

Section of Manual:	12. CHILD PROTECTION		
Document	12.5: CHILD SAFE PROCEDURE – SEXUAL BEHAVIOUR BY STUDENTS		
Endorsement:		Review Date:	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
Purpose:	<p>Shoalhaven River College is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>The purpose of this procedure is to provide guidance to staff about responding to sexual behaviour by students, including developmentally appropriate sexual behaviour, concerning and harmful sexual behaviour, and behaviour that may be a criminal offence.</p>		
Scope:	<p>This procedure applies to all adults associated with Shoalhaven River College including those working for, or engaged by, the College, regardless of whether their involvement or work is paid or unpaid or child-related.</p> <p>The policy applies to all Shoalhaven River College activities which result in or relate to contact with young people, both face-to-face and online, both on-site and off-site during and outside Shoalhaven River College hours (including, for example, sporting events, camps, or excursions).</p> <p>The term ‘young people’ is used in this policy to refer to children under the age of 18 years. It is used in preference of ‘children’ in recognition that students who attend Shoalhaven River College are adolescents.</p>		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
Policy and Procedure	<p>Introduction and overview</p> <p>Young people’s sexual behaviour exists along a continuum. Most young people display developmentally appropriate sexual behaviour. Some young people display concerning sexual behaviour. A small number of young people display harmful sexual behaviour.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>The ‘traffic light’ system at Appendix 1 is a guide to developmentally appropriate sexual behaviour, concerning sexual behaviour and harmful sexual behaviour by young people between the ages of 14 and 17.</p> </div> <p>All young people have the right to be safe and supported at school. All young people can be negatively affected by concerning or harmful sexual behaviour including:</p> <ul style="list-style-type: none"> • those who have engaged in the behaviour • those at whom the behaviour is directed • those who witness the behaviour 		

Young people can also be harmed by adults failing to respond proportionately to concerning or harmful sexual behaviour.

Some harmful sexual behaviour by young people over the age of 10 (and by adult students over the age of 18) may fall within the legal definition of a sexual offence, meaning they could be held criminally responsible for their conduct. It is the role of police to determine a sexual offence. When there is any suspicion of a criminal offence, Shoalhaven River College will report a matter to police.

All reported or observed incidents of sexual behaviour by students must be reported to the Principal, Shoalhaven River College or the CEO, Kiama Community College. This includes:

- developmentally appropriate sexual behaviour that is engaged in at school
- concerning or harmful sexual behaviour (including criminal offences) at or outside the school

Principles

The following principles underpin Shoalhaven River College's response to sexual behaviour by students:

- Shoalhaven River College acknowledges that most sexual behaviour by students will be developmentally appropriate.
- The College will respond to sexual behaviour by young people when:
 - a young person makes a disclosure or complaint
 - any another person (including a student, parent/carer, staff member or another individual) reports the behaviour
 - a staff member directly observes the behaviour
- Responses to sexual behaviours will be proportionate, considering the nature and circumstances of the behaviour and the impact on the students involved.
- Where a criminal offence may have occurred, the College will make an immediate report to Police.
- In responding to harmful sexual behaviour, including sexual offences, the welfare of the victim will always be paramount, and this overrides all other considerations.
- The needs of a young person who has engaged in harmful sexual behaviour, including sexual offences, will be considered separately from the needs of the victim/s.
- Any young person who has engaged in harmful sexual behaviour will be held accountable for his/her actions, with consideration given to his/her age, understanding, level of maturity and the nature of the behaviour.
- Young people engaging in concerning or harmful sexual behaviour, and their parents/carers, will be provided with appropriate support and referrals.
- Shoalhaven River College will cooperate with other relevant agencies, including but not limited to Police, Department of Communities and Justice (DCJ), NSW Health, and NGOs, to prevent and respond to harmful sexual behaviour. This will include appropriate communication between

professionals working with a young person who has engaged in/been the victim of harmful sexual behaviour.

Developmentally appropriate sexual behaviour

Adolescence is a time of major social role transition from childhood to adulthood, characterised by significant cognitive development and biological growth, including puberty and sexual development. Many adolescents commence sexual activity. Sexual activity exists on a spectrum. It may include viewing sexually explicit material, sexual touching (including masturbation), oral sexual activity and intercourse. It is not appropriate for young people to engage in sexual behaviour at school, regardless of whether the behaviour is otherwise developmentally appropriate.

Promoting safe behaviour

Keeping children and young people safe is the responsibility of all educators and care providers. Shoalhaven River College will:

- Create and maintain supportive, safe, and inclusive learning environments.
- Support 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.
- Inform parents/carers about developmentally appropriate behaviour and expectations and how they can support young people to keep themselves and others safe.

Responsibilities when responding to sexual behaviour

Employees who receive a disclosure/complaint about an incident of sexual behaviour should:

- Remain calm and control any expressions of panic or shock.
- If they observe the behaviour occurring, safely intervene to stop it.
- Respond to any immediate concerns:
 - call 000 in an emergency
 - provide first aid if required or arrange for medical assistance
- If the behaviour is potentially criminal (see below), follow the process outlined in the Reporting to Police Procedure.
- Notify the Principal, Shoalhaven River College or the CEO, Kiama Community College (if the Principal is not available).
- Ensure the young people involved are supported and supervised until police have provided advice (if the behaviour is potentially criminal), or the Principal /CEO has provided direction (for other behaviours).
- If the circumstances of the behaviour meet the threshold for a mandatory report to the Child Protection Helpline, follow the advice outlined in the Mandatory Reporting Procedure.

- Document the incident and your actions and provide a copy to the Principal/CEO. Record what you heard, saw, and did, including any questions asked of or responses from the young people or others involved.

Identifying behaviour that is potentially criminal

Shoalhaven River College will report all known or suspected criminal offences to police. Types of criminal offences that include sexual behaviour include:

- sexual assault, sexual touching and sexual acts
- making, possessing, or sharing child abuse material
- 'sexting'¹ involving anyone under the age of 18 (even if they have consented)
- image-based abuse:
 - taking or recording an intimate image of someone without their permission
 - filming a person's private parts for the purpose of sexual pleasure if the person in the video has not consented
 - sending, sharing, or posting online an intimate image of someone without their consent
 - threaten to do any of the things listed above.

Consent

In NSW, the age of consent to sexual activity is 16 years. A person who is under 16 years of age cannot lawfully consent to sexual activity. Any person who engages in sexual activity with a person who is under the age of consent may be guilty of a crime. The defence of 'similar age' can be raised where the age difference between the alleged victim and the accused is less than 2 years, provided the victim is 14 years of age or older.

Sexual consent is when people freely and voluntarily agree, through words or actions, to engage in sexual activity. Consent to one sexual activity does not mean consent to all sexual activities. A person cannot consent to sexual activity if they are heavily affected by drugs or alcohol, unconscious, or asleep, or if they have been manipulated or threatened.

Responsibilities of the Principal/CEO

When the Principal/CEO receives a report about sexual behaviour, they will:

- Clarify the nature of the incident and who was involved.
- Identify if a report should be made to police (criminal offences) and/or the Child Protection Helpline (Risk of Significant Harm) and ensure this occurs. A report to the Child Protection Helpline may be required for the victim of harmful sexual behaviour and/or the young person who has engaged in the harmful sexual behaviour, where the behaviour is a result of, or places them at risk of, abuse or other harm.

¹ 'Sexting' is using a phone, computer, or internet to send highly suggestive or sexually explicit images. This includes sending, receiving, or sharing a nude or sexual image, or asking someone to take an image of that kind.

	<ul style="list-style-type: none"> • 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. • Seek and follow DCJ advice about current or likely DCJ involvement, incident management, what information can be provided to others, how to support and protect those involved. • Notify the parent/carer of the involved young people after receiving advice and following any direction from police and/or DCJ (where relevant). Advise parents of those directly involved at the earliest possible opportunity (unless otherwise directed by police or DCJ). • Consider the individual needs of the child or young person (for example, culture and disability). • Develop an initial response plan, having regard to any advice provided by police and/or DCJ (where relevant). This may include developing or updating a behaviour support plan, providing appropriate educational material, and/or making appropriate referrals to relevant agencies/services, e.g. NSW Health New Street program. • Nominate an appropriate person to regularly liaise with and provide immediate and ongoing support to each involved young person and their parent/carer. • Cooperate with police, DCJ, or any other agency involved in responding to the behaviour or working with the involved young people. • Ensure relevant documentation of incidents and responses is confidentially stored in the involved student/s file. • Offer support and debriefing for educators and care providers (e.g. EAP, counselling, GP) where required. • Monitor the matter, check the wellbeing, and support needs of those involved for as long as necessary and as frequently as required.
Related Policies	<p>Shoalhaven River College Code of Conduct Child Safe Policy Child Safe Procedure - Mandatory Reporting Child Safe Procedure - Reporting to Police Duty of Care Policy Request for Police Assistance Policy Critical Incidents and Emergency Policy Recordkeeping & Information Sharing Policy Privacy Policy</p>

Appendix 1: The ‘traffic light’ system for assessing sexual behaviour 14-17 year olds

The ‘traffic light’ system² provides an overview of sexual behaviours that may be exhibited by young people to assist identification of age appropriate and inappropriate sexual behaviours. It is not intended to be used as a diagnostic tool.

² Source: ACT Government, Education. <https://www.education.act.gov.au/support-for-our-students/feeling-safe-at-school/national-child-safe-principles/responding-to-student-harmful-sexual-behaviour/traffic-light-system-to-assess-sexual-behaviour>



RED (harmful)

- compulsive masturbation e.g. self-harming, in public, seeking an audience
- preoccupation with sexually aggressive and/or illegal pornography
- sexual contact with others of significant age and/or developmental difference
- engaging others in a process to gain sexual activity by using grooming techniques e.g. gifts, manipulation, lies
- deliberately sending and/or publishing sexual images of another person without their consent
- arranging a meeting with an online acquaintance without the knowledge of a peer or known adult
- sexual contact with animals
- sexual activity in exchange for money, goods, accommodation, drugs or alcohol
- forcing or manipulating others into sexual activity
- possessing, accessing or sending child exploitation materials.

ORANGE (concerning)

- sexual preoccupation which interferes with daily function
- intentional spying on others while they are engaged in sexual activity or nudity
- explicit communications, art or actions which are obscene or sexually intimidating
- repeated exposure of private parts in a public place with peers e.g. flashing
- unsafe sexual behaviour, including unprotected sex, sexual activity while intoxicated, multiple partners and/or frequent change of partner
- presence of sexually transmitted infection or unplanned pregnancy
- oral sex and/or intercourse with known partner of more than two years age difference or with significant difference in development

- arranging a meeting with an online acquaintance accompanied by a peer or known adult
- using mobile phones and internet to send or receive sexual images of another person with their consent.

GREEN (normal)

- need for privacy
- masturbation in private
- accessing information about sexuality
- viewing materials for sexual arousal e.g. music videos, magazines, movies
- sexually explicit mutual conversations and/or use of humour and obscenities with peers
- interest and/or participation in a one-on-one relationship with someone of the same or other sex
- sexual activity with a partner of similar age and developmental ability (ability to consent must be considered)
- use of mobile phones and internet in relationships with peers.