

## STUDENT CRITICAL INCIDENT POLICY

### RATIONALE

Darul Ulum College of Victoria is committed to providing a safe and supportive learning environment for all students. Effective schools create learning environments that deliver the best possible educational outcomes for all students and ensure the creation of strong school communities.

The Student Critical Incident Management Team (SCIMT) is composed from the senior administration and the Student Well-being personnel. CIMT ensures appropriate support mechanisms are in place to maximize the health and well-being of all students involved in sexually related incidents.

The Student Critical Incident Management Team (SCIMT) will:

1. provide timely and appropriate advice;
2. support teachers to respond to critical incidents;
3. assist staff to manage sexually related incidents in a manner that ensures adverse impact on the school community is minimized;
4. monitor the progress of management of such incidents;
5. ensure that appropriate recovery measures such as counseling are provided to support those involved in allegations of sexual assault; and
6. facilitate the provision of a suitable level of support to school staff and members of the school community who are impacted by the incident.

CIMT prepares procedures to ensure appropriate management of allegations of sexual assault. CIMT works closely with other key agencies, such as *Victoria Police* and the *Department of Human Services*.

### Defining Sexual Assault (Department of Education)

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

Consent is not a defense to some sexual offences, particularly those relating to the sexual exploitation of young people under the age of 16 years and people with cognitive impairment. Consent is also not a defense to sexual offence or indecent act with a child under the age of 18 years, who is also under that person's care or supervision.

'Indecent assaults' are assaults that are accompanied by circumstances of indecency. Examples are: unwelcome kissing, touching etc. Indecent assault can also include other behaviors that do not necessarily involve actual touching.

These procedures apply to instances where a student is alleged to be involved in a sexual assault either as victim or perpetrator and the allegation is:

- a) disclosed at school; or
- b) occurs at school on school premises/grounds; or
- c) occurs on the way to or from school; or
- d) occurs while a student is otherwise in school care.

'**Student sexual assault**' includes allegations of sexual assault of a student by another student, by a child under 18 years of age who is not a student, or by an adult. Student sexual assault

also refers to allegations that a student is a perpetrator of sexual assault against another student, a child who is not a student of the school or an adult who is not a staff member - when the school has primary care of the student in question. This includes during school hours, on school premises, or at school camps or excursions etc.

‘Sexual harassment’ is unlawful behaviour under the Commonwealth Sex Discrimination Act 1984 and the Victorian Equal Opportunity Act 1995. It occurs when a person engages in any unwelcome or unreciprocated conduct of a sexual nature (written or verbal), in circumstances which could reasonably be expected to cause offence, humiliation or intimidation.

Upon being informed of an incident, the Principal and teacher responsibilities include:

- responding to a disclosure of sexual assault from a student;
- providing clear information to the student about what will happen next;
- informing the Principal immediately of what is alleged to have occurred; and
- providing support to the student who has disclosed sexual assault/sexual abuse.

## PROCEDURES IN MANAGING ALLEGATIONS OF SEXUAL ASSAULT

1. The Principal has primary responsibility for managing the school response to allegations of student sexual assault together with the CIMT. Victoria Police has primary responsibility for conducting criminal investigations into alleged sexual assault. *The Department of Human Services Child Protection* has primary responsibility for child protection and welfare investigations (sometimes in conjunction with *Victoria Police*).
2. Where a disclosure of alleged student sexual assault is made to a staff member, the staff member must inform the Principal as soon as possible. It must be on the same day as the disclosure occurred.
3. Staff should not make judgments about the validity of the allegation. It is not the role of the Principal or school staff to prove that sexual assault has occurred.
4. Once a student discloses an alleged sexual assault, the Principal (or delegate) must take immediate action.
5. To minimise the impact of the trauma for the student, the Principal is to ensure all students involved in an allegation of sexual assault receive effective and ongoing support.
6. Principal must ensure that when an allegation of student sexual assault is disclosed, they act in a timely, sensitive and supportive manner.
7. The following information should be viewed in conjunction with flowchart 1. It is important to immediately provide a safe environment for the alleged victim. Ensure that the alleged victim and other students involved are separated and provide staff support for each student.
8. Address duty of care issues for all students involved. Principal will need to inform students of the obligation to report the incident to Victoria Police SOCA Unit and, if appropriate, DHS Child Protection. In the case of an emergency Principal must call for medical and police assistance.
9. The student must be informed by the Principal or staff member that confidentiality cannot be maintained when the Principal or staff member is concerned that someone is harming the student and/or believes that the student is at risk and/or believes that other people are at risk.
10. This should be done in language appropriate to the student’s age and stage of development.

11. The Principal or staff member should explain to the alleged victim that they need to contact their parents/guardians.
12. If the Principal is concerned for a student's safety and believes that the parents/guardians are unlikely to provide protection, a report must be made to DHS Child Protection.
13. In providing support to the alleged victim's parents/guardians, the Principal or the delegate should:
  - remain calm;
  - listen attentively;
  - validate concerns;
  - establish limits with confidentiality;
  - be empathetic to feelings; and
  - emphasise the need for specialist assistance and offer to assist with a referral to external specialist support.
14. The Principal should advise the alleged victim's parents/guardians:
  - of what the student has told them;
  - of the action the school has taken to date;
  - who is aware of the allegations;
  - that police have been contacted and police will conduct an investigation (where required);
  - of the name and contact phone number of the officer who is dealing with the investigation;
  - that they are likely to be contacted by police; and
  - that the investigation may take some time and ask what further information they would like and how the school can assist them.
15. The principal and staff must keep written records of all discussions relating to the incident and/or allegations made as close in time as possible to the event. These records should be in hard copy and placed in a separate file. The file must be labeled 'confidential' and held in a secure cabinet, preferably in the Principal's office with access limited to the Principal and his delegate.
16. These records should be clear, legible and include:
  - date, time, place, name/s of persons involved;
  - content of the discussions and an account of the event, and
  - signature and dates.
17. The following information will enable the Principal to effectively provide a long-term response to an alleged sexual assault, including:
  - providing support to students during police interviews;
  - handling media enquiries;
  - providing continuing support to students;
  - providing support to staff;
  - attending court if required;
  - undertaking a school level inquiry in certain circumstances;
  - communicating with the school community; and responding to complaints or concerns.
18. It is important that strategies are in place to ensure that the health and well-being of all students is the highest priority. The Principal should:
  - continue liaising with Victoria Police and/or DHS Child Protection until the investigation is completed;
  - develop short-term action plans for all students involved in an allegation of sexual assault, including the alleged perpetrator;
  - continue to monitor the situation and provide support for the students and families involved, which may extend over a period of time;

- ensure ongoing education and support services are provided for all students involved;
- develop a Management Support Plan with individual students and their parents/guardians, (including external support agencies where appropriate);
- maintain ongoing contact with the parents/guardians;
- assist with arranging specialist counseling where required;
- address concerns as they arise;
- provide school-level supports (e.g. form teacher, year level and student well-being coordinator);
- assist in the student's return to school;
- monitor the student's health and well-being; and
- prepare and review any Management Support Plan in place on a regular basis. (The Management Support Plan is an individual plan to assist the school to take a structured approach to the ongoing welfare of the student. Suggested strategies for developing a Management Support Plan are provided in Appendix 2).

In Victoria, sexual assault alleged to be perpetrated by a child aged less than 10 years cannot be criminally prosecuted. Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. The term 'inappropriate sexual behaviour' is used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute a sexual assault.

It should be understood that sexualized behaviour among children under 10 years old can present a broad continuum, ranging from experimental behaviours to behaviours that are very concerning.

It is important to consider the context of any alleged sexual behavior of students, taking into consideration their developmental age and cognitive functioning, so that an informed decision about appropriate action can be made. It is important to understand that some children are likely to engage in some level of sexualized behaviour, that it does not necessarily indicate a problem, and that it is part of the child's development to learn behaviour that is appropriate at school.

**Abdurrahman Gokler**  
Principal

Date of Review: Term 1, 2019  
Next Review: Term 1, 2021

## Flow chart 1

Provide a safe environment for the alleged victim. Separate the alleged victim and others involved, and provide staff support for each individual. Address duty of care issues for all students involved.



Inform the student of your obligation to report the incident to Victoria Police and, if appropriate, DHS Child Protection.



Report the incident to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit.



Contact the parents of the alleged victim unless circumstances indicate this should not occur. Responding to Allegations of Student Sexual Assault for further information.



Document the disclosure and ensure that staff have documented their actions.



Other than ensuring the safety of all involved, there should be no detailed communication with alleged perpetrators, their parents/carers and any other students involved until after approval from the Victoria Police SOCA Unit.

This flowchart must be followed step by step in dealing with allegations of student sexual assault.



## Appendix 1 - Documentation Pro forma

Log of actions - Response to Allegation of Sexual Assault	
Incident Details	
Date of Incident	
Time of Incident	
Who reported the incident	
Incident location	
Who was involved in the incident	
Who witnessed the incident	

Any actions taken in response to an allegation should be included herein:

Date	Time	Action taken	Noted by



## Appendix 2 - Sample Management Support Plan

Student's Name:

Year Level:

An individual Management Support Plan must be specifically developed for each student involved in an allegation of sexual assault. The Management Support Plan must to be developed with the student, the parents/carers and relevant staff. It is advisable that external agencies providing support are involved. The Management Support Plan must be signed by the Principal, parents/carers and the student.

The purpose of a student-specific Management Support Plan is to maintain safety and wellbeing and meet the school's duty of care to all students.

This information is confidential and should be kept securely.

Categories	Management Strategies	Responsible Person
Internal and External Support	<ul style="list-style-type: none"> <li>What supports are currently in place for the student (i.e. counselling and return to school strategies)?</li> <li>Have you identified a key teacher to provide support?</li> <li>Does the student require a Personal Safety Plan?</li> <li>Is an individual intervention program required?</li> </ul>	
Educational Support	<ul style="list-style-type: none"> <li>If the student is absent from school for more than one week, what school work is being provided to the student?</li> <li>Who will provide feedback to the student on their performance and out of school work?</li> <li>Is extra support required (i.e. tuition)?</li> </ul>	
Yard Duty	<ul style="list-style-type: none"> <li>Has the teacher on yard duty been provided with sufficient information to provide a safe environment for the student?</li> </ul>	
Start of the day	<ul style="list-style-type: none"> <li>Does someone need to meet the student</li> </ul>	
End of the day	<ul style="list-style-type: none"> <li>Does someone need to wait for the student to be collected?</li> </ul>	
Whole School Events, Camps or Excursions	<ul style="list-style-type: none"> <li>What advice does the supervising teacher need?</li> <li>What strategies need to be put in place to ensure the safety of all students?</li> </ul>	
Review	<ul style="list-style-type: none"> <li>When, how frequently and by whom with the Management Support Plan be reviewed?</li> </ul>	

### Contact details

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