# Child Safe Standards Case Study – Staff conduct and responding requirements

Child Safety – Case studies and conversation starters #2

Nadia is a graduate teacher at Smith Secondary College. Craig has been teaching for 8 years and is the year 9/10 leader. Craig has been a generous mentor for Nadia and she admires his ability to engage the students in their learning, even if his humour can be a little irreverent at times.

As Term 1 progresses, Nadia notices that Craig seems to treat one particular student, Bella, more favourably than the others. Bella is in Nadia’s Year 9 science class and Nadia is aware that Bella’s parents have been going through an acrimonious separation. She thinks that Craig is probably trying to ensure Bella feels supported at school.

Walking past Craig’s office one afternoon, Nadia notices Bella is in the office with Craig, in deep discussion. The door is closed, but there are plenty of windows in the office to the outside corridor.

A few weeks later when Nadia is on after school yard duty, she observes Craig and Bella walking out of the school grounds together. They pause at Craig’s car and remain in amicable discussion for quite some time. Craig opens the front passenger seat and makes a motion for Bella to hop in, but Bella laughs and waves goodbye, heading towards the train station.

At Term 2 parent teacher interviews, Bella’s mother mentions to Nadia that Craig has been an enormous support to Bella throughout the year, sometimes even helping her out on the weekend

The next day, Nadia notices Craig whispering something to Bella and passing her a wrapped gift. In the yard, Nadia approaches Bella and gently asks about the gift. Bella looks a little embarrassed and denies she received anything from Craig.

Nadia feels uncomfortable with some of the conduct she has witnessed but is not sure if she is being unfair to Craig and thinks she may be overreacting. She also worries about the impact on Craig if she raises her concerns with school leadership but she’s aware that some of this behaviour may be overstepping the professional boundaries for a teacher.

**Refer to the questions and prompts on the following page**

QUESTIONS AND PROMPTS FOR SCHOOL STAFF

## **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. **Is Nadia overreacting by feeling concerned about this conduct?**

Prompt staff to consider whether there could be a benign explanation for Craig’s behaviour, for example by considering whether Craig may genuinely think he is supporting Bella etc

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 should Nadia do?**

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. **Is Nadia right to be worried about the impact on Craig if she reports her concerns?**

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 school leadership do?**

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.

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

ANSWERS

1. **Is Nadia overreacting by feeling concerned about this conduct?**

Craig’s conduct towards Bella 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:

* Obvious or preferential treatment of a student
* Giving gifts to students
* Offering to drive a student to or from school
* Befriending the parents themselves (this has possibly happened given Bella’s mother’s comment at the parent teacher interviews)
* Inappropriately contacting a student (this has also likely happened given the contact over the weekend referred to by Bella’s mother)

This does not mean that Craig is definitely grooming Bella to facilitate sexual contact but there are sufficient characteristics of grooming behaviour to be of concern. Some grooming behaviour can look like 'normal' caring behaviour.

Even if Craig’s behaviour does not amount to grooming and his intentions are benign, it may undermine his professional relationship with Bella as a learner and could cause discomfort for her and others. While Craig may have wellbeing concerns for Bella and may have been trying to support her at school, those concerns should be shared with other relevant staff, particularly any with wellbeing roles, so that support measures can be agreed on together.

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
* 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 should Nadia do?**

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.

Nadia must immediately follow the procedures in this document to report her concerns to school leadership. Nadia 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. Craig has shown concerning behavioural patterns and likely breaches of the school’s Child Safety Code of Conduct and the VIT Code of Conduct.

If staff are uncertain if an incident or suspicion gives rise to a concern about grooming or other child 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 and procedures. If the complaint relates to the principal, they must contact the [relevant regional office](https://www.vic.gov.au/contact-us-department-education-and-training#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) on the department’s Policy and Advisory Library (PAL).

1. **Is Nadia right to be worried about the impact on Craig?**

Nadia may feel worried about the consequences for Craig if she reports her concerns, particularly after the support he has shown her as a graduate teacher. While Nadia must report her concerns, it is also important for her to know that in addition to the school’s duty of care and other child safety obligations:

* under Child Safe Standard 7, schools are required to ensure privacy and employment law obligations are met when responding to complaints or concerns.
* the department’s Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance on PAL outline general principles for managing complaints, misconduct or unsatisfactory performance relating to school staff, which include requirements relating to fairness, public sector values, employment principles and confidentiality.
* the school’s local complaints policy is also likely to have a statement about following department policy to ensure privacy and employment law obligations are met when responding to complaints or concerns.
1. **What should school leadership do?**

School leadership must follow their 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. This would include:

* reporting the concerns immediately to the principal (if the principal was not the person Nadia reported to), and
* the principal 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 Craig (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 Craig’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 Bella, 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 Bella’s wellbeing
* ensure Nadia is supported to feel comfortable that reporting was the right thing to do
* review their child safety and wellbeing policies and procedures to determine if any improvements need to be made in light of these concerns – the School Compliance Unit can provide assistance with this: school.compliance@education.vic.gov.au
* review the actions the school is taking to ensure child and student empowerment in accordance with [Child Safe Standard 3](https://www.vic.gov.au/schools-child-student-empowerment-guidance) and consider whether any further actions should be taken, such as reminding students about the ways they can raise any concerns
* consider refresher training for all staff on:
	+ identifying and responding to all forms of abuse, including grooming
	+ the school’s Child Safety Code of Conduct and expectations concerning staff-student relationships
* ensure the school is meeting the annual child safety training requirements under the Child Safe Standards – for template slides refer to: [Child Safe Standards training material](https://www.vic.gov.au/child-safe-standards-training-material)
* ensure they record all the actions taken to address Craig’s behaviours in accordance with advice from Conduct and Integrity Division. This will depend on the outcome of further enquiries that school leadership make about Craig’s behaviour, and may include, for example:
	+ counselling Craig on expected behaviours to maintain appropriate professional boundaries with Bella and all other students
	+ ensuring future check-ins occur with Craig to re-affirm understanding of expected behaviours
	+ being alert to any future behaviour by Craig that is inconsistent with those expectations and taking immediate steps to address this behaviour including seeking further advice from Conduct and Integrity Division
	+ appropriate supervision of Craig
	+ notifying Bella’s parents that Craig’s contact with Bella has not been consistent with expected professional boundaries between teachers and students and asking her parents to notify the school if they are concerned about Bella’s wellbeing or Craig’s conduct towards Bella at any time
	+ ensuring future check-ins occurs with Bella or her parents (as appropriate) to confirm Craig’s conduct has not been repeated since the initial concerns were raised
	+ managing Craig’s behaviour in accordance with the [Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance - Teaching Service](https://www2.education.vic.gov.au/pal/complaints-misconduct-and-unsatisfactory-performance/policy-and-guidelines)