# Child Safe Standards Case Study – Staff conduct, supervision and student empowerment

Child Safety – Case studies and conversation starters #3

## **Part 1**

Paul is an Education Support staff member at Gumtree Primary School, a mid-sized primary school in a regional town. He provides support to a number of students at the school who need help with reading. Usually, he supports students in the small group learning space, which is a windowless room that is down the hallway from the Grade 5/6 area, in an area of the school that has low ‘foot traffic’ from staff or students.

Paul is close to many of the students at the school, sharing in-jokes and nicknames with each other, and regularly chatting about life outside of school.

Paul has been working at Gumtree Primary School for 15 years and is a well-respected member of the school community, where he knows a lot of the families from his involvement in the local football and netball club as well as his work at the school.

Jessie joins Gumtree Primary School as a new grade 6 teacher and is surprised about the level of familiarity between Paul and many of the students. She has noticed that Paul greets some students with a playful ‘arm over the shoulder’ wrestle and seems to take a special interest in some of the grade 4 girls. Jessie has seen some of these girls painting Paul’s nails at recess and has overheard Paul telling them about his dating life.

Jessie has noticed that Paul has started spending time with a group of grade 4 girls in one of the classrooms at lunchtime. She also overheard one of the girls excitedly telling her friends that Paul had given her a voucher for an online video game store.

Jessie thinks that some of Paul’s behaviour is strange in a school environment but decides not to raise her concerns with the principal because she thinks Paul might know some of the students outside of school, which might explain his closeness to them.

## **Questions**

1. **Should Jessie be concerned about Paul’s behaviour?**
2. **What reservations/concerns might Jessie have about speaking up about Paul’s behaviour?**
3. **What would you do if you were in Jessie’s position?**

## **Part 2**

Late in term 2, Jessie delivers a Respectful Relationships activity from the Resilience Rights and Respectful Relationships teaching resource on protective behaviours to her class to remind them about body safety, consent and who they can speak to if they ever feel worried, unsafe or uncomfortable. She is surprised that the content seems new to the students. She mentions this to the Assistant Principal, Dave, after class and Dave acknowledges that the school hasn’t been teaching the Respectful Relationships program for the last couple of years, as staff were uncomfortable talking about ‘consent and body stuff’ with students.

The next week, one of Jessie’s students, Miranda, approaches Jessie outside the staffroom and asks to speak with her privately. Jessie takes Miranda to a quiet area of the library where they are out of earshot from others, but within line of sight of the school librarian. Miranda tells Jessie that she’s been thinking about their class about body safety and had remembered something that happened a couple of years ago that didn’t feel right to her. She tells Jessie that when she was in grade 4 she had gone into the small group learning space towards the end of a school day to tell her friend Kate that their teacher had ended the class early so that everyone could have some ‘free time’ as a reward for their good listening that week. When Miranda opened the door to the small group learning space, she had seen Paul sitting very close to Kate with one hand up Kate’s dress and another hand on Kate’s chest area. Miranda had quickly left the room and gone back to her class.

The next day Paul had approached Miranda in the school yard and told her that when Miranda had come into the Reading Room the day before, Kate had just had an ‘accident’ and Paul was helping her to clean herself up. She asked Miranda not to tell anyone about what she had seen, because she didn’t want Kate to be embarrassed.

Miranda has been having nightmares all week since remembering this incident and has started feeling scared and worried when she sees Paul at school. She hasn’t told her parents because she feels terrible that she didn’t tell anyone about what she had seen at the time. Miranda is worried that other similar things might have happened to other students because of rumours she’s heard that Paul is ‘touchy feely’.

## **Questions**

1. **What should Jessie say to Miranda?**
2. **What action(s) must Jessie take in response to the information that Miranda has shared?**
3. **What steps could Dave take to support all staff to deliver the Respectful Relationships curriculum?**

## **Part 3**

Jessie decides that she needs to speak with her principal, Barb, about the situation. Barb becomes pale and quiet when Jessie shares what Miranda has told her and the things that Jessie has herself observed about Paul’s behaviour at school. Barb tells Jessie that another staff member had reported seeing Paul rub a student’s bottom over their school dress several years ago, but that it had all been a ‘misunderstanding’ as Paul had explained at the time that he had just been adjusting the girl’s dress so that no one would see her underpants. Barb also shares that she’s seen Paul driving some of the girls to netball training after school so that they don’t have to take the local bus. Barb had assumed that their parents had agreed to this arrangement but has never discussed it with Paul or the parents.

## **Questions**

**What action(s) must Barb take in response to the concerns that Jessie has raised?**

***Refer to the prompts to support discussion and answers on the following page.***

PROMPTS TO SUPPORT DISCUSSION

## **Use the below questions and prompts to generate staff discussion.**

* Discussion could take place either in smaller groups that report back, or as a whole staff group.
* Ensure staff are informed of the answers outlined further below before the end of the session.
1. **Should Jessie be concerned about Paul’s behaviour?**
* Prompt staff to consider whether there could be a benign explanation for Paul’s behaviour.
* Prompt staff to consider your school’s Child Safety Code of Conduct and the Victorian Teaching Profession’s Code of Conduct [(VIT Code of Conduct).](https://www.vit.vic.edu.au/maintain/conduct/codes) Are there any behaviours outlined in those documents that relate to this situation?
* Prompt staff to consider the department’s guidance on behavioural indicators for perpetrators of child sexual abuse at [Identify Child Abuse](https://www.schools.vic.gov.au/identify-child-abuse?Redirect=1)
1. **What reservations/concerns might Jessie have about speaking up about Paul’s behaviour?**
* Prompt staff to consider any potential barriers, worries or concerns (either for Paul or for herself) that may make Jessie reluctant to speak up about Paul’s behaviour.
1. **What would you do if you were in Jessie’s position?**
* Prompt staff to consider your school’s Child Safety Responding and Reporting Obligations Policy and Procedure and the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy.
1. **What should Jessie say to Miranda?**
* Prompt staff to consider Part B of your school’s Child Safety Responding and Reporting Obligations Policy and Procedure (i.e. ‘Managing disclosures of Child Abuse’)
1. **What action(s) must Jessie take in response to the information that Miranda has shared?**
* Prompt staff to consider your school’s Child Safety Responding and Reporting Obligations Policy and Procedure and the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy.
1. **What steps could Dave take to support all staff to deliver the Respectful Relationships curriculum?**
* Prompt staff to consider the department’s [Sexuality and Consent Education](https://www2.education.vic.gov.au/pal/sexuality-education/policy) policy on the Policy and Advisory Library (PAL), and the resources on [Consent Education](https://arc.educationapps.vic.gov.au/learning/resource/69490) and [Resilience Rights & Respectful Relationships](https://edugate.eduweb.vic.gov.au/edrms/project/CSS/CapacityBuildingTraining/2024_Training/Resilience%20Rights%20%26%20Respectful%20Relationships) available on Arc Learning.
1. **What action(s) must Barb take in response to the concerns that Jessie has raised?**
* Again, prompt staff to consider the school’s Child Safety Reporting and Responding Obligations Policy and Procedures and the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy.
* Prompt staff to consider which areas of the department may be able to support Barb to manage this situation and who Barb would need to contact about the concerns raised under Critical Action 2 (‘Reporting to authorities/referring to services’).
* Prompt staff to consider Critical Action 3 (‘Contacting parents/carers’) and whether both Miranda and Kate’s parents need to be informed of the issues Miranda has raised.
* Prompt staff to consider the actions the school may need to take under Critical Action 4 (‘Providing ongoing support’) including whether a safety plan may be needed for both Miranda and Kate, whether referrals to specialist clinical services may be needed for Kate (e.g. the local CASA or Sexual Assault Service) and whether SSS support may be needed for Miranda.
* Prompt staff to consider whether there are any risks arising from the school’s physical environment and child safety practices and how these could be addressed (e.g. the use of a windowless room in an area of the school with poor visibility/foot traffic for 1:1 interaction with students).
* Prompt staff to consider whether the school should have taken any steps to increase monitoring/supervision of Paul after the earlier concerns had been raised, and whether the school’s general staff supervision/monitoring practices may need to be reviewed.
* Prompt staff to consider whether additional steps need to be taken to ensure that students are informed about body safety and who they can speak to at school if they feel unsafe, uncomfortable or worried at any time.

**For the answers to these questions, refer to the following page.**

ANSWERS

1. **Should Jessie be concerned about Paul’s behaviour?**

Paul’s conduct is consistent with some of the behavioural indicators of perpetrators of child sexual abuse outlined in the department’s PROTECT guidance at [Identify Child Abuse](https://www.schools.vic.gov.au/identify-child-abuse?Redirect=1) including:

* Touching a child inappropriately
* Obvious or inappropriate preferential treatment of particular students
* Giving gifts to students
* Bringing up sexual material or personal disclosures into conversations with a student
* Having inappropriate social boundaries with students
* Offering to drive students to or from school

The school’s Child Safety Code of Conduct is likely to have a statement that says a staff member must not:

* develop a relationship with any student that could be seen as favouritism or amount to ‘grooming’ behaviour (for example, by offering gifts to particular students)
* display behaviours or engage with students in ways that are not justified by the educational or professional context
* discuss intimate topics or use sexualised language, except when needed to deliver the school’s curriculum or professional guidance
* ignore an adult’s overly familiar or inappropriate behaviour towards a student

The [VIT Code of Conduct](https://www.vit.vic.edu.au/maintain/conduct/codes) requires teachers to interact with learners without displaying bias or preference. It also states that a professional relationship will be violated if a teacher gives gifts to learners or their parents/carer that could be reasonably perceived as showing bias or favouritism.

1. **What reservations/concerns might Jessie have about speaking up about Paul’s behaviour?**

Jessie may be concerned about the impact that speaking up could have for Paul and may be worried that she has ‘got it wrong’ and that there is an innocent explanation for Paul’s behaviour.

Jessie may also be worried about the personal ramifications of speaking up, particularly in a smaller community, and could be worried about possible community backlash, being ostracised or losing friends.

1. **What would you do if you were in Jessie’s position?**

All schools are required to have procedures for responding to complaints and concerns relating to child abuse. For government schools that have used the child safety templates from the [School Policy Templates Portal](https://edugate.eduweb.vic.gov.au/edrms/keyprocess/cp/SitePages/SchoolPoliciesDetail.aspx?CId=66), these procedures will be recorded in the school’s Child Safety Responding and Reporting Obligations Policy and Procedure.

Jessie must immediately follow the procedures in this document to report her concerns to school leadership. Jessie can also find guidance on her reporting obligations in the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy. Paul has shown concerning behavioural patterns and likely breaches of the school’s Child Safety Code of Conduct and the VIT Code of Conduct. School leadership must contact [Conduct and Integrity Division](https://www2.education.vic.gov.au/pal/complaints-misconduct-and-unsatisfactory-performance/overview) for advice and support, including advice on whether the matter should be raised with Paul (and how to do so) and whether the behaviour would constitute [reportable conduct](https://www2.education.vic.gov.au/pal/reportable-notifiable-conduct/policy).

If staff are uncertain if an incident or suspicion gives rise to a concern about abuse, they must always err on the side of caution and report the concern to school leadership or the nominated contacts in the school’s policy. If the complaint relates to the principal, they must contact the [relevant regional office](https://www.vic.gov.au/contact-us-department-education#regional-office-contact-list) for their school and they can refer to [Complaints – Information for Employees](https://www2.education.vic.gov.au/pal/complaints-information-employees/overview) policy on the department’s [Policy and Advisory Library](https://www2.education.vic.gov.au/pal/reportable-notifiable-conduct/policy) (PAL).

1. **What should Jessie say to Miranda?**

Appendix B of the school’s Child Safety Responding and Reporting Obligations Policy and Procedures will include information for staff on:

* the actions they should take to manage a disclosure relating to child abuse (e.g. staying calm and using a neutral tone, not asking leading questions, reassuring the child that disclosing the matter was important for them to do); and
* the things that should be avoided when managing a disclosure (e.g. asking questions that are investigative and potentially invasive, making comments that would lead the student to believe that what has happened is their fault, making any promises that the information will be kept confidential).
1. **What action(s) must Jessie take in response to the information that Miranda has shared?**

As set out above, Jessie must immediately follow the procedures in Gumtree Primary School’s Child Safety Responding and Reporting Obligations Policy and Procedure to report her concerns to school leadership (and can find further guidance on her reporting obligations in the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy).

1. **What steps could Dave take to support all staff to deliver the Respectful Relationships curriculum?**

Resources are available to support schools to implement the Respectful Relationships curriculum on [Arc Learning](https://arc.educationapps.vic.gov.au/learning/resource/49992), and on the Resources page of the [Sexuality and Consent Education Policy](https://www2.education.vic.gov.au/pal/sexuality-education/resources) on the Policy and Advisory Library, including a series of [on-demand videos](https://www.vcaa.vic.edu.au/curriculum/foundation-10/crosscurriculumresources/respectful-relationships/Pages/TeachingResources.aspx) developed by the VCAA to support teachers to plan, implement and assess Respectful Relationships in the Victorian Curriculum F-10.

Respectful Relationships training and professional learning is also available for schools by contacting respectful.relationships@education.vic.gov.au or Respectful Relationships Area-based teams.

1. **What action(s) must Barb take in response to the concerns that Jessie has raised?**

Barb must follow Gumtree Primary School’s procedures for responding to complaints and concerns relating to child abuse which should be outlined in their Child Safety Responding and Reporting Policy and Procedure and must also follow the department’s [Protecting Children – Reporting and Other Legal Obligations](https://www2.education.vic.gov.au/pal/protecting-children/policy) policy. This would include:

* contacting [Conduct and Integrity Division](https://www2.education.vic.gov.au/pal/complaints-misconduct-and-unsatisfactory-performance/overview) for advice and support, including advice on whether the matter should be raised with Paul (and how to do so) and whether the behaviour would constitute [reportable conduct](https://www2.education.vic.gov.au/pal/reportable-notifiable-conduct/policy) and require the department to make a reportable conduct notification to the Commission for Children and Young People;
* reporting the matter to the [Incident Support and Operations Centre](https://www2.education.vic.gov.au/pal/reporting-and-managing-school-incidents-including-emergencies/policy).

Conduct and Integrity Division will provide advice on investigating and managing Paul’s conduct, including reporting to Victoria Police. Conduct and Integrity Division is also responsible for the notification of allegations to the Commission for Children and Young People Children under the Reportable Conduct Scheme.

The school should also:

* seek advice from Legal Division on other steps they will need to take to meet their duty of care to Kate and Miranda, and possibly to other students (further advice will need to be sought if new information comes to light following the investigation). This may include:
	+ working with health and wellbeing staff in the school or regional office for expert advice on supporting Kate and Miranda’s wellbeing
	+ considering referrals to specialist support services (e.g. the local CASA or Sexual Assault Service)
	+ developing safety plans for Kate and Miranda
	+ sending appropriate communication to the school community about child safety and how to provide feedback on the school’s child safety framework or raise any child safety concerns
* ensure Jessie is supported to feel comfortable that reporting was the right thing to do and offer [Employee Wellbeing Support](https://www2.education.vic.gov.au/pal/occupational-health-safety-wellbeing-management/guidance/employee-wellbeing-support-services) to Jessie
* record all the actions taken to address Paul’s behaviours in accordance with advice from Conduct and Integrity Division
* review the school’s child safety and wellbeing policies, procedures and practices and the school’s Child Safety Risk Register to determine if any improvements need to be made in light of the concerns raised by Jessie and communicate with families about any changes made as a result of this review. This could include:
	+ ensuring the school no longer uses spaces with poor visibility for 1:1 interactions with students
	+ ensuring the school contacts Conduct and Integrity Division for advice whenever concerns or allegations are raised about staff behaviour that could constitute [reportable conduct](https://www2.education.vic.gov.au/pal/reportable-notifiable-conduct/policy)
	+ reviewing the school’s approach to monitoring and supervision of staff, particularly after child safety concerns have been raised
	+ reviewing the child safety training that has been provided to staff, and considering whether staff need refresher training on identifying possible child abuse (including grooming), staff behavioural expectations (e.g. the Code of Conduct and expectations about staff members maintaining professional behaviour towards students), and responding and reporting obligations
	+ ensuring the school is following the department’s [Private Vehicle Use](https://www2.education.vic.gov.au/pal/private-vehicle-use/policy) policy and that requirements relating to the transportation of students in private vehicles have been communicated to staff
	+ reviewing the child and student empowerment strategies in place at the school and considering whether those strategies need to be strengthened to ensure that students are equipped to identify inappropriate behaviour and raise any concerns with school staff (including considering actions that can be taken to strengthen the school’s implementation of the Respectful Relationships curriculum)

The School Compliance Unit can provide assistance with these steps: school.compliance@education.vic.gov.au