

Condom provision in school – guidelines

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This document should be read in conjunction with the Health of students policy, Mandatory reporting of harm and exploitation of children guidelines and the External providers engaged for teaching and learning guidelines.

1. Introduction

There may be instances in Northern Territory Government schools where students seek advice or access to condoms from school staff or Health Promoting School Nurses (HPSNs). The aim of these guidelines is to ensure there is a consistent approach to managing student requests for condoms, noting that the decision whether to allow condom access by students, and therefore invoke the guidelines, is to be made by the principal in consultation with the school representative body.

Given the need for HSPNs to adhere to a specific set of professional standards, these guidelines are divided into two parts. In the first instance, advice is provided on the process to be used by other school staff, referred to in these guidelines as nominated officers. In the second instance, advice is provided on the process to be used by HSPNs.

Recognising the importance of ensuring that students develop into sexually healthy adults and engage in safe practices, the Department of Education (department) supports the delivery of comprehensive sexual health education programs which may include the provision of condoms through nominated officers or HPSNs.

Schools must follow the procedures outlined in these guidelines when a student requests a condom to ensure compliance with the *Care and Protection of Children Act 2007*. Schools are encouraged to add additional steps if necessary.

For schools who do not proceed with implementation of these guidelines, it is recommended that any student requests for condoms are referred to the most appropriate external resource and agency for information and condoms.

In all instances, students are encouraged to talk to their parents about their relationships and sexual activity.

HPSNs are bound by the *Health Practitioner Act 1983* (Cth) and must follow the process outlined in Reporting child sexual harm flowchart in the Department of Health's Guidelines on the management of sexual health issues in children and young people. For detailed procedures specific to HPSNs, refer to the section on Procedures for health promoting school nurses in these guidelines.

2. Implementation

The decision to implement the guidelines must be made by the principal in consultation with the school representative body. Consultation should also include the nominated officers and HPSN, ensuring that any decision is properly understood and well recorded. An opt out provision must be offered for parents who do not want their child to have access to condoms through the nominated officer or HPSN.

In the event of disagreement, the Director School Operations is able to provide guidance and assist with decision making.

Where applicable, principals and their school representative bodies should extend consultation and work with members of the broader community, for example remote health clinics, to establish a whole of community approach. This will ensure clarity and consistency is maintained and that practice is in accordance with these guidelines.

3. Procedures for teachers and other school staff

Teachers and other school staff must direct students wishing to access condoms to the HPSN or nominated officer. In instances where access to a HPSN or nominated officer is unavailable, staff must direct students to the most appropriate resource for information and condoms.

External resources and agencies for information and condoms are listed on the Department of Health website.

Condoms are not to be provided to students for personal use at health expos or during Health Education and Pastoral Care classes.

Schools without a HPSN can nominate staff to provide condoms to students. The decision to implement these practices must be made in consultation, and with the agreement of, the school representative body.

4. Procedures for nominated officers

4.1. Students 16 years of age or older

If a student approaches a nominated officer for a condom, the officer must adhere to the following procedures:

- inform the student that their request for a condom is kept confidential unless a report is being made to relevant authorities due to concern of harm or exploitation. Encourage the student to talk to their parents about their relationship and sexual activity
- ensure the student has knowledge of the responsibilities and risks associated with sexual behaviour, for example unwanted pregnancy and sexuality transmitted infections (STI)
- provide a maximum of three condoms with lubricant to the student
- provide the student with a list of resources and agencies where they can obtain free condoms and sexual health checks.

4.2. Students under 16 years of age

If a student under the age of 16 approaches a nominated officer for a condom the nominated officer must adhere to the following procedures:

- if the student discloses, or it is found that the sexual partner is greater than two years older than the student, a mandatory report must be made, regardless of whether or not the sexual activity is consensual
- encourage the student to talk to their parents about their relationship and sexual activity
- ensure the student has knowledge of the responsibilities and risks associated with sexual behaviour and protected or unprotected sexual activity
- provide a maximum of three condoms with lubricant to the student
- provide student with a list of resources and agencies where they can obtain sexual health services
- follow the Reporting child sexual harm flowchart, in the Department of Health's Guidelines on the management of sexual health issues in children and young people, and if appropriate make a mandatory report.

5. Procedures for health promoting school nurses

5.1. Students under 16 years of age

If a student under the age of 16 approaches a HPSN for a condom the HPSN must adhere to the following procedures:

- explain confidentiality and privacy, ensuring the student understands the mandatory reporting requirements
- ascertain the students age and the age of the sexual partner and act according to the Reporting child sexual harm flowchart, in the Department of Health's Guidelines on the management of sexual health issues in children and young people
- where it is found that the sexual partner is greater than two years older than the student a mandatory report must be made, regardless of whether or not the sexual activity is consensual
- contact the parents to provide an opportunity to put protective behaviours in place. Encourage the student to talk to their parents about their relationship and sexual activity
- ensure the student has knowledge of the responsibilities and risks associated with sexual behaviour
- provide the students with education about the risks associated with protected and unprotected sexual activity or following condom breakage including unplanned pregnancy and risk of STIs. Provide student with information on reducing risks if the condom breaks
- ensure the student is able to demonstrate safe use of a condom using a model penis
- provide a maximum of three condoms with lubricant to the student
- document the discussion and actions taken on the Department of Health student file
- provide the student with a list of resources and agencies where they can obtain sexual health services
- HPSNs are not permitted to provide STI treatment.

6. Roles and Responsibilities

6.1. Director School Operations

Director School Operations is responsible for:

- providing guidance in the event that the principal and school representative body disagree on the provision of condoms in their school.

6.2. Principals

The principal is responsible for:

- ensuring that the decision to allow students access to condoms is only made after active consultation with the school representative body, and the body has confirmed its support
- communicating with the nominated officer and HPSN regarding the school decision on providing condoms to students
- ensuring that staff, including the HPSN understand and align their practices with these guidelines.

6.3. Nominated officers

Nominated officers are responsible for:

- ensuring they have an understanding of, and comply with these guidelines, inclusive of compliance with mandatory reporting obligations outlined in the *Care and Protection of Children Act 2007*.

6.4. School staff

School staff, including teachers and support staff are responsible for:

- ensuring they do not provide condoms to students and instead refer the student to the HPSN or nominated officer.

6.5. Health promoting school nurses

HPSNs are responsible for:

- complying with the schools decision about providing students with condoms
- ensuring they have an understanding of, and comply with these guidelines, inclusive of compliance with the mandatory reporting obligations outlined in the *Care and Protection of Children Act 2007*.

7. Definitions

Term	Definition
Active consultation	Active consultation refers to a two-way process between principals and the school representative body and community. Consultation should allow principals to seek and share views and information with stakeholders; allowing genuine and reasonable objections and an opportunity to contribute to the decision-making process.
Comprehensive sexual health education programs	Comprehensive sexual health education programs align with the Australian Curriculum and are designed to address the socio cultural, biological and psychological aspects of sexuality by providing information that is appropriate to the age, developmental level and cultural background of the students. These programs complement the sexuality education that students receive from their families, religious and community groups, and health care professionals, for example health promoting school nurses.
Condom	Condom is a barrier form of contraception. Correct use reduces the probability of pregnancy and transmission of sexuality transmitted infections. Condoms are the most accessible form of contraception and continue to be the preferred method among Australian teenagers.
Condom provision	Condom provision is the act of providing or supplying condoms to a student with information and education.
Health promoting school nurse	Health promoting school nurse is a registered health practitioner who is a member of the urban primary health care program within the school community. The health promoting school nurse provides school-based youth health services incorporating appropriate health promotion and primary prevention strategies to better support the health and wellbeing of their students.

Term	Definition
Mandatory reporting	Refers to the <i>Care and Protection of Children Act 2007</i> , section 26 and imposes a legal responsibility on every person in the Northern Territory to report child abuse and neglect, and cases where a child has been, or is likely to be the victim of a sexual offence. These reporting obligations can be found in the Mandatory reporting of harm and exploitation of children guidelines and are commonly referred to as mandatory reporting.
Nominated officer	Nominated officer refers to a member of school staff who has been nominated by the principal to act as an access point for students requiring condoms. Nominated officers must be willing to participate and align their practice with these guidelines.
Parent	A child's father, mother or any other person who has parental responsibility for that child, including a person who is regarded as a parent of the child under Aboriginal customary law or Aboriginal tradition. The definition of a parent does not include a person standing in place of the parent on a temporary basis.
School representative body	An incorporated body under the Education Act 2015 and includes independent public school boards, school councils and joint school representative bodies.

8. Related legislation, policy, documents and resources

8.1. Legislation

- *Care and Protection of Children Act 2007* - <https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007>
- *Criminal Code Act 1983* - <https://legislation.nt.gov.au/en/Legislation/CRIMINAL-CODE-ACT-1983>
- *Education and Care Services (National Uniform Legislation) Act 2011* - <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- *Health Practitioners Act 1983 (Cth)* - <https://www.legislation.gov.au/Details/C2016Q00062>
- *Sexual Offences (Evidence and Procedure) Act 1983* - <https://legislation.nt.gov.au/en/Legislation/SEXUAL-OFFENCES-EVIDENCE-AND-PROCEDURE-ACT-1983>

8.2. Policy

- Health of students policy - <https://education.nt.gov.au/policies/health-safety>
- External providers engaged for teaching and learning guidelines - <https://education.nt.gov.au/policies/curriculum>
- Mandatory reporting of harm and exploitation of children guidelines - <https://education.nt.gov.au/policies/health-safety>
- Working with children clearance notices (Ochre Cards) policy - <https://education.nt.gov.au/policies/conduct/working-with-children-clearance-notices-ochre-cards>

8.3. Documents

- Guidelines on the management of sexual health issues in children and young people - <https://digitallibrary.health.nt.gov.au/prodjspui/handle/10137/529>
- Remote health service contact details for primary health care sites and clinics - <https://nt.gov.au/wellbeing/remote-health/remote-health-services>

8.4. Resources

- Department of Health – Guidelines on the management of sexual health issues in children and young people – Reporting child sexual harm flowchart – page 47 – <https://digitallibrary.health.nt.gov.au/prodjspui/handle/10137/529>
- Department of Health - Sexual health - <https://nt.gov.au/wellbeing/health-conditions-treatments/sexual-health/free-condoms-in-nt>
- Report child abuse - <https://nt.gov.au/law/crime/report-child-abuse>

Acronyms	Full form
HPSN	Health Promoting School Nurse
STI	Sexuality Transmitted Infections

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Contact details	Inclusion and Engagement Services, Student Wellbeing and Inclusion Programs and Services, swipolicy.doe@education.nt.gov.au
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