persons responsible	Success indicators
<p>What changes to the child or young person's routine are in place to support them? For example:</p> <ul style="list-style-type: none">• supervision during play• yard duty arrangements• before or after school arrangements• classroom or timetable considerations• counselling support. <p>Has the child or young person been told what restrictions or expectations have been placed on other involved children or young people?</p> <p>How is the child or young person expected to tell educators or care providers if another child or young person does not follow the restrictions or expectations? For example:</p> <ul style="list-style-type: none">• tell the yard duty teacher or educator supervising play• move to the front office• report directly to the site leader. <p>Who can the child or young person communicate with about personal issues or concerns they have about the plan?</p> <p>How do they access this person?</p> <p>What signs of stress in the child or young person will be reported immediately to their parents or carers? How will this communication take place?</p> <p>What is the agreed response the child or young person will provide to questions from others?</p>	<p>Who directly supports the child or young person with these support strategies?</p> <p>Who is responsible for informing others (eg other teachers, relief staff, yard duty staff, and front office staff) of the information in this plan that they need to know?</p> <p>Who will coordinate communication with the parents or carers?</p>	<p>How will you know the internal support strategies are working?</p> <p>What will you observe?</p> <p>What will the child or young person be doing?</p> <p>What will other people be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>

Parent or carer support	Persons responsible	Success indicators
<p>What actions are being taken in the home to help restore the child or young person's sense of safety and wellbeing?</p> <p>What signs of stress in the child or young person will be reported immediately to the education and care service and other professionals supporting the child or young person?</p> <p>Do the parents or carers understand what the site's response will be if:</p> <ul style="list-style-type: none"> • parents or carers are unable or unwilling to support the plan? • agreed support services (eg therapy) are not accessed? 	<p>Which parent or carer will be taking what responsibilities?</p> <p>Who will be the key contact for the parents or carers in all matters relating to this plan?</p>	<p>How will you know the parent or carer support strategies are working?</p> <p>What will the parents or carers be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>
Teaching and learning support	Persons responsible	Success indicators
<p>What learning programs are being used to:</p> <ul style="list-style-type: none"> • help reinforce the child or young person's rights to physical and emotional safety? • promote the reporting of inappropriate behaviour in the education and care service? • promote help-seeking behaviour in the education and care service? <p>How does this relate to the work of other professionals?</p>	<p>Who is responsible for the learning described in this plan?</p> <p>Who is responsible for informing and supporting others with these requirements?</p>	<p>How will you know the teaching and learning support strategies are working?</p> <p>What will you observe?</p> <p>What will the child or young person be doing?</p> <p>What will other people be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p>

External support	Persons responsible	Success indicators
<p>Are there any police or court conditions that must be reflected in this plan?</p> <p>What other agencies or professionals are involved with the child, young person or their family?</p> <ul style="list-style-type: none"> • List their contact names and details, including secondary contacts where applicable. • What is the nature and length of their support? • How do they liaise with the site? • Have parents/guardians given consent to share information? • Have they contributed to the development of this plan? • Have they been given a copy of this plan? 	<p>Who communicates with other involved agencies?</p>	<p>How will you know the external support strategies are working?</p> <p>What will other agencies or professionals be doing?</p> <p>What will the child, young person or their family be doing?</p> <p>What changes in the child or young person's behaviour, wellbeing, knowledge or skills will you notice?</p> <p>What will the communication look like between the education and care service and other agencies or professionals?</p> <p>How will other agencies or professionals be involved in developing and monitoring the plan?</p>
Plan monitoring and review	Persons responsible	Success indicators
<p>How will this plan be monitored?</p> <p>When will this plan be reviewed? Must be at least once per term or more frequently if circumstances change.</p>	<p>Who is responsible for the monitoring and review of the plan and associated documentation?</p> <p>Who will contribute to the review? (include the child or young person, parents and carers, other professionals involved).</p>	<p>How will you know the plan is being successfully monitored and reviewed?</p>

Others with a duty of care	Persons responsible	Success indicators
<p>Who else needs to know about this plan?</p> <p>Consider:</p> <ul style="list-style-type: none"> • OSHC or vacation care employees • family day care provider • boarding or residential staff • transitions between classes, educators and care providers, year levels, settings. <p>How will the relevant information be shared with those who need it?</p>	<p>Who is responsible for discussing this plan with other people who have a duty of care?</p> <p>Who will decide what information is relevant to share?</p>	<p>How will you know appropriate information sharing is occurring on an ongoing basis with others with a duty of care?</p>
Plan participants, site leader details and date of plan		
<p>Plan participants</p> <p>Names, roles and signatures of everyone who contributed to the development of the plan including child or young person, parents, carers, educators, care providers, other staff and external agencies.</p>		
<p>Site leader name and signature</p>		
<p>Plan date</p> <p>Date plan was agreed.</p>		
<p>Review date</p> <p>Date plan will be reviewed.</p>		

Appendix 11

Sample letter to parents

Only use this letter:

- for parents of children and young people not directly involved in, or witness to, concerning or harmful sexual behaviour
- after the site leader has consulted with police and DCP (if involved)
- after the site leader has consulted their Education Director or the Manager, Family Day Care Programs (government sites) or School Performance Leader (Catholic sites).

[Download](#) the letter to adapt it to your site's specific circumstances by inserting your text into the bracketed areas.

It is unlawful under the *Young Offenders Act 1993* to publish identifying details of children and young people involved in sexual behaviour incidents involving a criminal offence. Unless you have legal advice from your sector's legal services or via your sector office, do not include anything that identifies the children or young people involved.

Dear <Parent / Carer's Name>

<Service name> uses a whole-site approach for creating a positive, safe and supportive place where <children/students> can learn and develop. We have clear behaviour expectations and teach them to all <children/students>.

An incident of concerning behaviour has recently occurred.

The parents and carers of the <children/students> directly involved have been informed.

I have no information to suggest that your child was involved in or witnessed the behaviour. However, I want to let you know as a courtesy because your child might have heard about it and may talk about it at home. If this happens or they tell you they are worried, please let us know. We can then give you the best response for your child and for others.

As part of our response to the situation, we will continue to work with those directly involved to support positive and safe behaviour.

<A government agency is also involved in responding to the behaviour and will be liaising with us. / We are also working with professionals from other agencies to ensure the best possible approach>.

We are monitoring the wellbeing of all <children/students> as we always do.

We have sent this letter to <all parents and carers / parents and carers of year 3 students / parents and carers of students in Ms Smith's class>.

We must respect the confidentiality and privacy of the <children/students> and families directly involved. If you have any questions about this letter or any concerns for your child, please contact us.

Contact

Name: <preferred contact name and title>

Phone: <preferred phone number>

Email: <preferred email>

Yours sincerely

<Site Leader name>

Appendix 12

Sexual behaviour record

[Download](#) the 'sexual behaviour record' and type the information about the incident into the template.

Sexual behaviour record – confidential The educator or care provider who witnessed the incident, or who the incident was first reported to should complete this record. <ul style="list-style-type: none">• This can be done with support from their site leader or other appropriate person.• Use this template each time there is an incident of concerning or harmful sexual behaviour.• Store it confidentially in the child or student file.• No identifying information about other children, young people and parents involved is permitted, to protect confidentiality. You may use initials and/or unique identifying numbers.	
Name:	
Date of birth:	
Relevant background information Eg disability and additional needs, history of trauma, involvement of DCP, youth justice or other agencies/services, social, cultural or religious diversity.	
Behaviour of concern other than sexual behaviour Eg bullying, aggression, violence, withdrawn.	
Previous incidents of sexual behaviour	
Details of current sexual behaviour incident What took place before the behaviour? Write a detailed description of what you saw and heard. What was the behaviour you observed? What were you told? Use quotation marks to record the exact words the child/young person used. Avoid terms such as 'sexual behaviour', 'inappropriate touching', or 'sexual language' as they are vague. If touching was involved, be specific about where on the body and if it was over or under clothing. Record who was directly involved in the behaviour, who was witness to it (use initials only for confidentiality purposes) and the location that the behaviour took place.	
Contextual factors Is the behaviour likely to be related to disability or additional needs? Was it spontaneous, mutual and in the context of play, or was there planning, secrecy, coercion, threats, force, aggression or violence?	

Relationship between those involved Was the behaviour between children and young people who usually play or spend time together? Was there an imbalance of power, control or vulnerability (eg age, ability, size, strength, status, sexual knowledge or experience)?			
Responses of children/young people involved in the incident What were the responses of each child/young person involved? Eg comfortable, anxious, irritated, embarrassed, ashamed, angry, aggressive, defensive, fearful or did they show no emotion? Did they understand the impact of their behaviour on others and why people were concerned, and did they take responsibility for their behaviour?			
Immediate response to incident How was the behaviour responded to at the time? Has a report been made to CARL? If yes, government-run sites must use the Mandatory Notification Record . A Mandatory Notification Record is available for Catholic and independent sites. Has a report been made to police? What advice was provided by CARL and/or police?			
Behaviour and wellbeing support How will your site respond to other possible future sexual behaviour? Consequences should be natural and logical and focused on the safety and wellbeing of all involved. Describe the work to be undertaken with the child/young person and the broader education and care service (eg explicit teaching of behaviour expectations and procedures, social emotional learning, child safety and respectful relationships curriculum, relationships and sexual health education). Are the interventions with the individual child/young person, through targeted small group work, whole of class, or whole of site? What supports will be offered, if necessary, to the children/young people involved (include internal supports eg wellbeing provision and referrals to student support services and external service providers)?			
Parent response to the incident Have parents been advised of the incident? If not advised, record the reason (eg risk of harm to child/young person). What were the responses of the parents for each child/young person involved? Eg minimising, discounting, rejecting, harsh, punitive, concerned, supportive. You may need to record a parent's initial response and subsequent response. Eg a parent's response may change over time once they have had time to process the information. Have they had similar concerns at home? Do they have any ideas as to why their child has behaved in this way?			
Names, signatures and roles of everyone who contributed to record		Date record completed	

Notes

[illegible]



Government of South Australia

Department for Education

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