

# Child Protection Policy and Procedures



THE KING'S COLLEGE  
Be exceptional.



## Compliance and Review

The King's College is committed to the continuous improvement of its Child Protection Programme and adhering to the WA child protection laws, regulation and standards.



## **1. Context**

The King's College is a child safe organisation and seeks to always uphold the National Principles for Child Safe Organisations (Australian Human Rights Commission) in order to create a culture, adopt strategies and take action to promote child wellbeing and prevent harm to children and young people.

The College Child Protection Policy is a statement of commitment to the protection of children from abuse and grooming. The College is committed to prioritising child safety in all aspects of school life by implementing robust policies and procedures to deter inappropriate interactions and facilitate detection and reporting of child abuse and grooming.

The College exercises zero tolerance of child abuse and grooming.

This Child Protection Policy should be read in conjunction with the College Child Safety Framework.

## **2. Scope**

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

This Policy is endorsed by the Principal and the College Board and is to be reviewed annually redefining new understandings, the effectiveness of current procedures, the publication of relevant research and legal requirements.

This Policy is available to the College community on the College website.

## **3. Purpose**

This Child Protection Policy provides the framework for:

- the development of policies, procedures, work systems and practices that promote child protection, safety and wellbeing, deter inappropriate interactions and facilitate the detection and reporting of abuse and grooming within the College;
- the creation of a safe and supportive environment and a positive and robust child protection culture within the College;
- the promotion and open discussion of child protection issues within the College;
- compliance by the College with all Government of Western Australia laws, regulations and standards relevant to child protection, including compliance with Department of Education non-government school registration requirements relevant to child protection.

Duty of Care requires that teachers act in the best interests of students. This obligation exists during school hours, during after-hours approved activities and at other times when the staff/student relationship exists.

The Criminal Code stipulates that a child under the age of 16 years is not able to give consent to any activity of a sexual nature in any relationship with any adult. In addition, the law does not allow activity of a sexual nature to occur between a child under 18 years of age and a person who holds a position of authority over the child.

The nature of the teacher-student relationship is such that the teacher holds a position of authority over his/her students that engenders trust and confidence. Accordingly, the law provides for greater penalties for duty of care breaches and sexual offences committed by teachers against students.

#### **4. Guiding Values and Principles**

The following child-safe values and principles guide the College's commitment to child safety and form the basis for all school child protection policies and procedures.

- College policies and procedures include clearly stated expected standards of behaviour where there is any interaction with children and consequences if these behavioural expectations are not met.
- Child protection is everyone's responsibility, therefore, the College demands the highest standards of behaviour from all stakeholders interacting with children on school grounds and at off-site school activities.
- The existence of a child safe culture determines the safety of children and includes an environment and ethos supportive of the following
  - That all children have the right to be safe.
  - That the welfare and best interests of the child are paramount.
  - The demonstrating of respect for the views of children and their privacy.
  - The building of respectful, supportive and caring relationships to develop children's confidence to report abuse and neglect.
  - The modelling of fair and just complaints management.
  - The promotion of equity and respect for diversity.
- Recruitment of staff, volunteers and visitors including contractors and consultants involves procedures to maximise the protection of children, such as ensuring that all individuals are adequately screened and hold a current Working with Children Check.
- Child safety awareness is promoted and openly discussed within the College community, including a child safety statement being included on internal communications such as on each whole-staff meeting agenda disseminated fortnightly.
- Training of employees includes mandatory child protection training relating to the identification and management of child sexual abuse and other forms of abuse and neglect.
- Ongoing education of employees includes regular review of policies and procedures at staff meetings, with particular emphasis given to those relating to child protection.
- The Protective Behaviours Curriculum is planned for and taught in Health and other subject lessons in an age-appropriate way from Kindergarten through to Year 12, based on the Keeping Safe: Child Protection Curriculum available from the South Australia Department for Education. The delivery, including external guest-speakers, as appropriate, seeks to empower students to understand: appropriate and inappropriate behaviour and interactions; boundaries in interactions, how to tell when they have been crossed and what to do when this occurs; healthy and respectful relationships, including sexuality; power in relationships; how to develop protective strategies; how to seek help; how to report abuse; and the importance of personal resilience.
- Information regarding child safety and prevention of harm, and procedures for responding to alleged or suspected incidents of child abuse and harm, are simple, clear and easily accessible to all members of the College community.

- Risk management relating to child safety and protection occur during the application/approval process for all school events and off-site activities, including the identification of potential risks and planning of strategies for minimisation and management.
- Procedures are in place to ensure the College physical environment and premises are designed and maintained to ensure the safety of children.
- Procedures are in place to ensure the College online environment is managed to ensure the safety of children.
- Care and support is provided in a sensitive and respectful manner for all parties involved in situations where abuse is suspected or disclosed, including sessions with the College Chaplain for students and counselling via the Employment Assistance Program (EAP) for staff.
- Appropriate privacy, confidentiality, security and retention expectations are adhered to for information, notes, documents and records regarding suspected or disclosed child protection issues.

## **5. Duty of Care**

All College community members have a Duty of Care to the students at the school. This includes employees, Board members, parents/carers, students, volunteers and visitors including contractors and consultants. This applies during periods of time on school grounds, including after-hours school events, and off-site at school activities.

If students have not been picked up at the end of the school day or at the conclusion of an after-hours or off-site school event/activity, the duty of care still exists.

Supervision must persist.

- Students should be accompanied to the College Reception to await collection.
- All avenues must be followed to contact the child's family or emergency contacts.
- If the College is unable to make any contact, the Principal may contact the Police or the Department of Child Protection and Family Support (DCPFS).

## **6. Recruitment**

Human resources practices are reviewed regularly to ensure that all new employees and volunteers are adequately screened, trained and supervised.

Staff recruitment practices at the College seek to engage only those who are suitable to work with students and make every attempt to assess commitment to the Staff Code of Conduct on the part of applicants.

During each stage of the recruitment process, the College's commitment to child protection and reducing the risk of child abuse is evident.

- Position preparation

The Job Description and Selection Criteria will clearly state the role requirements and the College's child safety processes for supervision and accountability.

- Advertising

The advertisement will: include a message stating the College's commitment to child safety; include reference to the College Staff Code of Conduct and Child Protection Policy; and inform applicants that appropriate rigorous background checking will be undertaken.

- Application processing

Pre-employment screening will include:

- Police checks
- Teacher registration check, if applicable
- Working with Children Check
- Referee checks
- Confirmation of signing of Staff Code of Conduct
- Identity check
- Confirmation of authenticity of submitted qualifications and transcripts

- Interviewing

Interviews will be conducted by a suitable panel, questions will be behaviour-based and request more information if responses are insufficient, and interviewees will be on the lookout for warning signs e.g. inconsistencies.

- Appointing

The successful applicant will: initially be employed for a probation period; participate in child safety education as part of induction processes as soon as practicable, including:

- Professional learning confirmed or booked
  - child safety, child abuse and grooming
  - mandatory reporting obligations for child sexual abuse
- Policy provision and communication of policy access
  - Staff Code of Conduct
  - Child Protection Policy, including procedures for the prevention, detection and reporting of grooming and child sexual abuse
- Meetings with key staff
  - Dean of Studies – Keeping Safe protective behaviours curriculum
  - Dean of Students – safety issues relating to pastoral care

Casual (e.g. relief teachers) and temporary staff are also screened.

## 7. Registration, Clearances and Checks

- Teachers

- All teachers are required to be registered with the Teacher Registration Board of Western Australia (TRBWA) and, as such, are required to have Police Clearance and a Working with Children Check (WWCC).
- Each individual teacher is responsible for the correct currency of these documents; however, the HR Officer will remind employees as necessary.

- Non-teaching staff

- Non-teaching staff are required to have Police Clearance and a Working with Children Check (WWCC).
- Each individual staff member is responsible for the correct currency of these documents; however, the HR Officer will remind employees as necessary.

- Contractors

- Any contractors working during the school day are required to have Police Clearance and a Working with Children Check (WWCC) as part of their contractual obligations.
- The Operations Manager, under the oversight of the Business Manager, ensures that this requirement is met.

## 8. Staff Performance

Staff are routinely made aware of the College's commitment to child protection and means to reduce the risk of child abuse.

- Professional learning
  - Mandatory annual face-to-face professional learning (three hour session) on school grounds by the Association of Independent Schools of Western Australia (AISWA) for all staff on Child Protection (child abuse prevention, recognition of grooming and mandatory reporting).
  - Mandatory annual professional learning for Board members, practicum students and regular volunteers on Child Protection (child abuse prevention, recognition of grooming and mandatory reporting).
  - Mandatory annual in-house professional learning for all staff during Staff Days which aims to ensure recency of understanding of College Child Safety policies, procedures and evidence-based practice, as well as safe physical and online environments.
  - Mandatory annual professional learning for Board members, practicum students and regular volunteers which aims to ensure recency of understanding of College Child Safety policies, procedures and evidence-based practice, as well as safe physical and online environments.
  - Mandatory annual in-house professional learning for all staff (including new staff) during Staff Days on the Staff Code of Conduct.
  - Staff Code of Conduct
    - Distributed to staff annually with the Staff Handbook at the beginning of each academic year
    - Reading of document confirmed through the annual Performance Development process which involves staff meeting and discussing their Performance Development Plan (PDP) with their line manager
    - Regular communication that all staff MUST report to the Principal, Deputy Principal or Chair of the College Board any objectively observable behaviour which breaches or is suspected of breaching the Code
    - At this point the Principal must notify the College Board, the Department of Communities Child Protection and Family Support and, if a critical incident, the Department of Education
  - Mandatory professional learning (full-day session) by all teachers of the Protective Behaviours curriculum, delivered by the Association of Independent Schools of Western Australia (AISWA) on the Protective Behaviours curriculum (Keeping Safe).
  - Time for recommended annual online refresher professional learning on school grounds for all teachers of the Protective Behaviours curriculum, given they have previously completed the mandatory professional learning (full-day session) by the Association of Independent Schools of Western Australia (AISWA) on the Protective Behaviours curriculum (Keeping Safe).
- Performance development
  - Annual
  - Completion of Performance Development Plan (PDP), which includes elements relating to child protection e.g. confirmation of completion of professional learning on mandatory reporting for child sexual abuse
- Performance appraisal

- During probationary period of employment
- Every three years
- Performance management
  - If concerns arise

## 9. Equity and Diversity

The promotion of equity and respect for diversity are significant and should be part of how the safety and wellbeing of all of the children and young people at the College are addressed.

Equity and diversity are important for the development of children's identity and sense of belonging, which, in turn, impact learning outcomes, self-esteem and general wellbeing. Therefore, staff members must seek to actively address issues of inequality by removing barriers to equity and inclusion. Further, they must aim to promote the value of differences and diversity, including the Australian indigenous culture and language.

Education professionals need to identify and respond to children's individual strengths, abilities and interests to ensure that each and every child has the support that he/she needs to reach his/her full potential.

For vulnerable children, identification and monitoring must occur. At the College, the Inclusive Education Department in liaison with Student Services play significant roles in ensuring the inclusion of all students, including those most vulnerable.

## 10. Physical and Online Environment

The College 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 through regular review and auditing of students' spaces, classrooms, playgrounds and ovals, including term checking of all playground equipment for changes due to wear and tear that may put students at risk of harm. Additionally, ongoing safety is ensured through regular maintenance following appropriate schedules, such as routine flushing of all drinking fountains on-site at the beginning of school holiday periods.

First Aid kits are located throughout the College, in Reception, the Early Learning Centre, the Staff Room, Student Services, science laboratories and available for access by staff in all classrooms. First Aid kits are checked and restocked on a monthly basis and information updated on the First Aid Kit Register.

For the online environment, students and parents/carers are required to read and sign agreements prior to students being granted use of their laptop (One-to-One Program) and access to email and the internet using this device. The regulations ensure understanding of potential risks, how the College affords protection (e.g. passwords) and student and parent/carer responsibilities in ensuring appropriate levels of security and safety.

Cybersecurity protection software is employed at the College, which provides data relating to student online activity. The IT Department, in liaison with Student Services, monitors and manages breaches to acceptable laptop and internet use as they become evident.

## 11. Child Abuse and Neglect

The College must continue to improve its knowledge and understanding of child abuse and neglect 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.

Within a school context, holding all staff members accountable to the Staff Code of Conduct, and challenging boundary crossings and violations, is one of the most effective strategies to combating child abuse.

- **Child**

The definition of a child, as defined in section 3 of the Act, is 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, therefore, not covered by this legislation. However, schools still owe a duty of care to any students at the school, regardless of age. In these instances, police should be informed of any assault or crime against the young person.

- **Teacher**

The definition of a teacher is a person who is registered under the Teacher Registration Act 2012 or a person who provides instruction in a course that is mentioned in the School Education Act 1999 s11B(1)(a)(b).

- **Maltreatment (child abuse and neglect)**

Maltreatment is the result of action or inaction on the part of a person who has responsibility to care for a child and which results in harm or injury to the child. The harm may include delayed physical, intellectual and/or emotional development. The maltreatment may include one or more of the following:

- **Sexual abuse:**

Sexual abuse is defined by the Act in section 124A as below. The legislation is not intended to capture all sexual activity involving children and young people. Reference should be made to consent laws in Western Australia.

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

- The child is the subject of bribery, coercion, a threat, exploitation or violence; or
- The child has less power than another person involved in the behaviour; or
- There is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

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 a child.

- Physical Abuse:  
Physical abuse is defined as physical harm caused to a child. It can be caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation or excessive discipline. It includes injuries such as cuts, bruises, burns and fractures.
- Emotional Abuse:  
Emotional abuse is defined as an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorism, bullying, isolation, continual belittlement and exposure to chronic or serious domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child's emotional, intellectual or social development.
- Neglect:  
Neglect is defined as the failure of a parent/caregiver to provide a child with the basic essentials of life. These include adequate supervision, healthy food, suitable clothing, medical care and emotional security.

Adults also need to be aware that research indicates a substantial proportion of abuse is perpetrated on children and youth by their peers.

## **12. Indicators of Child Abuse and Neglect**

The following is not an exhaustive list and examples are not necessarily exclusive to a single list. Children frequently show indicators from more than one category. Any of these indicators may suggest that a child is being abused, neglected or at risk of harm; however, indicators should be viewed in the context of the student's age, medical and developmental history, and capabilities. Mental illness, substance abuse and domestic violence within families should also be taken into consideration.

The Department of Communities website includes information about [How Do I Recognise When a Child Is at Risk of Abuse or Neglect.](#)

## Physical Abuse

Physical Indicators	Behavioural Indicators
Bruises	Fear of adults
Burns	Frequent absences, with or without explanation from parents/caregivers
Hair missing in tufts	Guarded or evasive answers to questions about causes of obvious injuries
Lacerations and abrasions (especially to eyes, lips, gums and mouth)	Injuries that are not consistent with a child's explanation of them
Missing or loosened teeth	Disclosure of abuse directly to an adult or indirectly to a friend
Self-mutilation	Fear of going home
Welts	

## Emotional Abuse

Physical Indicators	Behavioural Indicators
Depression	Aggressive or delinquent behaviour
Eating disorders	Attempted suicide
Lethargy or fatigue	Excessively compliant or passive behaviour
Symptoms of stress	Excessive shyness or withdrawal
Evidence of drug abuse or dependence	Low self-esteem
Wetting, soiling, smearing	Fire setting
Psychosomatic complaints	Truancy or school avoidance
Psychological Trauma	Deliberate harming of animals
	Poor peer relationships

## Sexual Abuse

Physical Indicators	Behavioural Indicators
Bruises or bleeding from external genitalia, vagina or anal regions	Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way e.g. 'I know a person who....'
Blood stained underwear	Inappropriate expression of affection
Pregnancy or fear of pregnancy	Inappropriate interest in sexual matters
Signs of pain, itching or discomfort in the genital area	Evidence of sexual themes in artwork, stories or play
Urinary tract infections	Possession of pornographic materials
	Promiscuity, exposure of sexual behaviour towards others
	Use of sexual language inappropriate for child's age
	Reluctance to change clothes in front of others
	Wearing inappropriate clothing
	Fear states e.g. anxiety, depression, obsessively neat, socially withdrawn or overly compliant behaviour
	Poor peer relationships
	Inability to concentrate in school

## Neglect

Physical Indicators	Behavioural Indicators
Abandonment	Falling asleep in school
Poor hygiene	Poor school attendance or alternatively always attends school, even when sick
Lack of adequate or suitable clothing	Poor academic performance
Inadequate nutrition	Steals or begs for food or eats from bins
Lack of medical or dental care	Dull, apathetic appearance
Constant fatigue	Engages in vandalism
Developmental delays	Engages in sexual misconduct
Untreated sore, boils or lice	

Lack of adequate supervision	Uses drugs or alcohol
	Early arrival at school or reluctance to leave

### 13. Identification of Child Abusers

Overall, abusers are the least obvious people in our community.

Many abusers hold positions of trust within the community with easy access to children and families.

A child abuser may be a member of the family or someone close to the family.

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

### 14. Common Myths About Child Abuse

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

Common myths about child sexual abuse:

- Sex between adults and children is not dangerous 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 of 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

Common myths about general child abuse:

- There will not be a problem because all the employees/volunteers are female
- There will not be a problem because the young people come from privileged backgrounds and will complain if there is an issue of abuse
- If the selection procedures are right, the possibility of abuse will be eliminated
- Since police clearances are done here, the school is covered
- It is one of the other children's parents/carers/siblings to whom I am entrusting the child(ren), so it will be okay
- There is no need to screen family, friends of staff
- The employees, casual staff and volunteers are youths themselves so there is no risk
- Staff are pretty good at identifying people who are a bit 'odd'

## 15. Grooming

Sexual misconduct includes “grooming behaviour” or patterns of behaviour aimed at engaging or “grooming” a child as a precursor to sexual abuse. The grooming process can include strategies such as:

- Persuading a child that a “special” relationship exists, such as by spending inappropriate special time with the child, inappropriately giving gifts to the child, showing special favours to the child but not to other children, and allowing the child to overstep rules etc.
- Testing of boundaries with a child, such as undressing in front of the child, allowing the child to sit on the lap, talking about sex to the child, “accidental” touching of the child, for example, of the genitals etc.

The College 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.

Schools unfortunately provide a vast array of opportunities for groomers to enact the grooming process. Some abusers have a special preference for children within particular age bands and some studies have shown that groomers will take child focused employment primarily to get access to a particular cohort of children.

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, which 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 takes place. The grooming may occur in person, via cyber media and/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 even be aware that actual abuse has occurred and is wrong or harmful. The grooming occurs with the child but might also occur with those supporting networks around the child which might normally 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. As a result, the child becomes increasingly dependent on the groomer and increasingly alienated from protective elements including possible sources to disclose to. This is a deliberate strategy employed to maintain the secrecy of the abuse and to ensure the silence of the child. The groomer will exploit any vulnerabilities of the protective elements around the child, including parent and family circumstances and school systemic weaknesses. Groomers are very adept at identifying anomalies, boundary ambiguities and any

lack of systemic awareness, and then using them to deflect attention from their own actions and intentions.

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 desensitised 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 music, movies, computer games, television etc.
- Recognising 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.

Groomer deflection strategies:

In addition to grooming the child, the groomer might 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.
- Positively represents child to others in order to be perceived as someone who would never harm the child.

Combating grooming:

While distinguishing between appropriate intent and inappropriate intent is often difficult, particularly for a child, it is essential that the College has very clear expectations and boundaries around employee behaviours so that there can be rigorous accountability. Therefore, 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.

## 16. 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/youths need to think carefully about the handle (username) they choose. Handles 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.

It should be noted that reports of offensive and illegal online content can be made to the Australian Government eSafety Commissioner. 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.

## 17. Response to Disclosure of Child Abuse or Neglect

There may be times where a student makes a disclosure about abuse or neglect. Staff should be aware of the immediate needs of the student, and what they should do in these circumstances.

Staff must be mindful that they do:

- Use “protective interrupting” if the student begins to disclose in class or in a public area
- Acknowledge that you have heard the student and stop them from disclosing any further details
- Gently indicate that the student might tell you about it in a more private setting then quietly arrange to see them as soon as possible in a private location within the school but away from other students
- Establish clear limits of confidentiality with the student
- Listen attentively to the student
- Be supportive and understanding of the student
- Be empathetic to the student’s feelings
- Acknowledge to the student that it is difficult to talk about such things
- Try to identify the student’s fears
- Let the student tell the event in his or her own words
- Accept what is said by the student as only the minimum of information is required
- Reassure the student that it is right to tell, that they are believed and that they are not to blame
- Be calm and non-judgemental with the student

- Tell the student that a report will be made to a person who will be able to provide protection
- Allow the student the option of support during a Department interview
- Reassure the student of the availability of continuing support
- Explain to the student what will happen next
- Try and stay with the student until necessary steps have been taken to ensure safety and support
- Immediately afterwards, document the disclosure
- Document all subsequent discussion and actions

Staff must be mindful that they do not:

- Push the student for details or investigate further as other agencies have this responsibility
- Express judgement of the student, perpetrator or family
- Get angry, upset or show shock to the student
- Blame the student
- Put words in the student's mouth or interrogate as this could jeopardise the Department and Police interviewing processes
- Promise the student not to tell when there are clear limits of confidentiality
- Give the student a lecture about right and wrong
- Say "forget it", "you'll get over it" or other such minimising statements to the student
- Give excessive pity to the student
- Afterwards, engage in general staffroom discussion about the disclosure

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

## **18. 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 College 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.

### **Reporters of child abuse and neglect, including mandatory reporters of child sexual abuse**

- All College 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 College such as contractors, volunteers, parents/carers and members of the College 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 College 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 College grounds are considered to be mandatory reporters when working in either a paid or unpaid capacity e.g. tutoring.

### **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 College 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 Chairman of the College 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.

### **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, that 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).
- 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); and in either case, the Principal must, even if he/she becomes aware another way:
  - notify the College Board via the Chairman of the Board of a critical incident.
  - notify the Director General of the Department of Education of a critical incident.
- Non-mandatory reporters, including non-teaching staff, visitors such as contractors, volunteers, parents/carers and members of the College Board, that 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 Chairman of the College 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?

## How a mandatory reporter makes a report to the Department

- The Department of Communities - Child Protection and Family Support (DCCPFS) oversees the centralised Mandatory Reporting Service which was established to receive and investigate all reports of child sexual abuse in Western Australia.
- The Mandatory Reporting Service is operational 24 hours a day, 7 days a week.
- Contact information:
  - **Phone: 1800 708 704**
  - **Website: [www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au)**
  - **Email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)**
  - **Address: PO Box 8146 PERTH BC WA 6849**
  - **Fax: 1800 610 614614**
- If you are concerned about your safety in making a mandatory report, please discuss this with your line manager and the WA Police.
- There are two ways to make a report, verbal or written.
  - A verbal report is preferred in the first instance as it allows the Mandatory Reporting Service to ask clarifying questions and gather as much information as possible; however, it must be followed by a written report as soon as is practicable, usually within 24 hours.
  - To make a verbal report to the Mandatory Reporting Service:
    - Phone: 1800 708 704
  - To make a written report ON-LINE to the Mandatory Reporting Service:
    - Lodge a form using the secure link on the website [Mandatory Reporting Web System \(MRWeb\)](http://www.mandatoryreporting.dcp.wa.gov.au).
  - To make a written report in HARD-COPY to the Mandatory Reporting Service:
    - Download a PDF form template from the website, or
    - Request a hard-copy form to be mailed or emailed to you, then
    - Mail or email the completed form back.
- Failure to make a report can incur a fine with a maximum penalty of \$6,000 and failure to make a written report once a verbal report has been made can incur a fine of up to \$3,000.
- Once you have lodged a report, you will receive an acknowledgement receipt. This receipt is proof that you have made a report, so it is important that you keep it.
- Once you have lodged a report, 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 will be sent to the WA Police and they will decide whether or not they need to be involved on a case by case basis.
- You, as the mandatory reporter, will receive a feedback letter advising of the District Office the report has been referred to or if no further action was recommended by the Mandatory Reporting Service.

## How a non-mandatory reporter makes a report to the Department

- Anyone who is concerned that a child is suffering any form of abuse or neglect within the metropolitan area should report their concerns to the Department through the Central Intake Team by phone on 1800 273 889 or email [CPDUTY@cpfs.wa.gov.au](mailto:CPDUTY@cpfs.wa.gov.au).
- Anyone who is concerned that a child is suffering any form of abuse or neglect within the country area should report their concerns to the Department through phoning a local [District Office](#).

## Note

- Wherever there are concerns that a child is in immediate danger, the WA Police should be called on 000.
- In instances where specific protocols are not set out, staff should assume an obligation to report the matter to the Principal.
- Child protection matters are a high priority and procedures are to be actioned in a timely manner.
- If you have any questions regarding the College Child Protection Policy and how it applies to you, the College's Leadership Team are available for advice, and contact can be made by phoning Reception on 9411 4100 and asking to meet with the Dean of Students, Deputy Principal or Principal.
- All communications will be treated confidentially on a 'need to know basis'.

## 19. 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 College 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 College 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 an allegation of child abuse, including but not limited to sexual abuse, committed against a student by a staff member or student, or another person on the school premises or during school-related activities, 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 an actual breach of the Staff Code of Conduct where there are reasonable grounds to suspect grooming behaviour  
the Principal must:
  - notify the College Board via the Chairman of the Board of a critical incident.
  - notify the Director General of the Department of Education of a critical incident, on behalf of the College Board, as soon as is practicable, and in any event within 48 hours, using the Department's Critical and Emergency Incident Report form.

## **20. Powers of the Department of Communities - Child Protection and Family Support**

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

- Apprehend a child
  - Department apprehension may occur if there is need of care and protection.
  - No warrant is required.
- Interview a child
  - The Department has the authority to interview a child at the College before contact is made with the parent/carer.
  - Before the Department does so, the Principal or the Dean of Students must be notified.
  - The child should have the option of having support at the interview from a staff member of their choosing.
- Remove a child from school
  - Department officers may remove a child from the College if they have the permission of the parent/carer 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 a 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/carer or if the child has been apprehended.

## **21. Mandatory Reporter Confidentiality and Legal Protection**

The identity of the mandated reporter is required to be kept confidential, except in limited circumstances. Disclosure of a reporter's identity carries a maximum fine of \$24,000 and two years' imprisonment.

There are exceptions where a reporter's identity is permitted. Even where disclosure is allowed, consideration will be given to ensuring that the reporter's safety has been considered. 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 Police
- The Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence
- A Department 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 mandatory reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct is protected from a breach to 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.

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

## **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 copy 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 (this is usually in the form of receipt number) as evidence that 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 College
- Retain copies of the report, any notes and the record/receipt of the report submission when employment with College ceases.

**Relevant legislation:**

Children and Community Services Act 2004  
Children and Community 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

**Related policies and information:**

*Child Safety Framework*  
*Staff Code of Conduct*  
*Student Code of Conduct*  
*Parent Code of Conduct*  
*Parent/Visitor Volunteer Policy*  
*Privacy Policy*  
*Behaviour Management Policy*  
*Student Cyber Safety Code of Conduct*  
*Photographs of Students Policy*  
*SNSSI Policy*  
*Access Arrangements Policy*

## APPENDIX 1

### STAFF NOTIFICATION STEPS FOR CHILD ABUSE

(excluding teacher notification of sexual abuse)



## APPENDIX 2

### TEACHER NOTIFICATION STEPS FOR CHILD SEXUAL ABUSE



