CHILD PROTECTION POLICY AND PROCEDURES

POLICY DETAILS AND DOCUMENT MANAGEMENT

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GENEALOGY

This Policy replaces: Child Protection Policy and Procedures V2
This Policy was cancelled and superseded by:

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PREAMBLE

Emmanuel Christian Community School (ECCS) believes that all children are made in the image of God and are a gift from Him. Jesus' teaching (Matthew 18) makes clear the value of children and the seriousness of causing them harm.

As a community of His followers, we take this teaching seriously. Therefore, children and young people are deserving of dignity and respect and have a right to be protected from abuse and harm.

Emmanuel Christian Community School is committed to maintaining a ministry, work and student environment that manifests Christian relational values and practices, and meets the regulatory requirements for a child-safe organisation.

SCOPE

This Policy applies to employees, Board members, parents/carers, students, volunteers, and visitors including contractors and consultants. All School community members are to abide by the Child Protection and Child Safety Policy and Procedure.

This Policy is endorsed by the Principal and the School Board and is to be reviewed annually in light of new understanding, publication of relevant research, the effectiveness of current procedures and legal requirements.

The policy is available for the School community and on the School website.

CONTEXT

We have a responsibility to put student academic, spiritual, social, physical, and emotional needs first and we can achieve this by ensuring that child safe practices are adopted across the school and that in all matters the safety and wellbeing of students is routinely considered.

We are committed to providing an environment that safeguards all students by promoting culture and practice which provides for the physical and mental safety and wellbeing of students and which treats any concern, complaint, or allegation seriously.

All children have a right to be protected from harm and all school staff owe a 'duty of care' to all students at the school. Schools have a special responsibility to protect children when they are on school premises and to intervene when they believe the welfare of a child is at risk outside the school.

PURPOSE

Ensure the management of the Child Safe Framework and the implementation and review of child safe standards and practices across all policies and procedures at the School.

The development of work practices that promote the safety, protection and wellbeing of children and young people, detect, and deter inappropriate interactions and expedite the reporting of abuse and grooming within the School.

Promote discussions of child protection issues within the school to ensure both staff and students are aware of their rights and obligations under State Government, Department of Education and Non-government Schools Registration requirements relevant to child protection.

POLICY

1. GUIDING VALUES AND PRINCIPLES

The following practices guide the School's child safe policies and procedures:

- The existence of a child safe culture and ethos supportive of the following:

  - All children have the right to be safe.
  - The welfare of the child or young person is paramount.
  - Respect for the views and privacy of children and young people.
  - Development of children and young people's confidence to report abuse and neglect.
  - Fair and just complaints management.
  - The promotion of equity and respect for diversity.

- Child protection is everyone's responsibility, and the School demands the highest standards of behaviour from all those interacting with children and young people, on school sites and at all off-site activities.
- School policies and procedures include clearly stated expected standards of behaviour and consequences if expectations are not met.
- Recruitment of staff, volunteers, visitors, including contractors and consultants, requires procedures to maximise the protection of children and young people: adequate screening, current Working with Children card, Police clearance where required.
- Child safety awareness is promoted and discussed within the School. This includes written statements on internal communications and appears on whole staff meeting agendas.
- Annual training of staff in Mandatory Reporting/Grooming.
- Protective Behaviours Curriculum through the Health program (K-12) using the Keeping Safe: Child Protection Curriculum (KS: CPC).
- Provision of simple, clear, and accessible information for the prevention of harm and procedures for responding to alleged or suspected incidents of child abuse or harm

2. DUTY OF CARE

- All members of the School community, (employees, Board members, parents/carers, students, volunteers, and visitors including contractors and consultants), have a Duty of Care to the students. This applies during time on campus, at afterhours activities and off-site school events.
- If students are not picked up at the end of the school day or at the conclusion of an afterhours or off-site activity/event, the duty of care remains. Supervision must persist:

  - Students should be accompanied to the School reception at 3:45pm, to await collection.
  - All processes must be followed to contact the student's family or emergency contacts.
  - If the school is unable to make a contact, the principal may contact the Police or the Department of Communities, CPFS.

3. RECRUITMENT

- Human Resources practices are reviewed regularly to ensure all new employees and volunteers are adequately screened, inducted, trained, and supervised.
- Recruitment practice seeks to ensure the engagement of only those suitable for work with children and young people and makes every attempt to assess the commitment to the Staff Code of Conduct and Teacher Professional Boundaries of the applicants.
- Job Description and Selection Criteria Advertisements will include a statement of the School's commitment to child safety and inform applicants that rigorous background checks will be undertaken.

- The Induction process will be clear about the role requirements and the School's child-safe processes for supervision and accountability.
- Pre employment screening will include:

  - Working with Children Check (WWC)
  - Police Check
  - Registration with Teacher Registration Board (TRBWA)
  - Referee Checks
  - Identity Check
  - Confirmation of authenticity of submitted qualifications and transcripts

- All new employees are required to complete a 6-month probationary period as per their contract.
- Line supervisors are responsible to review the employee's performance and suitability to the school during the probationary period and participate in a regular Performance Development process thereafter.
- All staff need to complete Child Abuse Reporting including Mandatory Reporting training each year.

4. REQUIRED REGISTRATION, CLEARANCES, CHECKS and TRAINING:

4.1 TEACHERS - includes casual (relief) and temporary teachers.

- Registration with the TRBWA
- Current WWC card
- Police Clearance
- Each staff member is responsible for the currency of these documents; however, the HR officer maintains a record and will remind employees.
- Annual completion of Mandatory Reporting/Grooming Training via AISWA.

4.2 NON-TEACHING STAFF

- Current WWC card
- Police Clearance
- Each staff member is responsible for the currency of these documents; however, the HR officer maintains a record and will remind employees.
- Annual completion of Mandatory Reporting/Grooming Training via AISWA.

4.3 CONTRACTORS AND VISITORS – during school hours

- Current WWC card
- Police Clearance
- The Operations Manager, under oversight of the Business Manager, ensures this is part of the contractual obligation.

5. PHYSICAL AND ONLINE ENVIRONMENT

The School is committed to providing every child with a safe and supportive environment where they feel respected, valued, and encouraged to reach their full potential.

For the physical environment potential hazards are identified by regular review and auditing of student spaces, classrooms, playgrounds, and ovals, including term checks of all playground equipment for wear and tear. Regular maintenance carried out according to an appropriate schedule is carried out during term breaks.

First aid kits are located throughout the School, in the Early Childhood rooms, Reception, Science laboratories and available for staff at all times. First aid kits are checked and restocked each term.

For the on-line environment, students, parents, and carers are required to read and sign agreements prior to students being granted use of a laptop and access to email and the internet. The Agreement ensures understanding of potential risks, how the school afford protection (e.g.: passwords) and student, parent/care-giver responsibility for ensuring appropriate levels of security and safety.

6. STAFF PERFORMANCE

Staff are routinely made aware of the School's commitment to child safety and well-being and how to reduce the risk of child abuse.

6.1 PROFESSIONAL LEARNING

- Mandatory, annual attendance at Mandatory Reporting / Grooming PL delivered by AISWA for all staff members, School Board, and regular volunteers.
- Annual and on-going in-school professional learning at staff development days, to ensure current best practice and information, update of School Policies, procedure, and practice.
- Provision of up-to-date Policy and Procedure to staff, to relief staff, practicum students during the Induction process.
- Provision of the Staff Code of Conduct and the TRBWA Professional Boundaries document for all current, new and relief staff.
- Communication that all staff must report to the Principal or Deputy Principal (or Board Chair if applicable) any objectively observable behaviour which breaches or is suspected of breaching the Code.
- Confirmation of receipt and reading of documents provided via the annual Performance Review process
- Training of teachers in the Keeping Safe: Child Protection Curriculum for Protective Behaviours via AISWA for all teachers OR via the Train the Trainer process, also delivered by AISWA.
- Annual refresher professional learning for the Protective Behaviours curriculum in-school.
- Annual audit of the self-assessment and review tool for the NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATION IN WA.

Performance Development and Appraisal completed Annually which includes a development plan for ongoing improvement and confirmation of completion of all mandatory learning and reading related to child protection.

7. DEFINITIONS

Child maltreatment refers to any non-accidental behaviour by adults or children that is outside the norms of conduct and entails a substantial risk of harm to a child or young person. The behaviours may be intentional or unintentional.

It may be the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators listed below:

- Physical
- Sexual
- Emotional including psychological
- Neglect
- Family and domestic violence.

Descriptions of these indicators have been taken from the Department for Child Protection document, "Identifying and responding to child abuse and neglect – A Guide for Professionals".

7.1 PHYSICAL ABUSE

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include, but is not limited to injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline, physical punishment or other forms.

7.2 SEXUAL ABUSE

Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and developmental level. These behaviours include observation or involvement with inappropriate fondling of a child's body, making a child touch an adult's genitalia, showing pornographic material or sexual acts to a child, and sexual penetration of the child. Harm from sexual abuse may include significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

7.3 EMOTIONAL ABUSE

Emotional abuse is a sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.
Included under emotional abuse is psychological abuse. This abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs.

7.4 NEGLECT

Neglect is the failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic, or remedial care and emotional security. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social psychological, educational or physical development and/or physical injury. Neglect should be considered in the context of physical, emotional or psychological abuse.

Note 1:

Child abuse and neglect, through the Department for Child Protection and Family Support, is defined as maltreatment done by a person who has responsibility to care for a child.

However, it is very important to note that the definitions of child maltreatment mentioned in this section can be used to describe some of the behaviour that can occur in schools by one child to another. While the treatment of such behaviour may be dealt with through other school policies such as Bullying and Behaviour Management, the victim of that 'bullying' may display some of the physical and behavioural indicators as those described in the next section of this document. These events should be treated seriously by the school with the aim of helping both parties.

It is also important to note that the child who is 'bullying' may be doing so because they have been subjected to the same inappropriate behaviour and may require assistance through the school's Child Protection policy.

Note 2:

Students aged 18 and over may attend school but are legally considered adults and as such CPFS does not have a child protection mandate for them. However, they can be considered potentially vulnerable and in need of specialist services and schools continue to owe a duty of care towards them. There are many youth-specific agencies available to assist these students. Schools should contact the Police if they are aware of any assault or crime against a young adult.

8. INDICATORS OF CHILD ABUSE AND NEGLECT

The following list of indicators is not exhaustive but contains those that will be of most use to staff. This list has been taken from the Department for Child Protection document "Identifying and responding to child abuse and neglect – A Guide for Professionals".

Students frequently show indicators from more than one category; and the examples listed are not necessarily exclusive to a single category of abuse. Any of these indicators may suggest that a student is being abused, neglected or at risk of harm; however, indicators should be considered in the context of the student's age, medical and developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families must also be considered.

The single most helpful item for staff to consider is the deviation from normal or baseline behaviour of a child. A child who has been abused experiences mixed emotional and physical responses to abuse and may well be confused by the disconnect between respect/love for the abuser and abhorrence or ambivalence to the abuse itself.

8.1 PHYSICAL ABUSE COULD BE REPRESENTED BY:

- broken bones or unexplained bruises, burns, or welts in various stages of healing;
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre;
- direct admissions from the parents that they are concerned that they might harm their child;
- a history of family violence;
- marked delay between injury and obtaining medical assistance;
- a parent who shows little concern about the welfare of their child or the treatment and care of the injury;
- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse);
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home;
- the child or young person reports intentional injury by their parent or carer;
- arms and legs are kept covered by inappropriate clothing in warm conditions;
- ingestion of poisonous substances including alcohol or drugs;
- the avoidance of physical contact by the child (particularly with a parent or carer).

8.2 SEXUAL ABUSE COULD BE REPRESENTED BY:

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves);
- knowledge of sexual behaviour inappropriate to their years;
- disclosure of abuse either directly or indirectly through drawings, play or writing that describes abuse;
- pain or bleeding in the anal or genital area with redness or swelling;
- fear of being alone with a particular person;
- a child or young person implying that he/she is required to keep secrets;
- the presence of sexually transmitted disease;
- sudden unexplained fears;
- enuresis and/or encopresis (bed-wetting and bed soiling).

8.3 EMOTIONAL OR PSYCHOLOGICAL ABUSE COULD BE WHEN:

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance;
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive;
- delayed physical, emotional, or intellectual development;
- compulsive lying and stealing;

- high levels of anxiety;
- lack of trust in people;
- feelings of worthlessness about life and themselves;
- eating hungrily or hardly at all;
- uncharacteristic seeking of attention or affection;
- reluctance to go home;
- rocking, sucking thumbs or self-harming behaviour;
- fearfulness when approached by a person known to them.

8.4 NEGLECT MAY BE:

- signs of malnutrition, begging, stealing or hoarding food;
- poor hygiene: matted hair, dirty skin or severe body odour;
- unattended physical or medical problems;
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety);
- child or young person appears constantly tired;
- frequent lateness to school or absence from school;
- inappropriate clothing, especially inadequate clothing in winter;
- alcohol and/or drug abuse present in the household;
- frequent illness, low grade infections or sores;
- Hunger.

9. MYTHS ABOUT CHILD ABUSE AND ITS PREVALENCE

An accurate understanding of the dynamics underlying child abuse is important because the impact of any form of abuse on the victim can be life changing. Common outcomes associated with abuse include drug abuse, suicide, eating disorders, low self-esteem, psychosomatic illness and self-mutilation.

There are many myths about sexual abuse. Some of the common ones are:

- sex between children and adults is not damaging if it is in the context of a loving relationship;
- it is not the abuse which causes the problem but the effects of the intervention by others;
- those abused turn into abusers;
- children frequently lie about sexual abuse;
- sexual abuse is more common in lower socio-economic areas and families;
- only men sexually abuse children;
- sexual abusers are readily identified by 'normal' people.

9.1 THE FOLLOWING MYTHS PERTAINING TO SEXUAL AND OTHER FORMS OF ABUSE RELATE PARTICULARLY TO SCHOOLS:

- There will not be a problem here because all the volunteers/employees are female.
- There will not be a problem here because the young people come from privileged backgrounds and will complain if there is an issue of abuse.
- If we get the selection procedures right we will eliminate the possibility of abuse.
- We use Police Clearances and Working with Children Checks here so we are covered.
- It is one of the other children's parents/brothers/sisters to whom I am entrusting the child/ren, so it will be OK.
- We did not need to screen Mr Smith because he is a friend of the teacher, president etc.
- My workers, volunteers and casuals are youth themselves so there is no risk.
- We are pretty good at identifying people here who are a bit 'odd'.

10. FACTS ABOUT CHILD ABUSE

By its very nature, child abuse is a very difficult concept to measure. It is estimated that much of the abuse goes unreported. Statistics used, are often based on incarceration figures of those found guilty of abuse beyond reasonable doubt, a legally nuanced term. Most cases of child abuse do not meet the legal criteria of beyond reasonable doubt, but do present sufficient evidence to involve child protection authorities, where the criteria is based on the balance of probabilities. Those figures demonstrate an increased number of children who have been abused. Additionally, when studies involve cohorts reporting experiences of abuse, the figures increase substantially again and provide a different prevalence and typology of abusers.

Children or young people are at significant risk of developing psychological and emotional problems later in life, and at risk of repeating the pattern of abuse with their own children, through an inter-generational mechanism.

A child abuser can be a member of the family (father, stepfather, mother etc.) or someone close to the family or the child (church member, teacher, community group leader). There is no reliable profile of a child sexual abuser and institutions and communities must be vigilant for those in their care.

A child abuser usually spends sufficient time grooming the child with the child being made to feel that they are in some way complicit in the acts, thus making disclosure a difficult process.

Many child sex abusers hold positions of trust within the community with ready access to children and their families. Occupations that some convicted child sex offenders have held include bus driver, entertainer, teacher, scout leader, librarian, principal, church leader, judge.

In Australia, a case of child abuse is reported every 2.5 minutes.

Sexual abuse is more common among girls, other types of abuse are slightly more common among boys (Child Protection, Australia (2010 – 11), Australian Institute of Health and Welfare).

Two-thirds of substantiations for abuse or neglect are for children aged 9 years old and under (Child Protection, Australia (2010 – 11), Australian Institute of Health and Welfare).

11. MANDATORY REPORTING OF CHILD SEXUAL ABUSE

Emmanuel Christian Community School will ensure that all parents/caregivers are informed of the mandatory requirements for teachers to report, via the school's regular newsletter.

11.1 THE LEGISLATION

Since 1 January 2009, the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 has been in effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the Children and Community Services Act 2004. The Act was further amended in 2016, to include boarding supervisors.
In Western Australia, the mandatory reporters of child sexual abuse are the following professions in both the government and non-government sectors:

- teachers;
- early childhood workers;
- boarding supervisors;
- nurses;
- doctors;
- police officers;
- ministers of religion;
- school counsellors
- psychologists and
- midwives

11.2 DEFINITION OF 'BOARDING SUPERVISOR':

Boarding supervisor means a person who holds an office or position at a boarding facility the duties of which include the supervision of children living at the facility.

11.3 DEFINITION OF A 'NURSE':

Nurse means a person registered under the Health Practitioners Regulation national Law (Western Australia) in the nursing and midwifery profession whose name is entered on the Register of Nurses kept under that Law.

11.4 DEFINITION OF 'TEACHER':

The definition of teacher in section 124A of the Children and Community Services Act 2004 has been changed to read:

a) person who is registered under the Teacher Registration Act 2012, or
b) a person who provides instruction in a course that is –
   (i) mentioned in the School Education Act 1999 s11B(1)(a), (b) or (e) and
   (ii) prescribed for the purposes of this definition; or

c) A person who instructs or supervises a student who is participating in an activity that is –
   (i) part of an educational program of a school under an arrangement mentioned in the School Education Act 1999 s24(1); and
   (ii) prescribed for the purposes of this definition; or
   (iii) A person employed by the chief executive officer as defined in the Young Offenders Act 1994 s3 to
   (iv) teach detainees at a detention centre as defined in that section.

12. NON-MANDATORY REPORTING AND NOTIFYING

All people working with children, whether mandatory reporters or not, should continue to report reasonable beliefs and suspicions or concerns about all forms of abuse. These people who work with children also have a greater knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Reports by those employees who are not mandated are to be made to the Principal of the school. In the case where it is believed the Principal may somehow be complicit or obstructionist, the report should be made to Chair of the School Board.

Non-sexual abuse – specific concern
If you are able to describe the non-sexual abuse, neglect or risk you must:

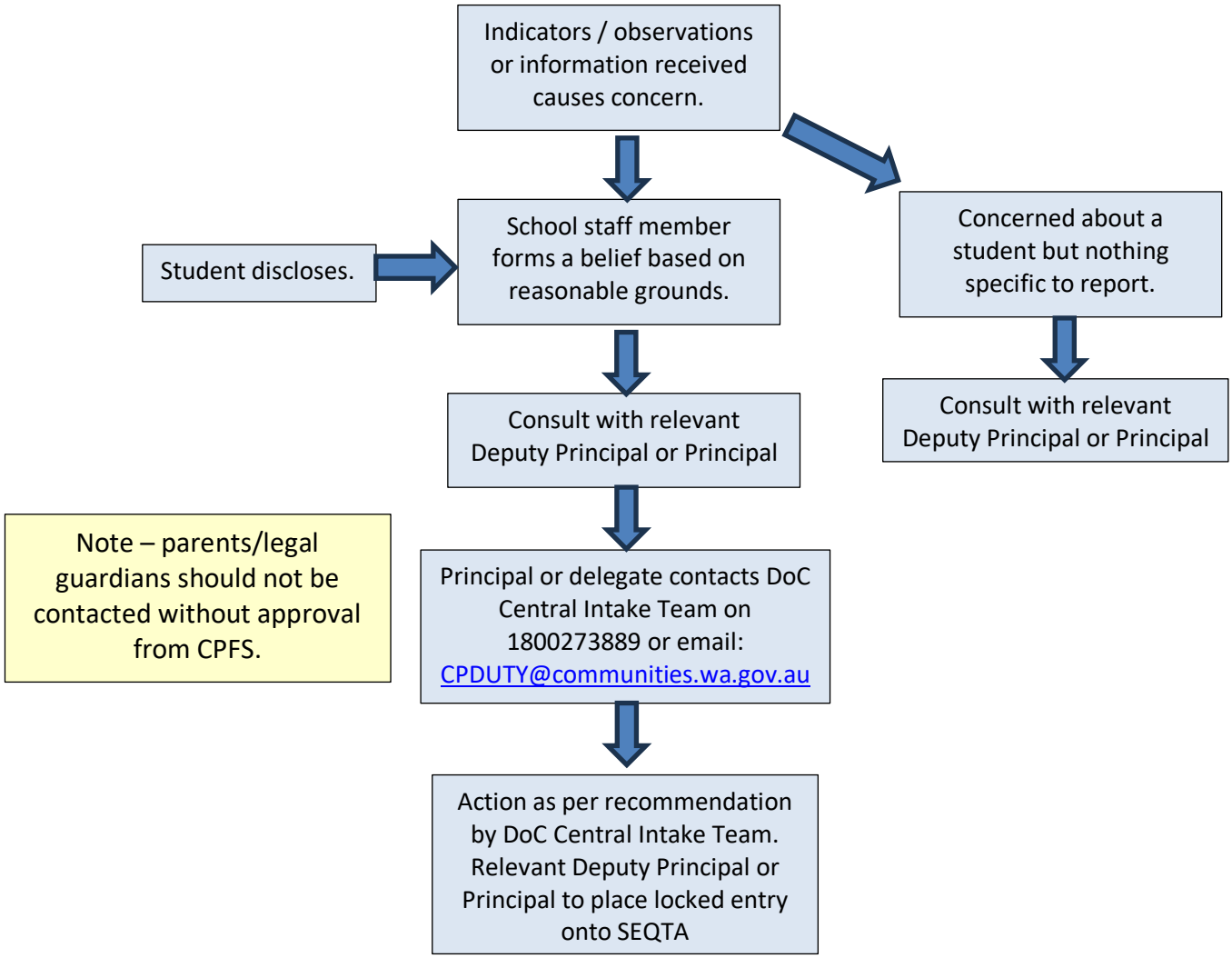
- Consult the relevant Deputy Principal or Principal.
- Contact the DOC Central Intake Team on 1800 273 889.

Non-sexual abuse – general concern
If you are worried about a student, but there is nothing specific to report you must:

- Consult the relevant Deputy Principal or Principal.

13. FLOW CHART FOR REPORTING ALL FORMS OF ABUSE OTHER THAN SEXUAL ABUSE i.e.: physical, emotional, psychological abuse and neglect.

LEGEND
DoC – Department of Communities
CPFS – Department of Child Protection and Family Support



13.1 DEFINITION OF SEXUAL ABUSE

Sexual abuse is defined by the Act in section 124A as:

'Sexual abuse' in relation to a child, includes sexual behaviour in circumstances where:

(a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or

(b) the child has less power than another person involved in the behaviour; or

(c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

This legislation is not intended to capture all sexual activity involving children and young people. Reference should be made to consent laws in Western Australia, The Criminal Code Act Compilation Act 1913 s. 320-322

Definition of child

The definition of 'child' is defined in section 3 of the Children and Community Services Act as a person who is under the age of 18 years. In the absence of positive evidence as to age, a child is a person who is apparently under 18 years of age. Young people aged 18 and over are considered to be adults and are not covered by this legislation. However, schools still owe a duty of care to all students at the school. In these instances, police should be informed of any assault or crime against the young person.

Duty to report sexual abuse of children Section 124B of the CCS Act 2004 states, in part, a person who… believes on reasonable grounds that a child:

(i) has been the subject of sexual abuse that occurred on or after commencement day;
(ii) is the subject of ongoing sexual abuse; and forms the belief;
(iii) in the course of the person's work (whether paid or unpaid) … must report the belief as soon as practicable after forming the belief.

14. MAKING A MANDATORY REPORT

14.1 WHEN DOES A MANDATORY REPORTER MAKE A REPORT?

Mandatory reporters must report a belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring. This means that teachers working outside of the school grounds are also required to report when working in either a paid or unpaid capacity. For example, tutoring, volunteer teacher at youth centre, working as a Sunday school teacher.

Please note that within an Independent School, once a teacher has formed a belief based on reasonable grounds, in the course of their work, that individual teacher is required to make a written report to CPFS, not the school principal. Prior to forming a belief, the teacher may, if they wish, consult with appropriate colleagues with specialist knowledge, for example, the principal, psychologist, school counsellor.

A mandatory reporter can form the necessary belief, based on reasonable grounds, by noting the presence of indicators, disclosures, injuries, signs, symptoms and behaviours that heighten concerns about child sexual abuse. Information on the indicators of sexual abuse is covered in point 6 of this document.

Teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

- Can you describe the reasons why you believe a child has been, or is being sexually abused?
- What has the child said or done to suggest they are being sexually abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?
- What other behaviours have you observed and/or interactions with the child are of concern to you? What is the frequency and severity of the behaviour? How long has it been occurring?

14.2 HOW DOES A MANDATORY REPORTER MAKE A REPORT?

A centralised Mandatory Reporting Service (MRS) has been established to receive all reports of child sexual abuse in Western Australia. This service is operational 24 hours a day, 7 days a week.

Section 124C states that a written report may, but need not be in a form, approved by the CEO. However, the same section also specifies what information a report is to contain.

A report is to contain:

(a) the name and contact details of the reporter;

(b) the name of the child or, if the child's name cannot be obtained after reasonable inquiries, a description of the child;

(c) if, or to the extent, known to the reporter —
   (i) the child's date of birth;
   (ii) information about where the child lives;
   (iii) the names of the child's parents or other appropriate persons as defined in section 41(1);
(d) the grounds for the reporter's belief that the child has been the subject of sexual abuse or is the subject of ongoing sexual abuse;
(e) if, or to the extent, known to the reporter —
   (i) the name of any person alleged to be responsible for the sexual abuse;
   (ii) the person's contact details;
   (iii) the person's relationship to the child;
(f) any other information that is prescribed.

Mandatory reporters are required to submit a written report to the MRS as soon as practicable. A report may be oral or written, but in the case of an oral report the reporter must make a written report as soon as practicable after the oral report has been made.

Where a teacher has formed a belief that the child is at imminent risk of being abused, they should consider calling the Western Australian Police first, whether through the 000 or the 131444 numbers. This does not fulfil the legal obligation to report a child sexual abuse belief and the individual who has formed the belief should then make an Mandatory Report (MR), which can be complete through the following link: https://mandatoryreporting.dcp.wa.gov.au/Pages/MakeaReport.aspx

Failure to make a verbal report can incur a penalty of up to $6,000.

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of $3,000. Reporters may report beliefs to CPFS on a web-based form which can be accessed at the mandatory reporting website www.mandatoryreporting.dcp.wa.gov.au.

Please note that this is a timed form for security reasons and cannot be saved on a local device.

Where a reporter does not have access to a computer, a written form can also be mailed out. Once you have completed your written report, it can be lodged using any of the following methods:

Email: mrs@dcp.wa.gov.au Fax: 1800 610 614
Post: PO Box 8146
Perth BC, WA 6849

After a report is lodged, the sender will receive a standardised letter. This letter is proof that a report has been made, so it is important that the response is retained and securely stored.

14.3 PROCESSING OF THE REPORT

Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child and determine the need for further child protection assessment and investigation. A copy of the report is sent to the WA Police. The police determine if they need to be involved on a case by case basis.

The mandatory reporter will receive a feedback letter advising them of the CPFS District Office to which the report has been referred. It is important to note that all reports are actioned by CPFS, but it may not be the response that the reporter expects. Principals may discuss ongoing concerns with CPFS and are encouraged to maintain clear lines of communication with the District Office.

If new information becomes available to the reporter, this information should be submitted to CPFS. If a new concern or belief is formed, a new MR should be submitted.

14.4 CONFIDENTIALITY AND LEGAL PROTECTION

The identity of the reporter is required to be kept confidential, except in limited and very specific circumstances. Section 124F(2) protects a reporter's identity from being disclosed. This includes information where a reporter's identity could be deduced. (s124A) Disclosure of a reporter's identity carries a maximum fine of $24,000 and 2 years' imprisonment.

There are exceptions where disclosure of a reporter's identity is permitted. In such cases, consideration will be given to ensuring the reporter's safety has been taken into account. Examples of when a reporter's identity may be revealed include:

- The Mandatory Reporting Service must send a copy of every written report to the WA Police
- The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence
- A Department for Child Protection officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place
- The reporter may have provided written permission for their identity to be disclosed

A mandated reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct (e.g. Doctor/patient) is protected from a breach of this code if they are making a report in good faith. The legislative requirements of the Act override internal school policies, professional codes or confidentiality requirements.

A mandated reporter is also protected from liability. If a report is made in good faith, they will not incur any civil or criminal liability by making a report.

15. ECCS STAFF REPORTING

- At Emmanuel Christian Community School, Staff cannot agree to a student's demands for confidentiality or requests that parents, police or other agencies not be informed when the welfare or safety of the student or other students may be threatened.

- All strong concerns for the welfare of children and young people believed mal treated by parents/caregivers are discussed with the Department for Child Protection and Family Support or the Police Child Abuse Squad before advising parents/caregivers. These agencies will then decide on the provision of advice to parents/caregivers and any further action. Police and CPFS are available to provide advice on child abuse concerns.

- Where a staff member has concerns for the well-being of a child, but has not yet formed a belief, it is important that this be discussed with an appropriate person within the school. If the teacher concerned wishes, the Principal and other relevant staff may be involved in discussions with the teacher in relation to a specific child, prior to the teacher forming a belief based on reasonable grounds.

- It is the teacher's responsibility to make the report directly to the Mandatory Reporting Service. The Principal and other relevant staff are there to provide support if required and the teacher may advise the Principal of the report, but there is no obligation on the teacher to do so. In the course of such a discussion, should the Principal or other staff member, themselves then form a belief, the person forming the belief would be obliged to make a Mandatory Report.

- ECCS staff are required to inform the Principal when a Mandatory Report has been made and provide the receipt number for that report. The Principal will in turn notify the Chairperson of the School Board.

Sexual abuse – belief formed

If you have formed a belief that sexual abuse is occurring or has occurred, you must:

a. Make a mandatory report by contacting DOC Mandatory Reporting Service on 1800 708 704 (see Appendix 1).

b. Inform the Principal of the Report number and a brief description.
c. Non mandatory reporters can seek help from the relevant Deputy Principal or Principal.

Sexual abuse – unsure

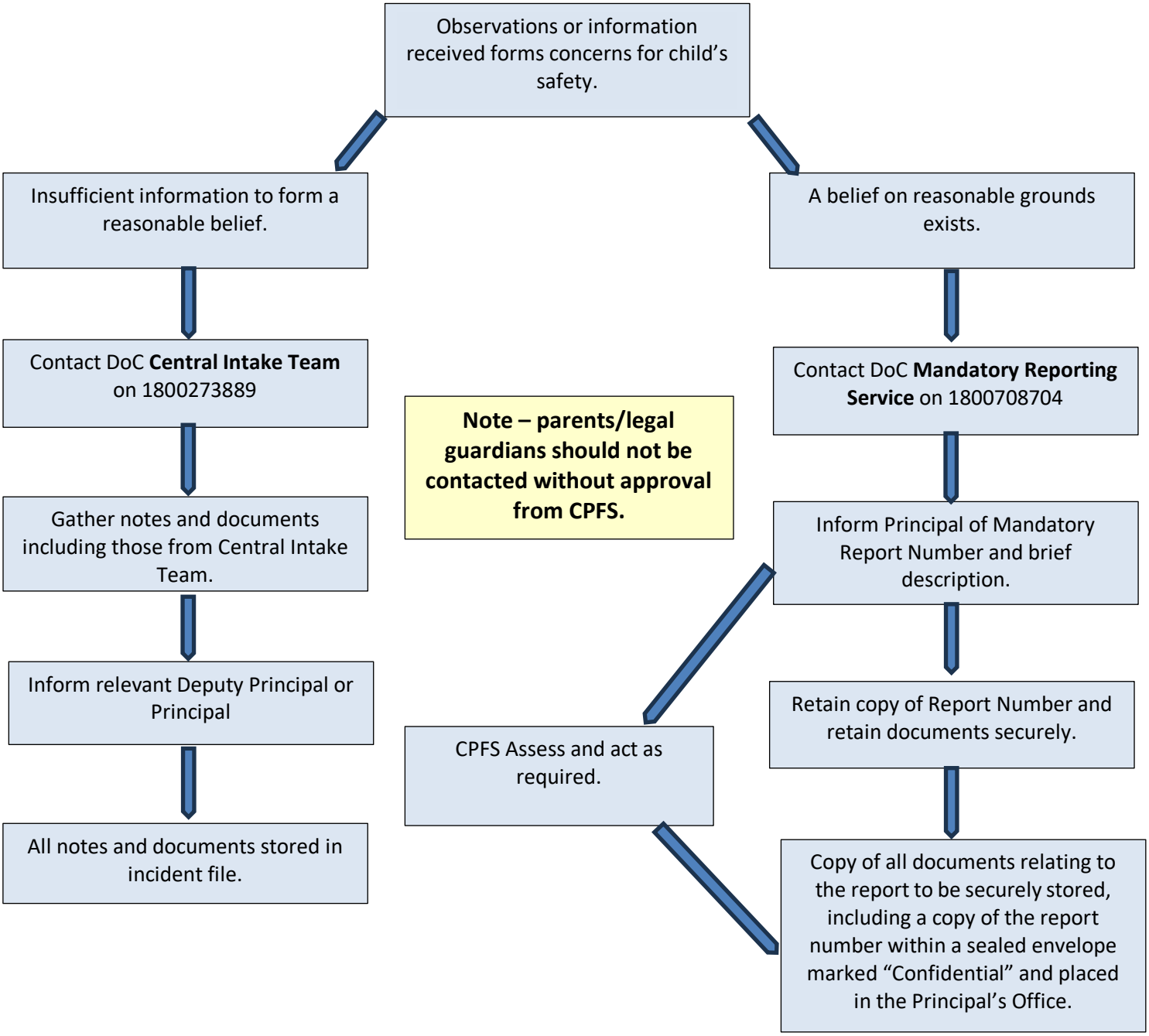
If you are unsure whether you have enough information to form a belief that sexual abuse is occurring or has occurred you must:

a. Contact the DOC Central Intake Team on 1800 273 889.
b. Gather any notes or records you have made, including any instructions from the Central Intake Team.
c. Inform the relevant Deputy Principal or Principal.
d. Give your notes/records to the Deputy Principal or Principal who will store them in an incident file.

The following flow chart outlines the procedure for the mandatory reporting of child sexual abuse at ECCS.

15.1 REPORTING CHILD SEXUAL ABUSE

MANDATORY REPORTING PROCEDURE



Once a teacher has formed a belief based on reasonable grounds, they are required to make the report to the Mandatory Reporting Service of CPFS

Any discussions or documentation must remain highly confidential, and schools are reminded of the protection of the identity of the reporter as discussed above. However, throughout the process, the wellbeing of the child must be of paramount concern.

15.2 WHERE TO GO FOR INFORMATION AND ASSISTANCE

The Department for Child Protection is the agency responsible for administering the Children and Community Services Act, which is the legislation dealing with the mandatory reporting of child sexual abuse. The Mandatory Reporting Service has been established by the Department to receive and investigate reports of sexual abuse.

The Department has established a website:

https://www.wa.gov.au/service/community-services/community-support/mandatory-reporting-of-child-sexual-abuse-wa

which provides information around Mandatory Reporting and is the portal for making an online written report, but includes a downloadable copy.

The Mandatory Reporting Service can also be contacted through the following

ways: Telephone: 1800 708 704
Email: mrs@communities.wa.gov.au
Fax: (08) 6414 7316
Post: Mandatory Reporting Service, PO Box 8146 Perth BC, WA 6849

To make a Mandatory Report online: https://mandatoryreportingweb.communities.wa.gov.au/

16. GROOMING

ECCS must continue to improve its knowledge and understanding of grooming so that all members of the school community are able to challenge existing practice, recognise unprofessional behaviour and build a shared understanding of what a safe school is.

Grooming in a child protection context refers to deliberate actions undertaken to engage in sexual activity with a child. It differs from sexual abuse in that it is primarily a preparatory activity occurring before abuse occurs, but is continued during and after the abuse to ensure the safety of the groomer.

Grooming is a subtle, gradual, and escalating process of building trust with a child and those around the child, both children and adults, with the express purpose of the sexual gratification of the perpetrator and generally involves engaging in sexual activity with the child. It is deliberate and purposeful and occurs both before and after the abuse. Abusers may groom children and supporting adults for weeks, months, or even years before any sexual abuse actually takes place. The grooming may occur in person or via cyber media or other forms of communication.

A committed offender will employ grooming behaviour from an early stage and because it is so subtle and gradual the child may not be aware of the actual abuse when it occurs and that it is wrong or harmful. The grooming occurs not only with the child but also with those supporting networks around the child which might act as a deterrent or protective element. The perpetrator will invest significant energy and patience to minimise the risk of detection and exposure.

The groomer will employ manipulation, guilt, shame, bribery, coercion or exploit low self-esteem to psychologically manipulate the child and as a result the child becomes increasingly dependent on the groomer and increasingly alienated from protective elements including possible sources to disclose to. Plausible deniability is part of the strategy that the groomer employs to ensure that staff don't take seriously the possible disclosures of a child. This is a deliberate strategy employed to maintain the secrecy of the abuse, so that the abuse is concealed and to ensure the silence of the child.

The groomer will exploit vulnerabilities of the protective elements around the child, including parents and family circumstances, organizational and systemic weaknesses. Groomers are very adept at identifying anomalies, boundary ambiguities, and the lack of systemic awareness; at deflecting attention from their own actions and intentions.

While distinguishing between appropriate intent and inappropriate intent is very difficult, particularly for a child, it is essential that schools have very clear expectations and boundaries around behaviours so that there can be rigorous accountability when dealing with children.

GROOMING BEHAVIOUR

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GROOMING BEHAVIOUR WITH CHILDREN MAY INCLUDE, BUT IS NOT LIMITED TO:

- selecting, befriending a child and gaining his or her trust, exploiting the child's vulnerabilities;
- testing a child's boundaries through telling inappropriate jokes, roughhousing, backrubs, tickling, or sexual games;
- moving from non-sexual touching to "accidental" sexual touching. This typically happens during play so the child may not even identify it as purposeful, inappropriate touching. It is often done slowly so the child is gradually desensitized to the touch;
- manipulating the child to not tell anyone about what is happening. The abuser may use a child's fear, embarrassment, or guilt about what has happened. Sometimes, the abuser uses bribery, threats, or coercion;
- causing the child to feel responsible for the abuse. Children may not notice or may become confused as the contact becomes increasingly intimate and sexual.

GROOMING BEHAVIOUR WITH ADOLESCENTS MAY INCLUDE ADDITIONAL STRATEGIES, SUCH AS:

- identifying with the adolescent. The abuser may appear to be the only one who understands him/her;
- displaying common interests in sports, music, movies, video games, television shows, etc.;
- recognizing and filling the adolescent's need for affection and attention;
- giving gifts or special privileges to the adolescent;
- allowing or encouraging the adolescent to break rules (e.g., smoking, drinking, using drugs, viewing pornography);
- communicating with the adolescent outside of the person's role (e.g., teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. Some of these strategies may include where the perpetrator:

- promotes self and creates a reputation as caring, child-loving, competent, available, trustworthy, truthful;
- raises doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations;
- fosters dependency as someone the family can rely on; and
- positively represents child to others so as to be perceived as someone who would never harm the child.

COMBATING GROOMING:

While distinguishing between appropriate and in appropriate intend is often difficult, particularly for a child, it is essential that the School has very clear expectations and boundaries around employee behaviours so that there can be rigorous accountability. Holding all staff members accountable to the Staff Code of Conduct and challenging boundary crossings and violations are the most effective strategies to combat grooming.

Where an employee is investigated for behaviours considered to be grooming, school authorities are obligated to report this to both the Director General of DES and the TRBWA (Standard 9).

All teachers and Education Assistants at ECCS are provided a copy of the TRBWA 'Professional Boundaries' (2019), are expected to read it and sign to confirm they have done so.

17. CYBER PREDATORS

The internet is one of the main sources of communication for young people today. The popularity of various social media as well as chat rooms, discussion groups and interactive games makes them a very attractive place for predators as they can remain virtually anonymous whilst participating in a range of paedophilic activity.

Children and young people need to think carefully about the username they choose. Usernames such as Angel-Babe, Sweet Sixteen and SexyKid may seem harmless, however they can attract the wrong attention as paedophiles are often attracted to people with these types of names.

The Criminal Code Amendment (Cyber Predators) Act 2006 is the legislation in Western Australia that protects children under the age of 16, or that the offender believes is under the age of 16, from an adult who uses electronic communications with the intent to procure the child to engage in sexual activity; or to expose the child to any indecent matter.

Reports of offensive and illegal online content can be made to the Office of the Children's e-safety Commissioner (esafety.gov.au). They will be investigated by the cyberReport team if the content is or is likely to be prohibited under law and priority is given to serious content such as child sexual abuse material that is known as Refused Classification (RC) content and is prohibited online.

HOW TO REPORT

If you think a child is in immediate danger, call Triple Zero (000).

This section provides information and facilities to help you report inappropriate, harmful or criminal activities that **occur online or via a mobile device.**

This information is for people who live in Australia only. For advice on reporting these issues from another country, please visit the Virtual Global Taskforce website..

Report

Report online child sexual exploitation

Report inappropriate sexual behaviour towards a child.

Report

Report inappropriate content

Report internet content which you believe is prohibited or inappropriate.

Report

Report cybercrime

Report cybercrime to the Australian Cybercrime Online Reporting Network (ACORN).

Report

Report cyberbullying

Report cyberbullying of adults to ACORN or children to the eSafety commissioner.

18. RESPONDING TO DISCLOSURE OF ABUSE OR NEGLECT

If a student makes a disclosure of abuse or neglect staff should be aware of the immediate needs of the student and know what to do in these circumstances. Children will rarely use adult language or specific terms when disclosing abuse, the language used will be at the developmental level of the child, so staff may not initially pick up the nuances of the disclosure.

Most disclosures are accidental, that is the child did not intend to disclose, and it is likely that the disclosure will only be partial. Staff should not attempt to elicit a full disclosure or ask direct questions. The child should be encouraged to speak freely, i.e., a free narrative, but staff should not try to direct the child down a particular path of thought.

STAFF MUST BE MINDFUL TO:

- Use 'protective interrupting' if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people
- Acknowledge that you have heard them and stop them from disclosing any further
- Be supportive and gently indicate that they might tell you about it in a more private situation
- Quietly arrange to see them as soon as possible, in a situation away from other students
- Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process
- Put your own feelings aside and listen as if the information is not sensational
- Provide reassurance that the student is believed, that they were right to tell and it was not their fault
- remain as objective as possible as a staff member and do not make judgements about what has happened
- Listen to students in an appropriate private location within the school, that is a place where the interactions can be observed but not heard by others
- Be supportive and understanding
- Be empathetic to student feelings; the student may be confused because of the relationship with the abuser; e.g.: loving parents shouldn't do abusive things
- Acknowledge that it is difficult to talk about such things
- Try to identify students' immediate fears

- Let students tell the event in their own words; when reporting, do not paraphrase but try to be as accurate as possible
- If you are unable to answer all the questions of the child, it is OK to let them know
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure
- Allow students the option of support during any agency interview and reassure them of the availability of continuing support
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them
- Document the disclosure and subsequent discussion and actions
- Explain what will happen next
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support.

STAFF MUST BE CAREFUL THAT THEY:

- don't push for details or conduct an investigation. Other agencies have this responsibility
- don't express judgement of the student, perpetrator or family
- don't get angry, upset or show shock
- don't ask questions that may make the child feel guilty or inadequate
- don't ask leading questions, for instance 'Did Daddy hit you?'
- don't put words in students' mouths or interrogate as this could jeopardise the interviewing process of CPFS and Police
- don't promise not to tell when there are clear limits on confidentiality
- never make false promises
- don't give a lecture about right and wrong
- don't say 'forget it', 'you'll get over it' or other such minimalising statements
- don't give excessive pity
- respect the confidentiality of the disclosure and do not share the information with anyone other than the Principal and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.

Staff must be aware that a disclosure can arouse within themselves strong feelings of shock, anger and helplessness. It is important to try and control these feelings and work through them at a later time.

19. REPORTING CHILD ABUSE OR NEGLECT

Since 1 January 2009, the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 became part of the Children and Community Services Act 2004 and, therefore, came into effect as the legislation that governs mandatory reporting of child sexual abuse in Western Australia.

Response by the school to allegations of child abuse and grooming must be appropriate and in the best interests of students:

- The School Board and the Principal are required to comply with their legal and professional obligations.
- Consultation is undertaken with the relevant government authorities to determine when, what and by whom information related to an allegation of child abuse and its investigation may be given to the person against whom the allegation is made, the complainant and his/her parents/guardians, other affected students and their parents/guardians, and the wider school community.

Victimisation occurring as a consequence of making an allegation and/or report is forbidden. Staff, students and parents/guardians making allegations in accordance with school policy must not be victimised, including where the allegation is unfounded. Staff making reports in good faith are assured of their protection from victimisation or other adverse consequences.

19.1 REPORTERS OF CHILD ABUSE AND NEGLECT, INCLUDING MANDATORY REPORTERS OF CHILD SEXUAL ABUSE

- All School staff, including teachers and non-teaching staff (education assistants, office assistants etc.) are responsible for helping to prevent, identify and report child abuse and neglect.
- Visitors to the School such as contractors, volunteers, parents/carers and members of the School Board are also considered to be responsible for helping to prevent, identify and report child abuse and neglect.
- Mandatory reporting is a term used to describe the legislative requirement for selected groups of people to report suspected cases of child abuse and neglect to government authorities.
- Mandatory reporters are all doctors, nurses, midwives, police officers, teachers and boarding supervisors who form a reasonable belief regarding child sexual abuse during the course of their work, either voluntary or paid.
- Teachers are mandatory reporters.
- Non-teaching staff, including education assistants and first aid officers, are non- mandatory reporters.
- Visitors such as contractors, volunteers, parents/carers and members of the School Board are non-mandatory reporters.
- A teacher who receives a report of child sexual abuse from a non-mandatory reporter then becomes a mandatory reporter.
- Teachers working outside of the School grounds are considered to be mandatory reporters when working in either a paid or unpaid capacity e.g. tutoring.

19.2 REPORTING CHILD ABUSE AND NEGLECT

- Both mandatory and non-mandatory reporters, including teachers, non-teaching staff, visitors such as contractors, volunteers, parents/carers and members of the School Board, that form any concerns of child physical abuse, emotional abuse (including family violence), neglect, sexual abuse (if there is a concern but NOT a belief) and/or sexual abuse that occurred before 1 January 2009 (and is not ongoing):
- are expected to immediately report their concern directly to the Principal, in which event, the Principal must make a report to the Department of Communities Child Protection and Family Support (DCCPFS).
- are expected, if the concern relates to the Principal, to immediately report their concern directly to the Chairperson of the School Board.
- may, if they wish, report their concern to the Department of Communities Child Protection and Family Support (DCCPFS) if they believe a child's welfare to be at risk from these forms of abuse.

19.3 REPORTING CHILD SEXUAL ABUSE

- Teachers, and some other employees, only have mandatory reporting legal obligations under the Children and Community Services Act 2004 (WA).
- Only child sexual abuse is covered by the mandatory reporting obligation.
- Teachers, as mandatory reporters, who form a 'reasonable belief' in the course of their work (paid or unpaid) that there is and/or has been child sexual abuse (on or after 1 January 2009) MUST make an immediate mandatory report directly to the Department of Communities Child Protection and Family Support (DCCPFS).
- Mandatory reporters:
  - should phone straight away before reporting online or by mail if the situation appears urgent.
  - should be aware that penalties apply for not reporting.
  - should retain and store appropriately all relevant notes and documents.
  - may, if they wish: disclose to the Principal their belief that a child's welfare is at risk from sexual abuse, at which point the Principal must also make a mandatory report (if he/she is given information that leads him/her to form a reasonable belief that the abuse has occurred); or communicate to the Principal that they have made a mandatory report for child sexual abuse, at which point the Principal is not required to make a mandatory report (unless he/she is given information that leads him/her to form a reasonable belief that the abuse has occurred); regardless, the Principal must notify the School Board via the Chairman of the Board of the incident; however, the Principal must only notify the Director General of the Department of Education of the incident if it qualifies as a reportable incident.

That is, if it involves abuse committed against a student by a staff member or another student, or another person on the school premises or during a school-related activity.

- Non-mandatory reporters, including non-teaching staff, visitors such as contractors, volunteers, parents/carers and members of the School Board, who form any concerns of child sexual abuse:
  - are expected to immediately report their concern directly to the Principal, in which event, the Principal must immediately make a report to the Department of Communities Child Protection and Family Support (DCCPFS).
  - are expected, if the concern relates to the Principal, to immediately report their concern directly to the Chairperson of the School Board.
  - may, if they wish, report their concern to the Department of Communities
  - Child Protection and Family Support (DCCPFS) if they believe a child's welfare to be at risk from sexual abuse.
  - may, if they wish, disclose to a teacher their belief that a child's welfare is at risk from sexual abuse, at which point the teacher must make a mandatory report (if he/she is given information that leads him/her to form a reasonable belief that the abuse has occurred).
  - Mandatory reporters may struggle to decide whether or not they have grounds to make a report of child sexual abuse and may wish to consider:
  - The presence of indicators, injuries, signs, symptoms and behaviours that heighten concerns.

The following questions to assist in deciding if their belief is based on reasonable grounds:

- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?
- Can you describe the reasons why you believe a child has been, or is, being sexually abused?
- What has the child said or done to suggest that they are being sexually abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- What other behaviours of the child have you observed that are of concern to you? What is the frequency and severity of the behaviours? How long have they been occurring?
- What other interactions with the child have you observed that are of concern to you? When and where do they occur?

20. REPORTING SCHOOL RELATED CHILD ABUSE

Response by the school to allegations of Staff Code of Conduct breaches and allegations of grooming or child abuse by current or former staff must be appropriate and in the best interests of students:

- The School Board and the Principal must comply with their legal and professional obligations.
- The complainant is informed about the services, including advocacy and support services which may be available.
- Consultation is undertaken with the relevant government authorities to determine when, what and by whom information related to an allegation of child abuse and its investigation may be given to the person against whom the allegation is made, the complainant and his/her parents/guardians, other affected students and their parents/guardians, and the wider school community.

Response by staff to Staff Code of Conduct breaches, grooming and child abuse at the school must comply with staff understanding and meeting their mandatory reporting obligations.

Victimisation occurring as a consequence of making an allegation and/or report is forbidden. Staff, students and parents/guardians making allegations in accordance with school policy must not be victimised, including where the allegation is unfounded. Staff making reports in good faith are assured of their protection from victimisation or other adverse consequences.

In cases where a former student, or the parent/guardian of a former student, makes an allegation about child sexual abuse at the school occurring before 2009, the Department of Communities Child Protection and Family Support (DCCPFS) is to be informed immediately.

Certain Critical and Emergency Incidents relating to child abuse require that the School Board ensures that the Director General of the Department of Education is notified as soon as practicable and, in any event within 48 hours of the incident.

IN THE FOLLOWING CASES:

- if the Principal receives a complaint or allegation of child abuse, including but not limited to sexual abuse, committed against a student by a staff member or another student, or another person on the school premises or during a school-related activity, whether the abuse is alleged to have.
- occurred recently or in the past.
- if the Principal issues a formal warning to a staff member or ceases the employment of a staff member for a breach of the Staff Code of Conduct suspected to have involved grooming behaviour the Principal must:
  - notify the School Board, via the Chairperson, of a critical incident (reportable incident).
  - notify the Director General of the Department of Education of a critical incident (reportable incident), on behalf of the School Board, as soon as practicable, and in any event within 48 hours of the incident, using the form published by the Director General for this purpose.
  - notify external agencies as required.

21. THE ROLE OF THE DEPARTMENT FOR CHILD PROTECTION AND WA POLICE

Teachers are required by law to make reports when they have a reasonable belief that sexual abuse is occurring or has occurred. For other forms of child abuse mandatory reporting is not a requirement, however, schools have a duty of care and a moral obligation to follow the recommended procedures in cases of suspected child abuse.

The Department for Child Protection and Family Support (CPFS) is the government department with the statutory authority to investigate child protection concerns in Western Australia.

It is not the school's role to investigate child maltreatment issues, including concerns of sexual abuse. That responsibility lies with the CPFS and WA Police. All disclosures or strong concerns of abuse or neglect should be reported to CPFS by the Principal or teacher. CPFS will then decide on how to proceed.

The Western Australian Police also have a role in responding to allegations of child abuse and neglect. The WA Police Service Child Abuse Investigation Unit (CAIT) intervenes in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid. In the case of a report of child sexual abuse, CPFS will forward all reports to the WA Police.

Under section 129 of the Children's and Community Services Act 2004, people who give information, in good faith, to the Department for Child Protection are protected from incurring any civil or criminal liability, from having breached any confidentiality imposed by law, or from having breached any professional ethics or standards.

The Department of Communities Child Protection and Family Support (DCCPFS), under the Children and Community Services Act 2004 has certain powers including the ability to:

- Apprehend a child:
  - If there is a need of care and protection.
  - No warrant is required.

- Interview a child:
  - The Department has the authority to interview a child at the School before contact is made with the parent/caregiver.
  - Before the Department does so, the Principal or Deputy Principal must be notified.
  - The child should have the option of having the support of a staff member of their choosing at the interview.

- Remove a child from school:
  - Department Officers may remove a child from the School if they have the permission of the parent/caregiver or if they have apprehended the child.
  - The Principal should be satisfied that all conditions have been met before this occurs and document all conversations.

- Medically examine a child
  - The Department may require that a medical examination of the child occurs as soon as possible so that bruising, marking and other symptoms can be recorded for future reference.
  - This would normally take place at either Perth Children's Hospital (PCH) or a Community Child Health Services Centre.
  - This can only take place if permission has been obtained from the parent/caregiver or if the child has been apprehended.

21.1 PARENTS/CAREGIVERS

To avoid interfering with any investigative process initiated by CPFS or the Police, the Principal and teacher must seek advice from CPFS or Police prior to informing the parent/carer of a concern of abuse or neglect.

22. MANDATORY REPORTER STORAGE AND RETENTION OF DOCUMENTS

Because the reporting obligations under the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 are obligations placed upon the teacher personally, it is recommended that the teacher:

- Keep a record of the report in compliance with obligations under the Act.
- Keep a record of the receipt provided by the Department when the report was received (usually a receipt number) as evidence the report was made.
- Keep a copy of any notes provided to the Department in compliance with obligations under the Act.
- Keep a copy of any notes provided to the School.
- Retain copies of the report, any notes and the record/receipt of the report submission when employment with the school ceases.

23. RELEVANT LEGISLATION

- Children and Community Services Act 2004
- Children and Communities Services Amendment (Reporting Sexual Abuse of Children) Act 2008
- Criminal Code Act 1913
- Criminal Code Amendment (Cyber Predators) Bill 2005
- Working With Children (Criminal Record Checking) Act 2004

24. RELATED POLICIES AND INFORMATION

- Child Safety Framework
- Staff Code of Conduct
- Student Code of Conduct
- Parent Code of Conduct
- Privacy Policy
- Behaviour Management Policy
- Student Cyber Safety Agreement

Reportable Conduct Scheme Fact Sheet

1. Who can be reported?

The following persons over 18 years of age:

- paid employees – any staff member;
- volunteers;
- contractors;
- ministers of religion;
- certain types of carers; and
- family day care educators and assistants.

A volunteer or contractor is only considered an employee under the Scheme if they have been engaged by an organisation covered by the Scheme to provide services to children.

2. What types of conduct can be reported? (see over: FAQ sheet 3)

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical assault (against, with or in the presence of, a child);
- significant neglect of a child;
- significant emotional or psychological harm to a child.

3. To whom should I report?

The Principal
The Ombudsman WA if it is the Principal being reported
https://www.ombudsman.wa.gov.au/

4. How do I report?

Complete an RCS report form and email it to the Principal:
Principal.ChildSafety@eccs.wa.edu.au

5. How do I report anonymously?

Place a copy of the information in an envelope addressed to the Principal, marked as highly confidential and deliver/post to the School.

Reportable Conduct Scheme

Information Sheet 3

Identifying Reportable Conduct

Published: February 2024

What types of conduct are reportable?

The Reportable Conduct Scheme includes the following types of 'reportable conduct':

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical assault (against, with or in the presence of, a child);
- significant neglect of a child; and
- significant emotional or psychological harm to a child.

What are sexual offences?

A sexual offence is an offence of a sexual nature under a law of Western Australia, another State, Territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- sexual penetration of a child;
- indecent dealings with a child;
- procuring, inciting or encouraging a child to engage in sexual behaviour or do an indecent act; and
- production, distribution or possession of child exploitation material.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

What is sexual misconduct?

Sexual misconduct includes misconduct against, with or in the presence of a child that is sexual in nature but does not include a sexual offence. Sexual misconduct may include (but is not limited to) behaviours such as:

- inappropriate touching;
- sharing pornographic images;
- speaking of sexual acts without a legitimate reason to do so;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child; and
- grooming behaviour.

Sexual misconduct includes a broad range of behaviours, some of which may be sexual and some may be in preparation for sexual activity. Misconduct of a sexual nature may also occur when an employee involves a child in sexual activity by using their power over the child and taking advantage of their trust.

For example, grooming behaviour may be where there is evidence of a pattern of conduct where the employee gradually engages the child in sexual activity by using inducements, bribes, rewards or threats. Often there is use of a variety of controlling techniques toward a vulnerable subject in order to establish trust or to normalise sexually harmful behaviour. Grooming behaviour may also involve behaviour designed to prohibit exposure of the relationship.

The types of behaviours that may lead to a conclusion that grooming behaviour is occurring include persuading a child or group of children that they have a 'special' relationship, for example by:

- spending inappropriate special time with a child;
- inappropriately giving gifts; or
- asking the child to keep their relationship to themselves.

What is physical assault?

Physical assault can occur when a person intentionally or recklessly:

- applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child (**actual physical force**); or
- causes a child to apprehend the immediate and unlawful use of physical force against them– such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (**apprehension of physical force**).

For conduct to be physical assault under the Scheme, the actions of the employee must be either **intentional** or **reckless**.

Intentional means that the employee engaged in the behaviour or conduct deliberately. In the case of actual physical force, this applies where the employee intentionally carries out the conduct or behaviour when physical contact was made with the child. An example of conduct that would likely constitute a physical assault is an employee deliberately striking a child in their care.

An apprehension of physical force is where an employee carries out a conduct or behaviour with an intention of making a child believe there would be actual physical force that could injure or harm them. An example of conduct that may cause a child to apprehend the use of physical force is where an employee threatens to strike a child in their care, causing the child to believe they are going to be harmed by the employee.

Reckless means the employee might not have intended to use actual physical force, or to make a child believe actual physical force would be used, but was reckless about the impact their conduct or behaviour could have on a child. An example of conduct that may constitute a physical assault is an employee acting in a reckless manner that results in the employee unintentionally striking a child.

Investigations will often need to be undertaken before it is possible to determine whether or not the conduct or behaviour was reckless as it will frequently require an examination of all of the circumstances surrounding the incident.

What is significant neglect?

Neglect is a failure to meet the basic needs of a child. In deciding whether alleged conduct is significant neglect, it may be helpful to consider if:

- the worker or volunteer could have met the child's needs but failed to do so; and
- the failure was deliberate or reckless.

Examples of different types of neglect could include:

- **supervisory neglect**: This may occur when a person responsible for the care of a child in unable or unwilling to exercise adequate supervision or control of the child or young person.
- **medical neglect**: This may occur where there is a failure to seek or comply with appropriate or recommended medical treatment.
- **physical neglect**: This may occur where there is the failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.
- **educational neglect**: This may occur when there is a failure to ensure that a child's formal education needs are being met.
- **emotional neglect**: This may occur where there is a failure to provide adequate nurturing, affection, encouragement and support to a child.

When is neglect 'significant'

The use of the word 'significant' refers to the impact on the child of the failure to act, not to the duration, severity or gravity of the outcome of the neglect. It is not necessary to establish whether any harm was suffered or whether any harm that did result could be treated, resolved or cured. It is the failure or failures that will be assessed for significance when considering whether conduct is reportable.

The Ombudsman defines 'significant' as a deliberate or reckless failure or failures that separately or
together have had, or could have, considerable detrimental force or effect on the safety or wellbeing of the child who has been neglected.

While actual harm is not required, it is important to consider the possible harm or impact on a child as a result of the neglect to assess how significant the neglect is. The possible harm in question will be a consequence that a reasonable person would consider to be a likely result of the neglect.

For example, if a young child is locked in a hot car in summer, a reasonable person may conclude that this neglect could lead to this child suffering serious harm or possibly even death. Neglect that could lead to serious harm is likely to be significant neglect.

The harm must be 'significant'

Allegations that are reportable under this category must concern significant emotional or psychological harm. To be considered significant under the scheme, the alleged harm must be more than trivial.

A professional psychological or medical assessment of the child may assist to determine whether they have suffered significant emotional or psychological harm. However, a clinical diagnosis will not be required in every case, for example where:

- the alleged behaviour is so serious and/or occurred over such a sustained period, that it can be reasonably inferred that the child has been harmed, or
- assessment may unreasonably re-traumatise or otherwise further harm the child.

We encourage organisations to consult the Ombudsman if you need assistance to determine if the allegation involves significant emotional or psychological harm.

Does conduct that forms part of normal professional duties need to be notified?

Heads of organisations will not need to notify the Ombudsman about an allegation if:

- it is reasonable for the discipline, management or care of a child or of another person in the presence of a child, having regard to the characteristics of the child and any relevant code of conduct or professional standard that applied at the time; or
- it is trivial or negligible and that has been or will be investigated and recorded as part of another workplace procedure; or
- the conduct has been exempted by the Ombudsman from being reportable conduct.

For example, an employee restraining a child to prevent that child from hurting themselves or others would not need to be reported to the Ombudsman, as long as the employee's conduct was consistent with relevant codes of conduct or professional standards that applied at the time.

What is a reportable allegation?

A reportable allegation is any information that leads a person to form the belief on reasonable grounds that an employee (as defined under the Act) of an organisation covered by the Scheme has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

What is a reportable conviction?

A reportable conviction is, in summary, a conviction for an offence of a sexual nature committed against, with, or in the presence of a child. A conviction for an offence committed by a person includes:

- a court making a finding of guilt in relation to the offence;
- if there has been no formal finding of guilt before conviction, a court convicting the person of the offence;
- a court accepting a plea of guilty from the person in relation to the offence;
- a court acquitting the person following a finding under *The Criminal Code* section 27 that the person is not guilty on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another State, a Territory or the Commonwealth; or
- a conviction that is a spent conviction (but does not include a conviction that is subsequently quashed or set aside by a court).

What is significant emotional or psychological harm to a child?

While a child can be significantly emotionally or psychologically harmed by behaviour, such as sexual offences, sexual misconduct, physical violence and significant neglect, other types of behaviours can also cause significant emotional and psychological harm to a child. Examples include:

- coercive or manipulative behaviour;
- hostility towards, or rejection of, a child;
- verbal abuse; and
- humiliation, belittling or scapegoating.

Identifying the elements

For reportable conduct involving significant emotional or psychological harm, the following elements must be present:

- a serious act or series of acts that the employee knew or ought to have known was unreasonable, and
- evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, chronic depression, post-traumatic stress disorder or the exacerbation or aggravation of an existing psychological condition, and
- an alleged causal link between the employee's conduct and the psychological harm to the child.

Further information regarding the ‘clear link’ and ‘significant’ elements is outlined below.

There must be a clear link between the behaviour and the harm

There must be a clear link between the alleged behaviour and the significant emotional or psychological harm. In deciding whether there is a clear link, it may be helpful to consider the likelihood that the child would have been harmed if the alleged behaviour had not occurred.

Significant emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

A child may display physical or behavioural signs that suggest they may have experienced behaviour which has caused them significant emotional or psychological harm. These signs may include:

- suicidal action, suicidal ideation or self-harm;
- patterns of out-of-character, self-destructive, antisocial, or anxious behaviour;
- ongoing sleep disturbance, nightmares or bedwetting; and
- regression in behaviour.

What must be notified to the Ombudsman?

Under the Scheme, both 'reportable allegations' and 'reportable convictions' need to be notified to the Ombudsman.

If you are unsure about the application of any of the definitions in this Information Sheet, we encourage you to seek the Ombudsman's advice.

Forming a belief on reasonable grounds

A reportable allegation is any information that leads a person to form a belief on reasonable grounds that an employee has engaged in reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment. This includes where a reportable allegation is made against the head of the organisation.

The existence of some uncertainty or doubt about whether an employee engaged in reportable conduct or conduct that may involve reportable conduct does not prevent the reporting person from forming a belief on 'reasonable grounds' that the reportable allegation occurred.

A reporting person is not required to prove that a reportable allegation occurred.

A person is likely to form the belief on reasonable grounds if they:

- observed the child's behaviour;
- observed the conduct themselves;
- heard directly from a child that the conduct occurred; or
- received information from another credible source (including another witness).

Heads of organisations are required to notify the Ombudsman of reportable allegations even if they do not agree with or share the belief that the alleged conduct has occurred with the reporting person.

A reporting person does not have to be an employee of the entity. The head of the relevant entity must ensure that there is a system in place for enabling any person to report to the head of the relevant entity a reportable allegation or reportable conviction involving an employee of the relevant entity.

Further information regarding the obligations of employees to report can be found in the information sheet ***About the Reportable Conduct Scheme***. Heads of organisations should also ensure employees are familiar with their organisation's procedures for reporting, see information sheet ***Responsibilities of the Head of an Organisation*** for further information.

Where to get help

Organisations covered by the Scheme should contact the Ombudsman for clarification and guidance, and to talk through any issues of concern.

- Telephone: (08) 9220 7471
- Email: reportableconduct@ombudsman.wa.gov.au
- Website at www.ombudsman.wa.gov.au

Acknowledgements: Ombudsman Western Australia wishes to thank the New South Wales Office of the Children's Guardian, ACT Ombudsman's office and the Victorian Commission for Children and Young People for use of their publications relating to their reportable conduct schemes and their continuing advice and assistance.

Appendix 1

CHILD PROTECTION POLICY AND PROCEDURES

ACKNOWLEDGEMENT FORM

Employee Name: _____
(First Name and Surname)

I have read, understood and agree to comply with the terms of this Child Protection Policy and Procedures Document.

Employee's Signature: _____

Principal's Signature: _____

Date: _____