

# GUIDELINES

## SEXUAL BEHAVIOUR IN CHILDREN

Responsibility of: School Support Services  
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Target Audience: Staff, parents and community

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This document should be read in conjunction with the:

- [Mandatory Reporting of Harm and Exploitation of Children guidelines](#)
- [Student Wellbeing – Allegations of Sexual Misconduct policy and guidelines.](#)

### 1. INTRODUCTION

The Department responds to a range of student behaviours in schools and care settings, including sexual behaviour.

It is natural for children to display sexual behaviours; however, in some instances the nature of the sexualised behaviour will require a school to respond. A response can vary from talking to the child about school behaviour expectations to making a report to Territory Families or the Northern Territory Police under the [Care and Protection of Children Act NT](#).

These guidelines are designed to assist schools and early education and care settings to identify and appropriately respond to sexual behaviour in children.

### 2. DEFINITIONS

**Approved education and care service** refers to long day care services, family day care services, out-of-school-hours care services, preschool programs and early childhood programs.

**Child** is defined in the [Care and Protection of Children Act](#) as:

- a) a person less than 18 years of age; or
- b) a person apparently less than 18 years of age if the person's age cannot be proved.

**Duty of care** is the obligation to take reasonable care to protect others from foreseeable risk or injury.

**Northern Territory Curriculum Framework (NTCF)** is the curriculum developed specifically for Northern Territory schools. With the introduction of the Australian Curriculum, teachers now use both curricula (Australian Curriculum and NTCF) to teach, assess and report.

**Sexual behaviour**, for the purposes of these guidelines, can include any talk, touch, questions, conversations and interests which relate to sexuality and relationships. Sexual behaviour can range from developmentally appropriate, concerning or serious in nature. Support for teachers to identify behaviour types and responses is provided through the Family Planning Queensland traffic lights framework.

**Parent**, for the purpose of this document, includes a **guardian/carer**, and is the person who: has parental responsibility for a child, has actual custody of a child, a child currently resides with or is caring for the child at any given time.

**Quality Education and Care NT (QECNT)** is the Northern Territory (NT) Regulatory Authority responsible for administering the [Education and Care Services National Law \(NT\) and Regulations](#) in the NT.

**Student Administration and Management System (SAMS) and Student Administration and Management System Generation 2 (SAMS G2)** are the electronic student administration systems used by Northern Territory Government schools to record student information including enrolment, attendance and behaviour.

**School setting**, for the purpose of these guidelines, refers to Government early childhood programs such as Families as First Teachers and preschools, primary, middle and secondary schools and colleges, Government out-of-school-hours care services, extra-curricular activities such as excursions, camps and interstate trips, and sporting activities.

**School staff** includes all adults at the site, including volunteers, school council employees and other adults in the vicinity of children in the department's care, including Aboriginal Child and Family Centres and Families as First Teachers.

**Sexuality education** is a component of the Health and Physical Education program of the Northern Territory Curriculum Framework that provides instruction on issues relating to human sexuality, anatomy, sexual reproduction, emotional relations, sexual health, rights and responsibilities.

**Site leader** refers to the person, other than the principal, who has ultimate responsibility for the welfare of children on that site at any given time.

**Traffic Lights® guide to sexual behaviours in children and young people** is a tool developed by Family Planning Queensland that assists adults to identify and respond to sexual behaviours in children to support the development of healthy sexuality and protect children and young people from harm and abuse. The Department has copyright permission from Family Planning Queensland to publish this resource.

### 3. ROLES AND RESPONSIBILITIES

**Deputy Chief Executive School Education** will:

- make determinations regarding the alternative education options for a child who is displaying ongoing serious sexual behaviour that has or may constitute unacceptable risk to other children or staff.

**Executive Director will:**

- make recommendations regarding the alternative education options for a child who is displaying ongoing serious sexual behaviour that has or may constitute unacceptable risk to other children or staff.

**Regional Director will:**

- liaise with the principal to determine whether the deployment of a critical response team is required for a serious sexual behaviour incident
- make recommendations regarding the alternative education options for a child who is displaying ongoing serious sexual behaviour that has or may constitute unacceptable risk to other children or staff.

**Principal or site leader will:**

- respond to and manage any incident or allegation of an incident of sexual behaviour by a child in accordance with these guidelines
- ensure school staff are familiar with these guidelines, the Traffic Lights® guide to sexual behaviour in children and their mandatory reporting obligations
- engage with key stakeholders such as parents, Territory Families and police to manage the behaviour of children displaying concerning or serious sexual behaviour
- implement school-wide behaviour codes and sexuality education programs to promote a healthy and safe school environment.

**School staff will:**

- respond to any incident or allegation of an incident of sexual behaviour by a child in accordance with these guidelines and mandatory reporting obligations.

**Parents shall:**

- support their child and the school through commitment to actions identified in the relevant student support plan.

## **4. PREVENTION**

Although the purpose of these guidelines is to assist schools to identify and effectively respond to sexual behaviour in children, it is also important that schools employ measures that discourage such behaviour. These include:

- promoting respectful school behaviour codes throughout the school community, including students, staff, volunteers, parents and visitors
- ensuring processes for reporting bullying, harassment and violent behaviour involving anyone in the school community are understood and effective
- ensuring teachers plan, deliver and assess comprehensive sexuality education programs across all years of schooling in line with the Northern Territory Curriculum Framework
- ensuring parents are informed of the school's behaviour expectations and the processes it will follow to intervene with sexual behaviour
- managing interactions between children and young people of different age groups or developmental capacity.

## 5. IDENTIFYING SEXUAL BEHAVIOUR

Sexual behaviours can range in nature from developmentally appropriate behaviours to serious sexual behaviours that require a response.

To promote a consistent and appropriate approach to identifying and responding to sexual behaviour in children the department has adopted the Family Planning Queensland Traffic Lights® guide to sexual behaviours in children and young people (Traffic Lights guide) (Appendix A refers).

The Traffic Lights® guide categorises sexual behaviours into three levels:

- red – serious
- orange – concerning
- green – age-appropriate.

### 5.1 Contextual information

To identify into which category a behaviour falls and determine the most appropriate response, a number of factors need to be considered. These include:

- age and developmental capacity of the child/ren involved
- context in which the behaviour has taken place
- behavioural history of the child/ren involved
- how the behaviour impacts the behaviour of the other child/ren involved
- risk that the behaviour imposes on others.

These factors are important when determining whether the behaviour is age-appropriate, concerning or serious.

Appendix B provides scenarios to demonstrate the importance of contextual information.

### 5.2 Age-appropriate sexual behaviour

Sexual behaviours that are of an age-appropriate nature are not included within the response processes outlined in these guidelines.

Generally, where an incident involving age-appropriate sexual behaviour occurs in a school setting it can be addressed through:

- reinforcement of the social safety and health expectations of the school
- discussion about the impact of the behaviour on others
- contact with parents to advise of the school's response and to reinforce the age-appropriate nature of the incident.

## 6. IDENTIFYING SEXUAL BEHAVIOUR

### 6.1 Concerning sexual behaviour

<p><b>First staff member involved</b></p>	<p><b>Reassure and show care:</b></p> <ul style="list-style-type: none"> <li>• respond calmly and control expressions so as not to portray feelings of alarm or shock</li> <li>• provide appropriate reassurance and allow the child to decide what they would like to say</li> <li>• do not make judgements or promises about what you hear but reinforce that you are there to help</li> <li>• do not interview anyone.</li> </ul> <p><b>Respond to information:</b></p> <ul style="list-style-type: none"> <li>• using other staff, establish the whereabouts of any other student/s involved</li> <li>• if necessary, separate students so they have staff supervision in a safe location away from each other and other students</li> <li>• ensure staff helping with supervision do not ask any questions about the incident</li> <li>• quarantine any material (including electronic) connected with the incident.</li> </ul> <p><b>Handover:</b></p> <ul style="list-style-type: none"> <li>• inform and handover to the principal or site leader</li> <li>• immediately write down, sign and date what you have heard, observed and done and provide a copy to the principal or site leader.</li> </ul>	
<p><b>Initial assessment by principal or site leader (refer to section 5)</b></p>	<p>Using open questions, gather as much additional information as needed to make an initial assessment of the incident. Do not bring students together in this process.</p> <p>As outlined in section 5 of these guidelines, using the contextual information regarding the incident and the Traffic Lights® guide, determine the seriousness of the behaviour.</p> <p>If determined that a student has exhibited concerning sexual behaviour, the following response actions are to commence, considering both the:</p> <ul style="list-style-type: none"> <li>• children who have engaged in the sexual behaviour</li> <li>• children who have been affected by the sexual behaviour.</li> </ul>	
<p><b>Response to the student (refer to section 8.1 Mandatory reporting)</b></p>	<p style="text-align: center;"><b>Engaged in the behaviour</b></p> <ul style="list-style-type: none"> <li>• Refer to section 8.1 to determine whether a report should be made to the <a href="#">Territory Families Child Protection Hotline on 1800 700 250</a>.</li> <li>• Reinforce why the behaviour is unacceptable and the school's expectations of future behaviour.</li> <li>• If the student is under the care of the Territory Families CEO, contact their case manager.</li> <li>• Depending on the student's age and any previous incidents, consider the appropriateness of immediate responses such as:             <ul style="list-style-type: none"> <li>○ establishing prohibited areas/activities</li> <li>○ monitoring arrangements</li> <li>○ detention or internal suspension to enable close monitoring of child (refer to <a href="#">Detention Guidelines</a>)</li> </ul> </li> </ul>	<p style="text-align: center;"><b>Affected by the behaviour</b></p> <ul style="list-style-type: none"> <li>• Assess and respond to the student's needs.</li> <li>• Respect the student's preferences, wherever possible, about where he or she wishes to be – home (with parent contact and permission) or school.</li> <li>• Positively reinforce the student's action in reporting the behaviour to adults (or through other peers).</li> <li>• Advise the student about how to respond to questions from other students and which staff member will be supporting him/her.</li> <li>• If the student is under the care of Territory Families CEO, contact their case manager.</li> </ul>

	<ul style="list-style-type: none"> <li>○ suspension to provide time for the school to put appropriate measures in place (refer to <a href="#">Suspension Guidelines</a>).</li> <li>● Inform other professionals who may already be providing counselling for the student's behaviour.</li> </ul>	
<p>Contact parents of the student and establish student support plan (refer to section 7)</p>	<ul style="list-style-type: none"> <li>● Inform parents and arrange a meeting to discuss immediate responses and longer term behaviour support plan (Attachment A refers). If suspension is used this will be part of the re-entry process.</li> <li>● Discuss health and counselling services as part of the behaviour support planning (Attachment C refers).</li> </ul>	<ul style="list-style-type: none"> <li>● Inform parents in consultation with the student.</li> <li>● Discuss health and counselling services as part of the support planning, if required (Attachment C refers).</li> <li>● Arrange a meeting to discuss the support and safety plan for the student, if required (Attachment B refers).</li> </ul>
<p>Advise Regional Director</p>	<p>The principal is required to notify the Regional Director where the response involves a process that includes the notification of the Regional Director. For example:</p> <ul style="list-style-type: none"> <li>● if a student is suspended a copy of the <a href="#">Notice of Suspension</a> must be provided to the Regional Director</li> <li>● if the parents are not satisfied with the school's handling of the incident and wish to escalate a complaint (refer to <a href="#">Complaints Management policy and guidelines</a>).</li> </ul>	
<p>Inform other parents and service providers (refer to section 8)</p>	<p>Inform identified groups of parents if there is suspicion or knowledge that:</p> <ul style="list-style-type: none"> <li>● another student may have been affected by the behaviour, currently or in the past</li> <li>● another student witnessed the incident</li> <li>● accounts of the incident will be circulated amongst the school community or on social media.</li> </ul> <p>Provide relevant information to school leaders / authorities who share a duty of care for any student involved. For example:</p> <ul style="list-style-type: none"> <li>● out-of-school-hours care director</li> <li>● family day care provider</li> <li>● boarding house director.</li> </ul>	
<p>Record (refer to section 11)</p>	<p>Record the school's actions, any information sharing and the involvement of parents and/or other agencies.</p>	

## 6.2 Serious sexual behaviour

<p>First staff member involved</p>	<p><b>Consider the immediate safety needs of the student/s. Depending on the seriousness of the incident this may include:</b></p> <ul style="list-style-type: none"> <li>● provide first aid and and/or call 000 for ambulance to attend (112 if using a mobile)</li> <li>● call 131 444 for police attendance for serious incidents requiring immediate response</li> <li>● alert principal and other staff for assistance</li> <li>● protect area from traffic.</li> </ul> <p><b>Reassure and show care:</b></p> <ul style="list-style-type: none"> <li>● respond calmly and control expressions so as not to portray feelings of alarm or shock</li> <li>● provide appropriate reassurance and allow the child to decide what they would like to say</li> <li>● do not make judgements or promises about what you hear but reinforce that you are there to help</li> <li>● do not interview anyone.</li> </ul> <p><b>Respond to information:</b></p>
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<p>Initial assessment by principal or site leader (refer to section 5)</p>	<ul style="list-style-type: none"> <li>• using other staff, establish the whereabouts of any other student/s involved</li> <li>• if necessary, separate students so they have staff supervision in a safe location away from each other and other students</li> <li>• ensure staff helping with supervision do not ask any questions about the incident</li> <li>• quarantine any material (including electronic) connected with the incident.</li> </ul> <p><b>Handover:</b></p> <ul style="list-style-type: none"> <li>• inform and handover to the principal or site leader</li> <li>• immediately write down, sign and date what you have heard, observed and done and provide a copy to the principal or site leader.</li> </ul> <p>As outlined in section 5 of these guidelines, apply contextual information regarding the incident and professional judgement to the Traffic Lights® guide to determine the seriousness of the behaviour.</p> <p>Once it has been established that the incident is of a serious nature, students should not be questioned any further. Formal interviewing will be undertaken by Department of Children and Families and/or police.</p> <p>If determined that a student has exhibited serious sexual behaviour, the following response actions are to commence, considering both the:</p> <ul style="list-style-type: none"> <li>• children who have engaged in the sexual behaviour</li> <li>• children who have been affected by the sexual behaviour.</li> </ul>	
<p>Response to the student (refer to section 8.1 Mandatory reporting)</p>	<p style="text-align: center;"><b>Engaged in the behaviour</b></p> <ul style="list-style-type: none"> <li>• Report the incident/allegation to <a href="#">Territory Families' Child Protection Hotline on 1800 700 250.</a></li> <li>• Keep the student supervised until other agencies provide advice or the care of the student is handed over to an appropriate parent or guardian.</li> <li>• If electronic technologies are involved, quarantine (unopened) until further advice from Territory Families /police.</li> <li>• If the student is under the care of Territory Families CEO, contact their case manager.</li> <li>• Depending on the student's age and any previous incidents, consider the appropriateness of immediate responses such as:             <ul style="list-style-type: none"> <li>○ establishing prohibited areas/activities</li> <li>○ monitoring arrangements</li> <li>○ detention or internal suspension to enable close monitoring of child (refer to <a href="#">Detention Guidelines</a>)</li> <li>○ suspension to provide time for the school to put appropriate measures in place (refer to <a href="#">Suspension Guidelines</a>)</li> <li>○ alternative education options for high risk students (refer to section 9)</li> <li>○ expulsion (refer to <a href="#">Expulsion Guidelines</a>).</li> </ul> </li> </ul>	<p style="text-align: center;"><b>Affected by the behaviour</b></p> <ul style="list-style-type: none"> <li>• Report the incident/allegation to <a href="#">Territory Families' Child Protection Hotline on 1800 700 250.</a></li> <li>• Maintain adult supervision of the student but allow a non-involved friend to support him/her if this is requested / seen to be helpful.</li> <li>• Positively reinforce the student's action in reporting the behaviour to adults (or through other peers).</li> <li>• Do not allow the student to leave the site until parents have arrived or their permission is given. (Exception: If school staff believe that the student will be at increased risk by informing the parents take direction Territory Families.)</li> <li>• If the student is under the care of Territory Families CEO, contact their case manager.</li> <li>• Advise the student about how to respond to questions and social media reports/comments from other students and which staff member will be supporting him or her.</li> </ul>
<p>Contact parents of the student</p>	<ul style="list-style-type: none"> <li>• Follow direction from Territory Families or police as to who contacts the parents,</li> <li>• Confirm with Territory Families or police that this contact is advisable.</li> </ul>	

<p><b>and establish student support plan</b> (refer to section 7)</p>	<p>where and at what time. Ensure supervision / take home is also discussed.</p> <ul style="list-style-type: none"> <li>• During initial contact with parents, arrange a meeting to discuss immediate responses and longer term response.</li> <li>• Establish a behaviour support plan in consultation with the student and parents as soon as possible (Attachment A refers). If suspension is used this will be part of the re-entry process.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure parents are aware of the agencies that may be interviewing their child or involved in providing support.</li> <li>• Discuss health and counselling services as part of the support planning, if required (Attachment C refers).</li> <li>• Arrange a meeting with parents to discuss the support and safety plan (Attachment B refers).</li> </ul>
<p><b>Advise management</b> (refer to section 8)</p>	<p>At the first practical opportunity the principal is required to advise the Regional Director of the incident and provide details of the school's response so far.</p> <p>The Regional Director will determine whether the deployment of a critical response team is warranted in the circumstances.</p> <p>If the principal considers that the child's presence at the school possesses an unacceptable risk to staff and students, approval for an alternative education option may be sought (refer to section 9).</p>	
<p><b>Inform other parents and service providers</b> (refer to section 9 and Appendix C)</p>	<p>Inform Territory Families or police if there is suspicion or knowledge that:</p> <ul style="list-style-type: none"> <li>• another student may have been affected by the behaviour, currently or in the past</li> <li>• another student witnessed the incident</li> <li>• accounts of the incident will be circulated amongst the school community or on social media.</li> </ul> <p>Confirm with Territory Families or police that contact with identified groups of parents is advisable.</p> <p>Provide relevant information to school leaders / authorities who share a duty of care for any student involved. For example:</p> <ul style="list-style-type: none"> <li>• out-of-school-hours care director</li> <li>• family day care provider</li> <li>• boarding house director.</li> </ul>	
<p><b>Record</b></p>	<p>Record the school's actions, any information sharing and the involvement of parents and/or other agencies.</p>	

## 7. STUDENT SUPPORT PLANS

### 7.1 Behaviour support plan

A behaviour support plan is to be developed in consultation with all stakeholders, including the child, where the child has exhibited concerning or serious sexual behaviour. The plan shall outline actions, expectations and the responsibilities of the school, student, parents and any external agencies in ensuring that an incident of this nature does not occur again. The plan is to be reviewed regularly to ensure its effectiveness.

The consequences of a failure of the child and/or their parents to comply with the requirements of the plan are also to form part of the plan. These may include:

- a mandatory report to Territory Families
- suspension of the student from the school
- provision of alternative education arrangements such as enrolment at Northern Territory Open Education Centre or Alice Springs / Katherine School of the Air (refer to section 9).

It should be noted that the effectiveness of a behaviour support plan relies on identifying the underlying causes of the student's behaviours. School staff should consult their student services support officer, the student's parents, school psychologist or other appropriate specialist/professional involved with the student. Failure to identify the underlying issue or issues can lead to the behaviours continuing, escalating or being replaced by other concerning or serious behaviours.

Attachment A provides a template for a behaviour support plan.

## **7.2 Support and safety plan**

A support and safety plan is to be developed for the child who has been affected by an incident of sexual behaviour in consultation with all stakeholders, including the child. The purpose of the plan is to ensure that the child is protected from any further incidents of this nature through the implementation of actions, expectations and responsibilities of the school, student, parents and any external agencies that may be involved in supporting the student and family. The plan is to be reviewed regularly to ensure its effectiveness.

Attachment B provides a template for a support and safety plan.

## **8. LEGAL OBLIGATIONS**

### **8.1 Mandatory reporting**

When responding to any incident of sexual behaviour, mandatory reporting obligations must also be considered and, where appropriate, form part of the response process. Any incident of serious sexual behaviour must be reported to the Territory Families [Child Protection Hotline on 1800 700 250](#).

School staff must report any sexual activity where a child under 18 years has suffered or is likely to suffer harm or exploitation. This includes sexual activity with a person who has a 'special care relationship' with the child for example teacher, coach, carer.

School staff must report sexual activity of anyone under 14 years of age.

Further information is provided in the [Mandatory Reporting of Harm and Exploitation of Children guidelines](#).

### **8.2 Children enrolled in early childhood programs**

If the matter involves a child enrolled in an early childhood education program, the matter must also be reported to QECNT as required by the [Education and Care Services \(National Uniform Legislation Act\)](#).

QECNT may be contacted via email at [qualityecnt.DET@nt.gov.au](mailto:qualityecnt.DET@nt.gov.au) or phone 8999 3561.

### **8.3 Protecting the identities of children**

Part 5.3, section 301, of the [Care and Protection of Children Act](#) makes it an offence to publish any material that may identify a child who is involved (whether as a victim or offender) in a sexual offence or alleged sexual offence.

Even where an incident is not considered to be a sexual offence, schools shall not publish the identity of students involved when communicating an incident to the school community.

#### **8.4 Information sharing**

Part 5.1A of the [Care and Protection of Children Act](#) allows information sharing authorities to share information that relates to the safety and wellbeing of children. This includes information about a person, other than the child, that directly or indirectly relates to the safety and wellbeing of the child.

The [Care and Protection of Children Act](#) provides a comprehensive list of who is considered to be an information sharing authority. This includes:

- a Chief Executive Officer of an agency or a public sector employee who is acting under the law of the Territory in relation to a child
- an approved provider of an education and care service operated under the [Education and Care Services \(National Uniform Legislation\) Act](#)
- a principal of a government or non-government school
- a teacher registered under the [Teacher Registration \(Northern Territory\) Act](#)
- a person in charge of an organisation that receives funding from the Commonwealth or Territory to provide a service, or perform a function, for or in connection with children.

This legislation allows for principals and teachers to share information regarding the safety and wellbeing of a child with other government agencies and/or services that have a role in supporting the needs of a child. This provision should be used to develop and implement student support plans.

#### **8.5 Information sharing with parents and other service providers**

As outlined in section 6, a school's response to problem sexual behaviour will often require information sharing with other professionals who have a duty of care to the child and the parents of children who are suspected of having been affected/harmed.

Sharing information is not complex if you have permission to do so and this is the recommended approach; however, it is also recognised that:

- it is not always safe to seek consent
- people will not always give consent when asked.

For some parents the idea of sharing information about their child's sexual behaviour is uncomfortable and may contradict their views about fairness. Schools must be sensitive to these responses but they must also act to protect against risks to the safety and wellbeing of others.

Appendix C provides a scenario of how a site leader should approach this type of situation and ensure that information is shared only in order for people to understand and protect against risk.

## **9. ALTERNATIVE EDUCATION OPTIONS**

Where a child is not responding to their behaviour support plan, and continues to exhibit serious problem sexual behaviour that possesses a significant risk to the safety and wellbeing

of staff and students, it may be appropriate to seek alternative education options for that student. This may include enrolment with a distance education provider such as the Northern Territory Open Education Centre or Alice Springs / Katherine School of the Air.

### **9.1 Approval process for alternative education options**

Where a principal believes that this is an appropriate course of action, they should undertake the following steps.

1. Suspend the student for the maximum period of one calendar month to allow time to gain approval and make relevant arrangements (refer to [Suspension guidelines](#)).
2. Advise the student and their parents (or, if the student is under the care of Territory Families CEO, their case manager) in writing of the intention to make alternative education arrangements for the student.
3. To ensure natural justice is afforded before a final decision is made, provide the student and their parent the opportunity to meet or make a submission to the principal within three working days.
4. Immediately consult the Regional Director regarding the intentions to seek an alternative education option for the student.
5. Forward a recommendation to the Deputy Chief Executive, School Education, through the Regional and Executive Directors via a submission that includes:
  - i. a copy of the Notice of Suspension
  - ii. the reasons for recommending an alternative education option, including a detailed account of the incident or incidents giving rise to the recommendation
  - iii. all relevant supporting documentation relied upon by the principal in reaching their decision including statements and any other evidence to be relied upon by the Deputy Chief Executive in making a decision
  - iv. where the student has a medical or other relevant condition which may give rise to the child having special needs, full particulars of any such condition(s) and the associated special needs
  - v. full particulars of the incident and copies of all correspondence and other details of communications with the student
  - vi. evidence of contact and advice provided by relevant agencies and/or health professionals
  - vii. all submissions, if any, made by or on behalf of the student.

The Regional Director must carefully check the recommendation and liaise with the principal and Legal Services to ensure it is appropriate to seek an alternative education option.

The Regional Director shall also identify the alternative education options that best suit the student's needs through liaising with the relevant principals and include this information with the recommendation to the Deputy Chief Executive.

The Executive Director shall also carefully check the recommendation, supporting documentation and identified alternative education option prior to forwarding to the Deputy Chief Executive.

The Deputy Chief Executive shall consider the recommendation of the principal, recommended alternative education option of the Regional Director and all relevant

documentation or further conversations to make an informed decision. The Deputy Chief Executive must advise the student and the parents of the decision in writing, including reasons for the decision.

Acknowledging that the Deputy Chief Executive must reach a decision and advise the student of decision before the period of suspension has expired, the steps outlined above must be carried out in a timely manner.

## **9.2 Children who have been convicted of a sex offence**

An alternative education option may also be sought to accommodate children who have been convicted of a sexual offence through the judicial system and the court charges the department with the responsibility to make provisions for their education.

It will often be the case that such children will not be engaged with a school and that it will be either the department's Court Liaison Officer or the child's Territory Families case manager who becomes aware of such students.

In such cases the Court Liaison Officer or the child's Territory Families case manager shall liaise with the Regional Manager Student Support to determine whether the most appropriate course of action is to seek an alternative education option. If so, the Regional Manager Student Support shall be responsible for providing recommendations to the Deputy Chief Executive as outlined in section 9.1.

# **10. LONG-TERM RESPONSE**

## **10.1 Children who have been convicted of a sex offence**

The school must continue to monitor the safety and wellbeing of children in accordance with the relevant behaviour support plan and support and safety plan. This shall include:

- continuing liaison with other agencies and professionals providing services
- maintaining and inviting regular communication with identified parents
- seeking support through the regional Student Support team, especially if a student has been placed in an alternative education option
- considering who else will need to understand the student support plans for all children involved
- initiating planning discussions with parents and agencies if behaviour does not improve
- continuing to record the school's actions.

## **10.2 Incident review**

The purpose of an incident review is to objectively analyse improvements to how the school managed the incident and what may help prevent another incident of the same kind.

A review process will vary from school to school and may:

- involve one or all of the following groups: school staff, children, parents, personnel from other agencies, regional staff
- be conducted via a written survey or through informal meetings
- be facilitated by the site leader, a nominated staff member or someone not employed at the site such as a critical incident response team member.

All review processes will have in common:

- documented summaries including proposed improvements
- how the result of the review will be communicated to school staff.

## 11. RECORDING INCIDENTS

All incidents of concerning and serious sexual behaviour and the school's response actions are to be recorded and kept as confidential records in accordance with school processes. The principal is responsible for managing such documentation and providing records to the department executive, police, Territory Families or any other stakeholder in keeping with the [Care and Protection of Children Act](#) as outlined in section 8.3.

Additionally, all incidents are to be recorded in SAMS against the records for each student involved in or affected by an incident, as outlined in the [Behaviour Manual for SAMS G2](#).

Where records are created in the course of actions such as suspension, alternative education options and expulsion, where copies are to be provided to regional or corporate offices, these documents must be recorded in TRIM using the appropriate security caveats to ensure confidentiality.

## 12. ACKNOWLEDGEMENTS

The department gratefully acknowledges:

- South Australian Department for Education and Child Development, Catholic Education South Australian and the Association of Independent Schools of South Australian (2013), [Responding to problem sexual behaviour in children and young people – guidelines for staff in education and care settings](#) South Australian: Government of South Australia, Department for Education and Child Development.
- Family Planning Queensland for granting copyright permission to utilise the [Traffic Lights® guide to sexual behaviours in children and young people](#)
- the support of Territory Families, the Department of Health and the Northern Territory Police with the drafting of this document.

## 13. LIST OF APPENDICES AND ATTACHMENTS

Appendix A: Traffic Lights® guide to sexual behaviours in children and young people

Appendix B: Identifying sexual behaviour scenarios

Appendix C: Sharing information scenario

Attachment A: Behaviour support plan template

Attachment B: Support and safety plan template

Attachment C: List of counselling support services

Signal	0 to 4 years	5 to 9 years	10 to 13 years	14 to 17 years
<p><b>RED</b></p> <p>Sexual behaviours which indicate or cause harm because they are:</p> <ul style="list-style-type: none"> <li>• excessive, compulsive, coercive, forceful, degrading or threatening</li> <li>• secretive, manipulative or involve bribery or trickery</li> <li>• not appropriate for the age and stage of development</li> <li>• between children with a significant difference in age, developmental ability or power</li> </ul> <p>These behaviours signal the need to provide immediate protection and follow up support.</p>	<p><b>0 to 4 years</b></p> <ul style="list-style-type: none"> <li>• compulsive masturbation which may be self injurious, of a persistent nature or duration</li> <li>• persistent explicit sexual themes in talk, art or play</li> <li>• disclosure of sexual abuse</li> <li>• simulation of sexual touch or sexual activity</li> <li>• persistently touching the genitals/private parts of others</li> <li>• forcing other children to engage in sexual activity</li> <li>• sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex</li> <li>• presence of a sexually transmitted infection</li> </ul>	<p><b>5 to 9 years</b></p> <ul style="list-style-type: none"> <li>• compulsive masturbation e.g. self injuring, self harming, seeking an audience</li> <li>• disclosure of sexual abuse</li> <li>• persistent bullying involving sexual aggression e.g. pulling/lifting/removing other children's clothing, sexually threatening notes, drawing, text messages</li> <li>• sexual behaviour with significantly younger or less able children</li> <li>• accessing the rooms of sleeping children to touch or engage in sexual activity</li> <li>• simulation of, or participation in, sexual activities e.g. oral sex, sexual intercourse</li> <li>• presence of a sexually transmitted infection</li> <li>• persistent sexual activity with animals</li> <li>• using mobile phones and internet which includes giving out identifying details or sexual images</li> </ul>	<p><b>10 to 13 years</b></p> <ul style="list-style-type: none"> <li>• compulsive masturbation e.g. self harming, seeking an audience</li> <li>• engaging vulnerable others in a process to gain sexual activity by using grooming techniques e.g. gifts, lies, flattery</li> <li>• force or coercion of others into sexual activity</li> <li>• oral sex and/or intercourse with a person of different age, developmental ability and/or peer grouping</li> <li>• presence of sexually transmitted infection or pregnancy</li> <li>• deliberately sending and/or publishing sexual images of self or another person</li> <li>• arranging a face to face meeting with an online acquaintance</li> <li>• sexual contact with animals</li> <li>• sexual activity in exchange for money or goods</li> <li>• possessing, accessing or sending child exploitation materials e.g. photos of children naked or in sexual activities</li> </ul>	<p><b>14 to 17 years</b></p> <ul style="list-style-type: none"> <li>• compulsive masturbation e.g. self harming, in public, seeking an audience</li> <li>• preoccupation with sexually aggressive and/or illegal pornography</li> <li>• sexual contact with others of significant age and/or developmental difference</li> <li>• engaging others in a process to gain sexual activity by using grooming techniques e.g. gifts, manipulation, lies</li> <li>• deliberately sending and/or publishing sexual images of another person without their consent</li> <li>• arranging a meeting with an online acquaintance without the knowledge of a peer or known adult</li> <li>• sexual contact with animals</li> <li>• sexual activity in exchange for money, goods, accommodation, drugs or alcohol</li> <li>• forcing or manipulating others into sexual activity</li> <li>• possessing, accessing or sending child exploitation materials</li> </ul>
<p><b>ORANGE</b></p> <p>Sexual behaviours which cause concern because of:</p> <ul style="list-style-type: none"> <li>• persistence, intensity, frequency or duration of behaviours</li> <li>• the type of activity or knowledge for the age and stage of development</li> <li>• inequality in age, size, power or developmental ability</li> <li>• risk to the health and safety of the child or others</li> <li>• unusual changes in a child's behaviour</li> </ul> <p>These behaviours signal the need to monitor and provide extra support.</p>	<p><b>0 to 4 years</b></p> <ul style="list-style-type: none"> <li>• masturbation in preference to other activities</li> <li>• preoccupation with sexual behaviours</li> <li>• persistently watching others in sexual activity, toileting or when nude</li> <li>• explicit sexual talk, art or play</li> <li>• following others into private spaces e.g. toilets, bathrooms to look at them or touch them</li> <li>• pulling other children's pants down or skirts up against their will</li> <li>• touching the genitals/private parts of other children in preference to other activities</li> <li>• attempting to touch or touching adults on the breasts, bottom, or genitals in ways that are persistent and/or invasive</li> <li>• touching the genitals/private parts of animals after redirection</li> </ul>	<p><b>5 to 9 years</b></p> <ul style="list-style-type: none"> <li>• masturbation in preference to other activities, in public, with others and/or causing self injury</li> <li>• explicit talk, art or play of sexual nature</li> <li>• persistent questions about sexuality despite being answered</li> <li>• persistent nudity and/or exposing private parts in public places</li> <li>• persistently watching or following others to look at or touch them</li> <li>• pulling other children's pants down or skirts up against their will</li> <li>• persistently mimicking sexual flirting behaviour too advanced for age, with other children or adults</li> <li>• touching genitals/private parts of animals after redirection</li> <li>• use of mobile phone and internet with known and unknown people which may include giving out identifying details</li> </ul>	<p><b>10 to 13 years</b></p> <ul style="list-style-type: none"> <li>• masturbation in preference to other activities, in public and/or causing self injury</li> <li>• persistent explicit talk, art or play which is sexual or sexually intimidating</li> <li>• accessing age restricted materials e.g. movies, games, internet with sexually explicit content</li> <li>• persistent expression of fear of sexually transmitted infection or pregnancy</li> <li>• marked changes to behaviour e.g. older or adult flirting behaviours, seeking relationships with older children or adults in preference to peers</li> <li>• engaging in sexual activities with an unknown peer e.g. deep kissing, mutual masturbation</li> <li>• oral sex and/or intercourse with a known partner of similar age and developmental ability</li> <li>• using mobile phones and internet with unknown people which may include giving out identifying details</li> </ul>	<p><b>14 to 17 years</b></p> <ul style="list-style-type: none"> <li>• sexual preoccupation which interferes with daily function</li> <li>• intentional spying on others while they are engaged in sexual activity or nudity</li> <li>• explicit communications, art or actions which are obscene or sexually intimidating</li> <li>• repeated exposure of private parts in a public place with peers e.g. flashing</li> <li>• unsafe sexual behaviour, including unprotected sex, sexual activity while intoxicated, multiple partners and/or frequent change of partner</li> <li>• presence of sexually transmitted infection or unplanned pregnancy</li> <li>• oral sex and/or intercourse with known partner of more than two years age difference or with significant difference in development</li> <li>• arranging a meeting with an online acquaintance accompanied by a peer or known adult</li> <li>• using mobile phones and internet to send or receive sexual images of another person with their consent</li> </ul>
<p><b>GREEN</b></p> <p>Sexual behaviours which are part of normal and healthy development and are:</p> <ul style="list-style-type: none"> <li>• spontaneous, curious, light hearted, easily diverted, enjoyable, mutual and consensual</li> <li>• appropriate to the child's age and development</li> <li>• activities or plays among equals in terms of age, size and ability levels</li> <li>• about understanding and gathering information, balanced with curiosity about other parts of life</li> </ul> <p>These behaviours provide opportunities to talk, explain and support.</p>	<p><b>0 to 4 years</b></p> <ul style="list-style-type: none"> <li>• comfort in being nude</li> <li>• body touching and holding own genitals</li> <li>• self-conscious masturbation</li> <li>• interest in body parts and functions</li> <li>• wanting to touch familiar children's genitals during play, toilet or bath times</li> <li>• participation in make believe games involving looking at and/or touching the bodies of familiar children e.g. "show me yours and I'll show you mine", playing 'family'</li> <li>• asking about or wanting to touch the breasts, bottoms or genitals of familiar adults e.g. when in the bath</li> </ul>	<p><b>5 to 9 years</b></p> <ul style="list-style-type: none"> <li>• increased sense of privacy about bodies</li> <li>• body touching and holding own genitals</li> <li>• masturbation, usually with awareness of privacy</li> <li>• curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children e.g. "show me yours and I'll show you mine", playing 'family'</li> <li>• curiosity about sexuality e.g. questions about babies, gender, relationships, sexual activity</li> <li>• telling stories or asking questions, using swear words, 'toilet' words or names for private parts</li> <li>• use of mobile phones and internet in relationships with known peers</li> </ul>	<p><b>10 to 13 years</b></p> <ul style="list-style-type: none"> <li>• growing need for privacy</li> <li>• masturbation in private</li> <li>• curiosity and seeking information about sexuality</li> <li>• use of sexual language</li> <li>• interest and/or participation in girlfriend or boyfriend relationships</li> <li>• hugging, kissing, touching with known peers</li> <li>• exhibitionism amongst same age peers within the context of play e.g. occasional flashing or mooning</li> <li>• use of mobile phones and internet in relationships with known peers</li> </ul>	<p><b>14 to 17 years</b></p> <ul style="list-style-type: none"> <li>• need for privacy</li> <li>• masturbation in private</li> <li>• accessing information about sexuality</li> <li>• viewing materials for sexual arousal e.g. music videos, magazines, movies</li> <li>• sexually explicit mutual conversations and/or use of humour and obscenities with peers</li> <li>• interest and/or participation in a one on one relationship with someone of the same or other sex</li> <li>• sexual activity with a partner of similar age and developmental ability (ability to consent must be considered)</li> <li>• use of mobile phones and internet in relationships with peers</li> </ul>

Traffic lights adapted from the Child at Risk Assessment Unit. (2000). Age Appropriate Sexual Play and Behaviour in Children. Canberra: Australian Capital Territory Government Community Care. 5-11.

Situation	Identification and response
<p>1 A group of five boys aged eight years simultaneously exposed their genitals to each other on the oval at lunch time. They are the same age, they had not done this before, the activity occurred in the open and all of the boys participated willingly in what, for them, was a funny activity.</p>	<p>While inappropriate in the setting, this behaviour is <i>age-appropriate</i> for the group involved and would be considered problem sexual behaviour only if it persisted after instructions that it not be repeated. It provides a teaching opportunity regarding social expectations and the impact of the boys' behaviour on others. Parents should be advised of the site's teaching and instruction regarding the incident and the age-appropriate nature of the activity reinforced.</p>
<p>2 A boy aged eight years exposed himself in a bullying fashion to a child aged six in the toilet block. Other children witnessed this and reported that the older boy was laughing at the younger boy while he obstructed the younger boy from leaving the toilet block. Other children described the younger boy as looking confused but not upset. While the school has had concerns about the older boy's general behaviour in class, this is the first time the school has become aware of him behaving in this particular way.</p>	<p>This behaviour is <i>concerning</i> because there is an age difference and, while the younger boy did not appear to be seriously impacted, the behaviour nevertheless involved aggression and this was witnessed by other children. It is also unclear whether the incident occurred spontaneously or whether the younger boy was targeted.</p> <p>The school's response should include clear directions to the eight-year-old regarding safe and healthy behaviour expectations, consideration of restricted play or yard supervision, discussion about the impact of his behaviour on others, communication with the parents of both boys and monitoring of the older boy's behaviour and the younger boy's wellbeing and confidence at school.</p>
<p>3 A 14-year-old boy with a severe intellectual disability has been masturbating in the classroom, on the bus and in the community. His developmental level is pre-operational phase. Many other students have witnessed his behaviour. Some have reacted aggressively and some have been frightened. The boy in turn has been upset by the reactions of other students. The boy's parents work closely with the school, regarding sharing their concerns and discussing strategies they use at home.</p>	<p>The behaviour is <i>concerning</i> because it is causing discomfort in others. It is also complicating the boy's ability to relate positively with his peers. Without a concerted effort to manage this behaviour and teach appropriate ways of exploring his sexuality, the boy will be at increasing risk of harm, not just from the reactions of other students, but from adults or young people who may attempt to exploit his sexual vulnerability.</p> <p>The school should make contact with the boy's parents to develop a specific, jointly implemented behaviour support plan to address the risks associated with his inappropriate masturbating and to ensure that all relevant information is shared about the boy's current circumstances. Other disability specialists from sector offices or disability organisations could contribute to this plan which should also include how the boy will be protected from the kind of exploitation to which he is more vulnerable while he masturbates publicly.</p>
<p>4 An 11-year-old boy used threats of violence to coerce a five-year-old boy to enter bushes behind the toilet block, and exposed himself to the younger boy. He made lewd suggestions to the boy about how he was going to use his penis with the other boy. This is the third occasion where the older student has engaged in problem sexual behaviour. He was banned from playing with children outside his year level and from being in or around the toilet block. His parents denied his behaviour when required to attend the site for discussion and they refused to take up referrals for counselling for their son. The school had made previous notifications to Department of Children and Families regarding emotional neglect and problem sexual behaviour. The five-year-old was clearly traumatised by the incident.</p>	<p>This behaviour is <i>serious</i> because it involved coercion, secrecy, appears compulsive and involves a significant age difference. The older boy has not responded to the school's previous interventions or bans, the staff members have concerns about the parents' denial of the problem and their unwillingness to act protectively towards their son so that he can access professional help. The staff members have serious concerns about the safety of other students.</p> <p>The school response should include immediate reporting to Territory Families, a joint discussion regarding the next actions to establish safety for all the children and young people concerned, and relevant communication with parents.</p> <p>This situation requires careful protection of the identities of the children and young people involved in keeping with the requirements of Part 5.3, section 301, of the <a href="#">Care and Protection of Children Act</a>.</p>

## Scenario

*Samantha is in year five and has twice engaged in sexual behaviour that has been directed at younger children in the school. The second episode was serious resulting in physical and emotional harm to another young student, Kelly. The principal meets Samantha's parents to amend the original behaviour support plan that the school had established with them. The amended plan includes getting their consent for the classroom teacher to share information with the psychologist who currently meets with Samantha on a weekly basis. The parents consent to this.*

*The principal then asks the parents to consent to her sharing information with the director of the out-of-school-hours care (OSHC) service where Samantha attends. Samantha's mother becomes very distressed and expresses her fear that her daughter will be labelled forever and be ostracised by other children. She says she won't consent to the information being shared and her husband backs her up.*

*The principal explains that Samantha would be most harmed if she engages in another incident of coercive sexual behaviour and that the best way for her to establish a positive reputation with her peers will be by ensuring she is protected from the opportunity to harm others. The principal explains that only information relevant to children's safety will be shared. Only the OSHC director would be told the detail of the incidents; the other staff would have instructions about where and with whom Samantha could play and how she would need to be monitored.*

*The principal suggests the parents go home to think further about things but explains that ultimately she will need to talk to with the director and her preference is to do so with the parents' consent. The parents give consent the next day by telephone. The principal records this information along with all the action she has taken supporting Samantha. She is aware that although the parents have consented there are still possibilities that the situation may become contentious.*

Information is shared only in order for people to understand and protect against risks so, in the Samantha case (above), the following information sharing might occur.

Individuals involved	Relevant information shared
Principal and OSHC director	<ul style="list-style-type: none"> <li>History of Samantha's behaviour and the school's behaviour support plan</li> <li>Samantha's parents' consent for the information sharing</li> <li>Name of the child attending the OSHC site who has been affected by Samantha's behaviour – Kelly</li> <li>Kelly's parents' consent for the information sharing</li> </ul>
OSHC director and OSHC staff	<ul style="list-style-type: none"> <li>Details of Samantha's school's behaviour support plan that are relevant to the OSHC site and can be reinforced by OSHC staff (e.g. not playing with Kelly)</li> <li>How OSHC staff can redirect Samantha if she doesn't follow her behaviour support plan, and what to report to the OSHC director</li> </ul>
OSHC director, Samantha and Samantha's parents	<ul style="list-style-type: none"> <li>Information the OSHC staff have been given about how to assist Samantha with her behaviour support plan</li> <li>Information that Kelly and her parents have been given about Samantha's behaviour support plan</li> </ul>
OSHC director and parents of Kelly, the affected child	<ul style="list-style-type: none"> <li>Details of Samantha's behaviour support plan that involve contact with Kelly at the site and the instructions OSHC staff have been given to help Samantha follow her behaviour plan</li> </ul>