

# Child Protection and Mandatory Reporting Policy

## VISION STATEMENT

Geraldton grammar school will provide outstanding education and a strong sense of community, cultivating people of integrity, independence of mind and a love of learning.

## VALUES

- Respect
- Responsibility
- Inclusivity
- Perseverance

<b>Introduction</b>	This statement outlines the Geraldton Grammar School policy and procedures on the protection of a child at the school.
<b>Scope and application</b>	Policy applies to all employees of Geraldton Grammar School, contractors and volunteers.
<b>Related legislation and guidelines</b>	The relevant sections of the legislation listed below can be viewed on: <a href="http://www.slp.wa.gov.au">www.slp.wa.gov.au</a> Children and Community Services Act 2004, Working with Children Act 2004, School Education Act 1999, Teachers Registration Act 2012, Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008, Criminal Code Act (1913), Criminal Code Amendment (Cyber Predators Bill) 2005
<b>Related Policies</b>	Crisis Management and Critical Incident Policy, Staff Code of Conduct Policy, Social Media Policy, Anti-Bullying Policy, Sexual Harassment Policy, School Community Code of Conduct, Positive Behaviours Policy, Visitors Policy, Off Campus Learning Policy
<b>Evaluation</b>	Annual or as recommended by the Department of Child Protection and Family Support

<b>Date</b>	<b>Action</b> (issue, reissue, amendment, replacement of pages, etc)	<b>Initials</b>
9/5/02	Draft	SSW
5/2/09	Amended	SSW
31/3/10	Revised	SSW,SPN
18/03/13	Revised	Executive
10/04/14	Outside school alleged incident reporting	JRE
4/3/15	Revised	NJE
10/03/16	Reviewed – no changes	NJE
05/10/16	Reviewed and amended (AHISA inclusions, grooming)	NJE
07/03/17	Reviewed and amended to include Student Protection Officers and the AISWA recommendations November 2016	NJE
16/04/18	Review and amended in include domestic violence	NFT
18/02/19	Review and amended, minor changes	NFT
27/03/19	Amended, minor changes	NFT
19/06/19	Amended – Principal must be informed of a report being made.	NFT
29/07/19	Amended – Definitions	MNN
24/01/20	Updated definitions	MNN
12/12/23	Amended – Definitions, including Keeping Safe and National Principles	DLE

# CHILD PROTECTION POLICY AND PROCEDURES

## INTRODUCTION

All children have a right to be protected from harm in any form.

Geraldton Grammar School (referred to as The School) has a special responsibility to children not only to protect them when they are on the school premises but also to intervene when they believe that the welfare of a child is at risk when outside the school. The School will act with the best interests of the child as a primary consideration. At Geraldton Grammar School, there is a zero tolerance for child abuse and grooming and child protection is of the utmost importance. The School has embedded the 10 national Child Safety Standards established by the Royal Commission and implemented the Keeping Safe: Child Protection Curriculum across all year levels.

The Child Protection Policy aims to provide policy guidance to assist the School, students, staff, contractors, volunteers and other stakeholders in maintaining the best practice in child safety. A key policy outcome is to minimise the risk of harm to children and promote their participation and well being. The policy also encourages the involvement of everyone in our community to create and maintain a safe, aware and welcoming environment for all.

## STATEMENT OF PRINCIPLES

The School acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. The protection strategies and procedures to be followed are based on the following principles:

- a.
  - i. All adults have a responsibility to care for children, to positively promote their welfare and to protect them from any kind of abuse.
  - ii. All children have the right to a thorough and systematic education about personal safety, including safety in relationships (Keeping Safe Curriculum embedded across all year levels).
  - iii. All children should know that they are valued as persons from the time they enter the school community. This pastoral dimension should influence every aspect of the school's life.
  - iv. All children should know they are able to express their views and know that opportunities are provided to participate in decisions that affect their lives.
  - v. All children should know the importance of friendships is recognised and support from peers is encouraged, in helping them feel safe and be less isolated.
  - vi. All children should know they can access sexual abuse prevention programs and information.
  - vii. All children should know they can communicate and raise their concerns with staff in a child friendly way.
  - viii. Families have the primary responsibility for the upbringing and development of their child and the value of the family unit is to be respected. Families will participate in decisions affecting their child, however, this should not be to the detriment or the wellbeing of the child.

- b. i. All school staff have a duty of care to children during school hours and at other times when staff/student relationships exist.
- c. i. The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse, in line with legislation and CPFS and WA Police requirements.  
ii. The Principal must ensure that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
- d. i. The School is committed to the importance and implementation of child protection strategies and procedures.
- e. i. All staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- f. i. All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.  
ii. School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

## 1. POLICY DEFINITIONS

**Child** - A child is defined in the Children and Community Services Act 2004 (WA) as a person who is under 18 years of age and in the absence of positive evidence as to age, means a person who is apparently under the 18 years of age.

**Child Abuse** - Four forms of child abuse are covered by Western Australian law:

- 1) Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver.
- 2) 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;
  - (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 behavior.
- 3) Emotional abuse includes:
  - (a) psychological abuse; and
  - (b) being exposed to an act of family and domestic violence.
- 4) Neglect includes failure by a child's parents to provide, arrange or allow the provision of:
  - (a) adequate care for the child; or
  - (b) effective medical, therapeutic or remedial treatment for the child.

**Grooming** - is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking.

**Child Related Work** – As defined in the WWC legislation, ‘Work’ is child related if the usual duties of work involve, or are likely to involve contact with a child. For the purposes of the WWC legislation, volunteers under the age of 18 years of age are exempt from the legislation.

**Disclosure** – A disclosure is when a child tells someone that he or she feels unsafe or has been harmed. A disclosure can also be made by adults, including parents/caregivers or any person in contact with the child, where that person reveals that they believe a child has been harmed or is likely to be harmed.

**Duty of Care** - is a legal concept that defines the duty a person has to use reasonable care towards others in order to protect them from known or reasonably foreseeable risk of harm and/or injury. The notion of duty of care is one that is contained in most school policies and procedures.

**Corporal Punishment** - is ‘any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm.

**Degrading Punishment** - is ‘any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

**Intra-familial abuse** – Means child abuse that occurs within the family. In this form of abuse, a family member involves a child in (or exposes a child to) abusive behaviours or activities. The ‘family member’ may not be a blood relative, but could be someone who is considered ‘part of the family’, such as a Godparent or very close friend.

**Parent(s)/Caregiver(s)** – A person who is the mother, father, stepfather, stepmother of the child; or by law has responsibility for the care, welfare and development of the child or is specified as the child’s adoptive parent under the Adoption Act 1994.

**Protective Interrupting** – Protective interrupting is a strategy to prevent a child from disclosing in front of other students and providing them with the opportunity to disclose in a safe and confidential manner.

**Mandatory Reporting** – As defined in the Children and Community Services Act 2004 (WA), the legal obligation of doctors, nurses/midwives, police officers, teachers and boarding supervisors who form a belief based on ‘reasonable grounds’ of child sexual abuse during the course of their work, either voluntary or paid, are mandatory reporters.

**Reasonable Grounds** – A concern or belief about the welfare of a child based on the observation of indicators or information that leads to form a realistic belief that a child has been subject of abuse or may become subject of abuse.

**Staff or Staff member** – Paid school employees including those in leadership, teaching, administration and support roles.

**Boarding Supervisor** – A person who holds an office or position in the Geraldton Residential College which includes the supervision of children living at the facility.

**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.

**Teacher** - A person who under the Western Australian College of Teaching Act 2004, is registered, provisionally registered or has a limited authority to teach.

**Stakeholders** – All parties internal or external to the School Community that have a stake in the scope, policy or effect of this document.

**Volunteers** – Unpaid people assisting with activities undertaken by the School.

**Contractors** – People who are engaged by the School to undertake services at the school or out of school such as staff from Outward Bound.

**School Child Protection Manager** – The Principal, the designated school representative responsible for handling questions, concerns or reports about a child’s safety and/or wellbeing.

## **2. RECRUITMENT AND SELECTION OF STAFF, VOLUNTEERS AND CONTRACTORS**

Geraldton Grammar School has effective human resource practices in place to ensure all new employees, volunteers and contractors are adequately screened, inducted, trained and supervised.

**Teachers** are required, through the Teachers Registration Board (TRB), to have a police clearance. The Working with Children (WWC) legislation requires them to have a WWC Check. The School will keep a copy and maintain a register of all WWCC and will check validity of all WWC cards on an ongoing basis. The WWCC must be presented to the School and a copy taken prior to commencement of any work at the School.

**Non teaching staff** are required to have a WWC check and National Police Clearance (no more than 3 months old).

**Volunteers who are not parents** who have contact with children are also required to have a WWC Check. The Guide to the Registration Standards and other Requirements states that volunteers who are not parents are required to have a WWC Check.

**Volunteers who are parents** are exempt from getting a WWC Check, unless on an overnight camp. This includes when the parent is a host parent for student exchange programs. Similarly parent volunteers who undertake a professional role (either paid or unpaid) at the school are also to be in possession of a current WWC Card.

### Working with Children Check

To strengthen the protection of children in WA, the State Government introduced legislation, the *Working with Children (Criminal Record Checking) Act 2004* (the Act),

that requires people who start or continue in “child-related work” to have a national criminal record check called a Working with Children Check.

Work is “child-related work” if the **usual duties** of the work involve, or are likely to involve, contact with a child **in connection with at least one of the 19 categories of work** listed under the Act. A “child” is a person under the age of 18 years.

Where a WWCC is not required under law, the School may request a National Police Check or Reference Checks for Volunteers to assess any risks.

All staff employed at the School will undertake a formal interview as part of the recruitment process. The interview may include specific questions about Child Protection. Staff, upon employment, will be made aware of the School’s Child Protection Policy and the Staff Code of Conduct Policy.

All staff are required to provide three references which will be checked prior to commencement.

### **TRB Registered Teachers**

TRB registered teachers are required as part of their TRB registration to have a Criminal Record Check. This check is part of the TRB assessment process to determine whether a person is suitable for registration as a teacher. Information completed on the form will be forwarded to the CrimTrac Agency, other Australian police services or other law enforcement agencies for checking.

## **3. DEFINITION OF CHILD MALTREATMENT**

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. (AIFS-What is child abuse and neglect).

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”*.

### **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.

***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).

***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.

***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).

***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.

***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.

***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.

***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.

**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 Antibullying and Behaviour Management, the victim of that 'bullying' may display some of the physical and behavioural indicators of neglect.

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 also require assistance.

**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. (18 years old).

**Domestic Violence**

Child abuse and domestic violence co-exist. Children are in a position of great risk of suffering by being exposed to domestic violence. Domestic violence is an abuse of power by one party against another, either during a relationship or after separation within the confines of a domestic or family situation.

- The abuse of power most commonly manifests as physical, sexual and/or emotional abuse or threats of abuse or damage to property and/or goods.
- Children in households with domestic violence are not just 'witnessing' trauma; they are involved in various ways in the violent incident.
- Trauma of a domestic nature creates additional harm because it overwhelms the child's developing sense of coping mechanisms.
- Children living with violence and abuse have feelings of helplessness, fear of death or abandonment; and live in a state of constant alertness.

**Physical and/or behavioural indicators by age group**

Below is a list of indicators by age group which describe how a child may react to domestic violence.

**Preschool Children ( 0-5 years)**

- blame themselves for the violence;
- lose newly acquired development skills, eg speech, motor and social skills;
- have signs of fear/terror, eg yelling, irritability, hiding, running away, stuttering or being jumpy or startled;
- often have psychosomatic complaints eg stomach aches, headaches, etc;

- experience regressive behaviour eg wetting pants;
- show reluctance to separate from parent and go to stranger, eg may whine, cry and cling;
- experience social isolation;
- may show extremes in behaviour, eg aggressive versus passive behaviour.

#### **Primary School Age Children (5-12 years)**

- blame themselves for the violence at home or feel responsible for it;
- exhibit poor school performance, eg concentration difficulties and memory;
- experience fluctuating moods and may be sad and withdrawn, nervous and fearful, or may seem emotionally detached;
- experience social isolation;
- are secretive about the family, eg shame and embarrassment about the family secret;
- can be aggressive with peers;
- rebel against adults;
- experience psychosomatic complaints;
- be untrusting, suspicious or guarded in their relationships with others.

#### **Adolescent Children (12-17 years)**

- exhibit acting out behaviour, eg school truancy, early sexual activity or substance abuse;
- experience school performance problems;
- exhibit poor interpersonal skills, eg lack of respect for others, intolerance of difference and lack of empathy;
- respond aggressively or be withdrawn;
- be depressed and anxious;
- develop psychosomatic/ physical symptoms;
- exhibit quick temper and explosive behaviour;
- be unable to accept responsibility and blame others for their behaviours;
- be disconnected from others, be mistrustful, or defensive;
- have low self-esteem.

Given the strong co-existence between child abuse and domestic violence, the staff will act if they have genuine concerns, based on reasonable grounds, that abuse or neglect may be occurring.

#### **4. RESPONSIBILITIES OF GERALDTON GRAMMAR SCHOOL**

Listed below are the responsibilities Geraldton Grammar School takes on board to ensure adequate protection of the children in its care.

- a. Procedures are in place for the recognition, notification and support of students who are at risk or are victims of neglect and/or emotional, physical or sexual abuse.
- b. All staff and people working in the school are aware of their responsibility in respect of the school's procedures for reporting and recording incidents or issues of child protection. Staff undertake a Professional Learning update session at the commencement of a new year. Thereafter, new staff to the school are taken

through the 'Child Protection Policy and Procedures' by the Principal or his/her delegate.

- c. In all situations, the school explicitly forbids child abuse, corporal and degrading punishment.
- d. The school has in place an assessment process to ensure all employees and people working in the school are fit and proper persons to work with students. (Working With Children Check - WWCC)
- e. Staff are aware that they 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. Confidentiality can only be maintained if the Principal can determine that the child is not in danger of further abuse or maltreatment, the alleged perpetrator is not a parent or an adult with whom the child resides, and the child is considered mature.
- f. All strong concerns for the welfare of children believed maltreated by parents/caregivers are discussed with the Department of Child Protection and Family Support before advising parents/caregivers, so as to not interfere with any possible investigatory process. The various agencies are to decide on the provision of advice to parents/caregivers. The Principal records the record of conversation in a sealed envelope on the student file.
- g. The school curriculum teaches all students appropriate protective behaviours.
- h. Victims of abuse and neglect are supported by the school through an appropriate management plan formed in consultation with the Department of Child Protection and Family Support.
- i. Any child in the care of the Department of Child Protection must have a documented Education Plan available outlining strategies necessary to ensure the best possible educational outcome for that child.
- j. At Geraldton Grammar School Health and Physical Education lessons in years K to 10 cover aspects of protective behaviours at home and at school. In year 11 and 12, protective behaviours is covered during homeroom time, year meetings and other specific periods of time.

## **5. 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.

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 or is connected to a sporting club;
- my workers, volunteers and casuals are youthS themselves so there is no risk;
- we are pretty good at identifying people here who are a bit 'odd'.

## **6. THE 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. 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, step-father, mother etc.) or someone close to the family or the child in a position of trust or responsibility (church member, teacher, community group leader, coach). 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.

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

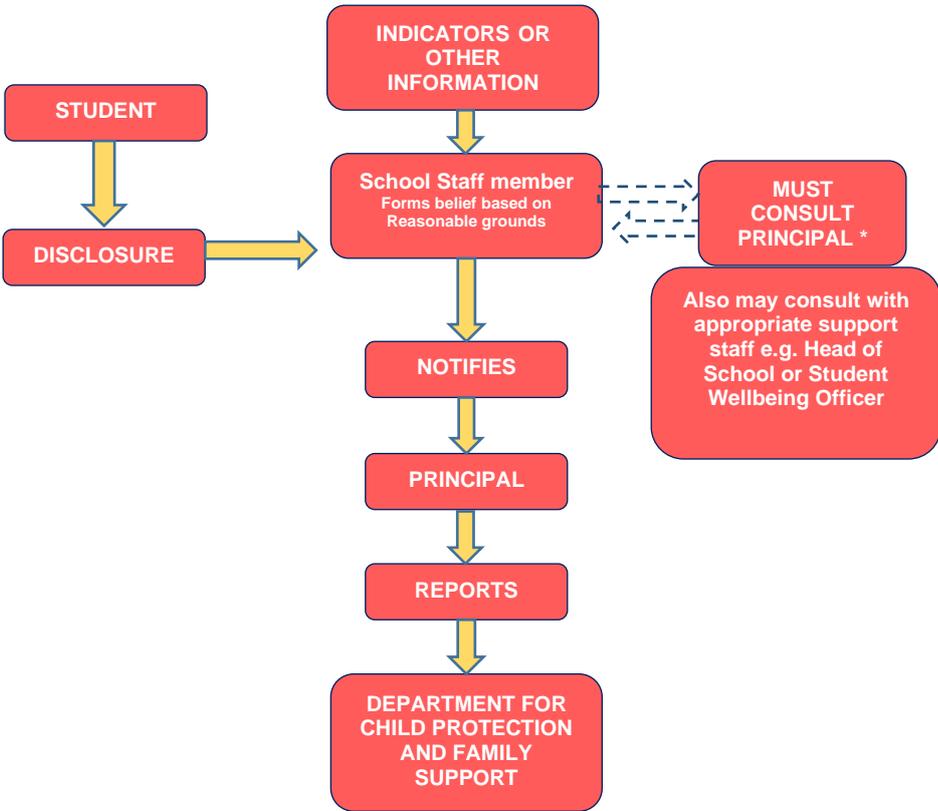
Sexual abuse is more common among girls, other types of abuse are slightly more common among boys (Child Protection, Australia (2010 – 11), Australian Institute of Health and Welfare).

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).

**7. NOTIFICATION STEPS FOR REPORTING PHYSICAL, EMOTIONAL, PSYCHOLOGICAL ABUSE AND/OR NEGLECT OF A CHILD (NOT FOR SEXUAL ABUSE)\***

**Flowchart for notification steps for reporting all forms of abuse other than sexual abuse i.e. for reporting physical, emotional, psychological abuse and neglect:**

**NOTIFICATION PROCEDURE – CHILD ABUSE AND NEGLECT (NON-MANDATORY REPORT)**



**Step 1: Potential Physical, emotional or psychological abuse, or neglect identified**  
 The student discloses abuse or a staff member observes indicators of abuse or receives information from others regarding potential abuse.

**Step 2: Form a reasonable belief**  
 The staff member may discuss their belief with another senior member of staff (Head of School or Student Wellbeing Officer).  
 It is not the role of the staff member to investigate child abuse or neglect matters.

**Note:** It is vital to remember that confidentiality is paramount and that disclosure of this information should only be discussed with those in the school who are required to know.

### **Step 3: Report to the Principal**

The staff member must report concerns to the Principal. Their belief should be discussed with the Principal, or the Chair of School Board of Governors, if it is not appropriate to discuss it with the Principal.

The staff member and Principal may wish to consult with the AISWA Schools Psychology Service.

### **Step 4: Principal Reports to Department of Child Protection and Family Support**

The Principal reports directly to the Department for Child Protection and Family Support  
Phone: 9965 9500 Fax: 9921 7421 or email:

[CPFrontdesk\\_CF-MURC\\_Murchison@dcp.wa.gov.au](mailto:CPFrontdesk_CF-MURC_Murchison@dcp.wa.gov.au)

### **Step 5: Meeting with Family**

If, following a report, a family approaches the school to receive support for their child, any interviews will be conducted with a minimum of 2 school members present (e.g. The Principal and one other) to provide support.

**Note:** It is important to remember that the focus of the meeting should be the welfare of the child. To avoid interfering with any investigative process initiated by Department for Child Protection and Family Support or the Police, the Principal must seek advice from these bodies prior to informing the parent/carer of a concern of abuse or neglect.

### **Step 6: Principal contact with Chair of School Board of Governors**

As the Chair of the School Board of Governors is the legal representative of the School, the Principal will inform the Chair that a report has taken place.

### **Step 7: Pastoral Support for Staff and Students**

The Principal will undertake ongoing support for the staff, the student and anyone else affected. The need for ongoing support may be necessary as the staff member continues in their role with the student and the DCP's role takes a significant time period.

## **8. STAFF RESPONSE TO DISCLOSURE OF ABUSE OR NEGLECT**

There may be times when a student makes a disclosure of abuse or neglect. Staff should be aware of the immediate needs of these students and what to do in these circumstances.

- **Document and date all conversations that you have 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 discussions and actions.**
- Use 'protective interrupting' if student begins to disclose in class or in a public area, to protect them from sharing the information with too many 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; and
- Quietly arrange to see them, or a Head of School or the Principal 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 you believe them, that it is right to tell and do not think that they are to blame or make judgements about what has happened:
- Listen to the student in a private location, but visible, within the school;
- Be supportive and understanding;
- Be empathetic to the student's feelings;
- Acknowledge that it is difficult to talk about such things;
- Try to identify student's fears;
- Let the student tell the event in their own words;
- 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 the student the option of support during any agency interview and reassure them of the availability of continuing support;
- Explain what will happen next; and
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure their safety and support.

Staff must be mindful they:

- **Do not promise not to tell when there are clear limits on confidentiality;**
- Do not push for details or conduct an investigation, other agencies have this responsibility;
- Do not express judgement of the student, perpetrator or family;
- Never get angry, upset or show shock;
- Never ask questions that may make the child feel guilty or inadequate;
- Never ask leading questions, for instance 'Did Daddy hit you?'
- Do not put words in the student's mouth or interrogate, as this could jeopardise the interviewing process of DCP and Police;
- Never make false promises;
- Do not give a lecture about right and wrong;
- Do not say 'forget it', 'you'll get over it' or other such minimalising statements;
- Do not give excessive pity;
- **Do not comment** to the media, to family members and/or engage in general staffroom discussion about the disclosure.
- 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 and Family Support or the Police.

The School notes that all "grooming" behaviours be reported to the Principal. Grooming is defined as communication with a child where this is an intention to meet and commit a sex offence (see section 10 regarding Grooming Behaviour);

## **9. GERALDTON GRAMMAR SCHOOL GUIDELINES FOR CHILDREN LEFT AT SCHOOL**

It is imperative that the school exhausts all avenues in attempting to contact the child's family and emergency contacts.

In some cases, the Principal or the Principal's delegate may decide to drive the child home to establish contact with the family. It would be wise in some circumstances to ask a staff member to accompany the Principal. For example, a male Principal taking home a young child should ask a female staff member to accompany them.

If the school is unable to make any contact with the child's family, the Principal should contact the Local District Office of CPFS and explain it is an emergency. After hours, the Crisis Care Line also operated by CPFS, is to be contacted.

## **10. MANDATORY REPORTING OF CHILD SEXUAL ABUSE**

### **a. 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;
- boarding supervisors;
- nurses;
- doctors;
- police officers; and
- midwives.

All parents are informed of the mandatory requirements for teachers to report. This is done through a letter to parents or as an inclusion in the school's regular newsletter.

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;
- (i) in the course of the person's work (whether paid or unpaid)... must report the belief as soon as practicable after forming the belief.

### ***b. Role of Non Mandatory Reporters and Notifiers***

Teacher assistants, school Chaplains and Student Wellbeing Officers are examples of people who work with children in schools who are not mandated reporters. However, 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 must 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 of Governors.

### ***c. 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.

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 Principal. Prior to forming a belief, the teacher may, if they wish, consult with appropriate colleagues with specialist knowledge for example, the Principal, Head of School, Student Wellbeing Officer. The teacher must inform the Principal that a report has been made to CPFS, or in a case where the Principal may somehow be complicit or obstructionist, the Chair of the School Board of Governors must be informed.

Any such 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.

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.

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 and/or interactions with the child have you observed that are of concern to you? What is the frequency and severity of the behaviour? How long has it been occurring?

In cases where a former student (still under the age of 18), or the parent or guardian of a former student, makes an allegation about child sexual abuse at the school occurring

before 2009, the Department of Communities – Child Protection Service is to be informed immediately. An allegation involving a former student who is now aged 18 or over is reportable to the Police. In either case, the Principal must submit a Reportable Incident Notification Form to the Director General, Department of Education and may also be required to notify the Teacher Registration Board of Western Australia.

### **Possible Behavioural signs and indicators of sexual abuse**

- Sexualised behaviours inappropriate to their age (including sexually touching other children and themselves).
- Evidence of sexual knowledge beyond the norms for their age.
- 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.
- Child or young person implies that he/she is required to keep secrets.
- Presence of sexually transmitted disease.
- Sudden unexplained fears.
- Frequent sleep disturbances, nightmare, enuresis and/or encopresis (bedwetting or soiling), day soiling, night fears and refusal to get undressed; or decreasing hygiene.
- Attempts to avoid contact with the alleged offender.
- Unexplained sadness, crankiness or irritability.
- Re-enactment of what abuser did, using dolls or other children.
- An obsession with 'rude' matters in play, conversation and artwork.
- Frequent masturbation.
- Onset of anxiety symptoms such as thumb sucking, twitching and psychosomatic illness which doctors fail to diagnose.
- Social withdrawal and self imposed isolation.
- Poor concentration and regression in school work.

### **d. *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.

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) (ea) 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, which can be complete through the following link:

<https://mandatoryreporting.dcp.wa.gov.au/Pages/MakeaReport.aspx>

A verbal report can be made but it must be followed up by a written report as soon as practicable, preferably within 24 hours on 1800 708 704.

### **Failure to make a written 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](http://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](mailto: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.

### ***e. 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 may 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.

**f. 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.

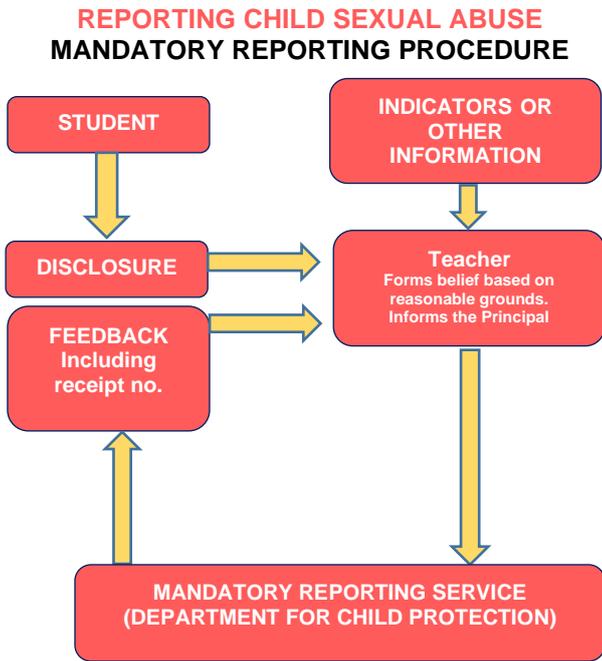
There are exceptions where disclosure of a reporter’s identity is permitted. In such cases, consideration will be given to ensuring the reporter’s safety has been taken into account. Examples of when a reporter’s identity may be revealed include:

- 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 (eg. 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.

The following flow chart outlines the procedure for the mandatory reporting of child sexual abuse for independent schools.



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 and inform the Principal.

The flowchart on page 19 shows what the teacher must do once they have formed a belief. It does not include any consultation process with other school staff.

The School policy states that the Principal must be informed as they have duty of care of all members of the school community but this is NOT a legal requirement. This also ensures that the Principal can fulfill the requirements of any critical incident reporting.

***g. 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 [www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au), which provides information around Mandatory Reporting and is the portal for making an online written report, but includes a downloadable copy. All teaching staff complete the mandatory reporting professional learning module annually (from 2017).

The Mandatory Reporting Service can also be contacted through the following ways:

Telephone: 1800 708 704

Email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Fax: 1800 610 614

Post: PO Box 8146

Perth BC, WA 6849

## **11. GROOMING BEHAVIOUR**

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 online.

In the early stage, a committed offender will employ grooming behaviour 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 do not 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, organisational 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.

Organisations must invest in increasing understanding around providing a safe environment for children and adults to challenge existing practice, to be able to raise concerns around unprofessional behaviour and to have a shared understanding of what a safe school is.

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, vaping, 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, emailing or contacting the teen through social media platforms, 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 the child to others so as to be perceived as someone who would never harm the child.

### **Preventing or interrupting the Grooming process**

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

Within an organisational context, holding all staff members accountable to the School's Code of Conduct and expectations of staff members and challenging boundary crossings and violations is one of the most accessible strategies to combat grooming behaviour.

Employees, other professionals and volunteers, and others, must have very clear understandings of the expectations around interactions with students and processes for reporting concerning behaviours. 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.

## **12. 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 online chat 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. There are significant concerns in this area, and schools, parents and students need to be informed consumers of this space.

These quotes come from the NetAlert website:

*"...paedophiles can socialise together, trawl for inappropriate content (such as child pornography) and easily make collections of this and distribute to others.*

*They can pretend to be people other than themselves and they find a sense of security by operating from the confines of their own homes.*

*Grooming children online with the intention to meet them in real life is an activity many undertake.*

*They often set up bogus email accounts and handles (a nickname for a person who uses the Internet) which protect their identity online.*

*Children need to think carefully about a handle they choose. Handles such as “Angel-Babe”, “Sweet-Sixteen” and “SexyKid” appear harmless on the outset, however can attract the wrong attention. Paedophiles are often attracted to people with these types of names.*

*Paedophiles can also erase the history of what they have done online from their personal computers, making it a lengthy and difficult task for authorities to charge them with an offence.*

*Paedophiles conduct numerous activities online, including:*

- *swapping child pornographic pictures in chat rooms or through email or P2P networks;*
- *swapping children’s personal information;*
- *participating in online communities with the intention to groom children for personal sexual gratification or to meet them in person;*
- *forming networks with other paedophiles;*
- *trading techniques on how to avoid the authorities.”*

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.

The Office of the Children’s e-safety Commissioner ([esafety.gov.au](http://esafety.gov.au)) is an excellent starting point for schools in promoting safety awareness for all.

Schools should seek advice from: <https://www.thinkuknow.org.au/>

Australian Federal Police: <https://www.afp.gov.au/>. Also on the AFP site is the Child ID App for missing or abducted children, a useful tool to consider.

THINKUKNOW and THINKUKNOW YOUTH are available on the following websites:  
<http://www.thinkuknow.org.au>

### **13. 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.

### **13.1 WA Police**

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) intervene 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.

Where abuse and neglect has occurred within a family and there is the possibility of criminal charges being laid, the police and the CPFS may undertake a joint investigation to reduce the trauma of the interviewing process to the child or young person.

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.

### **13.2 Department of Child Protection and Family Support (CPFS)**

In cases of child sexual abuse the teacher will provide a written report to the Mandatory Reporting Service of CPFS. The Mandatory Reporting Service will provide a standardised letter to the reporter outlining which CPFS local office is involved, and what action has been taken. The Mandatory Reporting Service is required to forward all reports on to the WA Police.

For other forms of abuse, the Principal should report all disclosures or strong concerns to the CPFS of abuse or neglect arising from the actions or inactions of parents/caregivers and maintain a written record of this communication and subsequent actions. The CPFS will then decide how to proceed. The decision to progress the matter further is the responsibility of the CPFS.

The CPFS is required to provide feedback to people making reports on child abuse. The Principal should seek undertakings from the CPFS that they will be kept informed within the bounds of confidentiality.

The Principal's initial contact with the CPFS will be through the Duty Officer at the Local District Office closest to where the child lives (all offices are listed in the White Pages). All calls from school concerning students are taken very seriously and it may be appropriate if the emergency occurs after hours to explain to the switchboard operator that it is an emergency so they can speak to the Duty Officer promptly. When reporting to the Duty Officer, note his/her name and position.

*Note: The Mandatory Reporting Service and the Duty Officer at the local CPFS office can also be used initially in a consultative role if either the Principal or the teacher is unsure of what action to take.*

The school should be aware that the powers of the CPFS under the *Children and Community Services Act 2004* includes:

- a. **Apprehension of children in need of care and protection** (without warrant).
- b. **Interviewing the child:** CPFS has the authority to interview the child at school before contact is made with the parent/caregiver. Before doing so, the principal or 'person in charge' at the school must be notified. The child should have the option of having support at the interview from a staff member of their choosing.
- c. **Removal of children from the school:** CPFS 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 satisfy themselves that all conditions have been met before this occurs and document all conversations.
- d. **Medical examination:** CPFS may require that a medical examination occur as soon as possible so that bruising, marking and other symptoms can be recorded for future reference. This would normally take place at either PMH or the Community Child Health Services Centres. This examination can only take place if permission has been obtained from the parent/caregiver or the child has been apprehended (when parent/carer permission is not obtained).

### 13.3 CPFS and WA Police advice to Principals

**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.*

**Note:** *It is important to remember that the focus of the meeting should be the welfare of the child.*

In cases of child sexual abuse, the legislation provides protection for the person reporting. **Disclosure of the reporter's identity or identifying information to parents or any other party can incur a fine of \$24,000 and two years' imprisonment.**

**Support** - The Principal should arrange ongoing support for the teacher, the student and anyone else affected. The need for ongoing support is often necessary as the teacher will continue in their role with the student and the CPFS's role may continue for an extended period of time.

This support could be delivery through onsite support (Student Wellbeing Officer) or off-site counselling through referral e.g. Helping Minds or Headspace.

**13.4 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.

### 13.5 Registration Requirements and Child Safe Organisations

- i. The Commissioner for Children and Young People has published resources regarding Child Safe Organisations in WA.

<https://www.ccyp.wa.gov.au/our-work/resources/child-safe-organisations/>

- ii. Where to go for Further Information

*Should any of the following links not be correct, please simply conduct an online search and the current contact details should readily appear, if the service is still provided.*

The Department for Child Protection is the state government department responsible for issues specifically related to the protection of children, including the handling of abuse and neglect cases. Their website contains some excellent material for professionals, parents and friends. Of particular interest is the information on 'identifying and responding to child abuse and neglect – a guide for professionals'. To access The Department for Child Protection website click on this link: <https://www.dcp.wa.gov.au/Pages/Home.aspx>.

For sexual abuse reports, the Mandatory Reporting Service must be contacted through one of the following means:

Telephone: 1800 708 704

Email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Fax: 1800 610 614

Post: PO Box 8146  
Perth BC, WA 6849

This unit is available 24 hours a day, 7 days a week for make a report or to raise concerns.

Details regarding mandatory reporting can be obtained through:

[www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au).

To contact CPFS for assistance with a specific case that does not involve sexual abuse, the school will need to speak to the Duty Officer at the local office, available during office hours. All offices are listed in the White Pages or on the website.

#### **After Hours**

##### **Child Abuse Services WA**

Telephone: 9223 1111 / 1800 199 008

##### **Crisis Care**

Telephone: 9223 1111 / 1800 199 008 (a 24 hour telephone service for people in crisis and needing urgent help).

### **WA Police Service Child Abuse Investigation Unit**

If the matter is urgent and the safety of a child is at risk, call 000. If you are a victim of child abuse or paedophilia, or if you have information about someone else being abused, you should contact police on **131 444**.

You can also report child abuse to the Child Protection Squad on **9492 5444**, email them on [Child.Abuse.Investigation@police.wa.gov.au](mailto:Child.Abuse.Investigation@police.wa.gov.au), or you can ring Crime Stoppers on **1800 333 000** or go to your local police station.

**WA Police Cyber Predator Team** can be contacted on 9492 5444 or complaints can be lodged on the WA Police Website [www.police.wa.gov.au](http://www.police.wa.gov.au). The websites below contain information on cyber predators that for both parents, teachers and students may find informative:

[www.esafety.gov.au](http://www.esafety.gov.au)  
[www.thinkuknow.org.au](http://www.thinkuknow.org.au)  
[www.acma.gov.au](http://www.acma.gov.au)  
[www.constablecare.org.au](http://www.constablecare.org.au)  
[www.virtualglobaltaskforce.com](http://www.virtualglobaltaskforce.com)  
[www.netalert.net.au](http://www.netalert.net.au)

### **The National Association of the Prevention of Child Abuse and Neglect (NAPCAN)**

NAPCAN is an Australian organisation that seeks to resource and network child welfare professionals and practitioners working to prevent child abuse and neglect from happening before it starts, through the provision of parenting brochures, training, support networks and information. To visit their website use this link: [www.napcan.org.au](http://www.napcan.org.au).

### **CHILDSAFE ORGANISATIONS WA:**

<https://www.cryp.wa.gov.au/our-work/resources/child-safe-organisations/>

**Protective Behaviours WA (Inc)** is a preventative life skills program that assists people of all ages to develop the skills to help them deal with difficult or hostile situations. The program has a voluntary committee made up of representatives from government and non-government agencies as well as interested members of the community.

Protective Behaviours can be contacted on (08) 9356 0514 or by email: [pbwainc@hotmail.com](mailto:pbwainc@hotmail.com).

*The following support service is available for staff at schools who may experience personal issues resulting from making a report:*

### **Prime Corporate Psychology Services**

Offers an employee assistance program including counselling, management and referrals.

Telephone: 9492 8900 / 1800 674 188

Each school may already have an assistance program available to their staff to provide help in overcoming problems that may cause difficulties in their work or personal lives.

*The following services and organisations can provide help, advice and support to the school, parents or children who are affected by the effects of abuse and to prevent abuse from recurring:*

**Department for Child Protection and Family Support**  
(see previous page for details).

<b>Emergency Services: Ambulance, Fire Brigade, Police</b> Emergency telephone call Text/SMS emergency call Digital mobile phone emergency service (if a GSM digital mobile phone or outside your network's coverage area)	000 106 112
<b>Geraldton Regional Hospital</b> Shenton Street, Geraldton For accidents and emergencies.	9956 2222
<b>Geraldton Regional Aboriginal Health Service (GRAMS)</b> Rifle Range Road Rangeway Variety of health issues for all ages and genders.	9956 6555
<b>Child and Adolescent Mental Health Service (CAMHS)</b> Mental health service for young people under the age of 18	9956 1999
<b>Geraldton Family Counselling Service (GFCS);</b> service provides individuals, families and groups the opportunity to learn more about personal development, relationship issues, childhood behaviour difficulties, parenting, depression and anxiety, grief and loss, anger management and separation issues. 24-28 Gregory Street, Geraldton WA 6530 PO Box 50, Geraldton WA 6531	9921 4477
<b>Headspace</b> <b>193 Marine Terrace, Geraldton</b> Mental Health, GP, Alcohol & Drug services and other programs for 12-25 years of age	9943 8111
<b>Young Minds</b> <b>180 Durlacher Street, Geraldton</b> Provides free, practical counselling and support for young people and families, introducing coping skills and developing individual strengths.	9964 4688 1800 811 747
<b>Midwest Family Support Network</b> <b>18 Chapman Road, Geraldton</b> Co-ordinates family support services and provides support to families who are experiencing problems that are causing them stress.	9965 5460
<b>Centacare</b> , a family, individual and grief counselling service. 3 Maitland Street, Geraldton <a href="http://centacaregeraldton.org.au/">http://centacaregeraldton.org.au/</a>	9921 1433
<b>Children's Contact Service (CCS);</b> a service for separated families that are experiencing high levels of conflict. CCS ensures the safe transfer of children from one parent to another and also manages supervised visits. 3 Maitland Street, Geraldton WA 6530	Ph: 9921 1433 Fax: 9921 4358 ..

<p><b>Aboriginal Family Law Services:</b> provides legal representation, assistance with violence and misconduct restraining order applications, referrals to other agencies, general counselling and sexual assault counselling and community education. 66 Fitzgerald, Geraldton WA 6530</p>	<p>Ph: 9965 4654 Fax: 9921 6377</p>
<p><b>Lifeline</b>, a 24 hours telephone counselling service that can provide information about accessing other agencies. Some of the issues that people call Lifeline about include: Family and relationship issues, mental health concerns, suicide prevention and support, abuse and violence, loneliness and life direction.</p>	<p>1311 14</p> <p>Online chatline: <a href="https://www.lifeline.org.au/get-help/online-services/crisis-chat">https://www.lifeline.org.au/get-help/online-services/crisis-chat</a></p>
<p><b>Women's Health Resource Centre</b> is a multi-purpose, client-centred, holistic health service aimed specifically at women in the Geraldton and Midwest region. Their aim is to be responsive to the many and varied needs of women by providing a range of confidential, free services in a comfortable, caring and supportive environment. 28 Sanford Street</p>	<p>Ph: 9964 2742 Free call: 1800 196 688 Fax: 9964 2811</p>
<p><b>Midwest Alcohol and Drug Services</b> Community Health Building Shenton St, Geraldton</p>	<p>9956 2424</p>
<p><b>Parent drug information service</b></p>	<p>9422 5050</p>
<p><b>Family Help Line</b> The family helpline is a confidential telephone counselling and information service for families with relationship difficulties. Telephone Country Free Call Interpreting and Translating Services</p>	<p>9223 1100 1800 643 000 13 4050</p>
<p><b>Kids Help Line</b> Counselling Line</p>	<p>1800 55 1800</p>
<p><b>Men's Domestic Violence Helpline</b> 24 hours service providing counselling for men who are concerned about becoming violent or abusive.</p>	<p>1800 000 599</p>
<p><b>RuralLink Line</b> Specialist after hours (4pm - 6am) mental health telephone service to rural communities</p>	<p>1800 552 002</p>
<p><b>Sexual Assault Resource Centre (SARC)</b> 24 hours crisis line Free call</p>	<p>9340 1828 1800 199 888</p>
<p><b>Desert Blue Connect</b>, relationship, domestic violence and sexual assault/child sexual assault counselling services. PO Box 472, Geraldton WA 6531</p>	<p>Ph: 9938 0750</p>
<p><b>Princess Margaret Hospital Counselling Service (Sexual Assault)</b> for people aged under 13 years</p>	<p>Sexual Assault: 9430 8222 Welfare Concerns: 9223 1111</p>
<p><b>Suicide Emergency Service (Samaritans) - Youthline</b> 24 hours telephone support Free call TTY</p>	<p>9381 5555 1800 198 313 9382 8822</p>

<b>WA Eating Disorders Outreach and Consultation Service (WAEDOCS)</b>	1300 620 208
<b>Butterfly Foundation.</b> National Helpline for eating disorders and body image issues.	1800 334 673
<b>Q Life: Nationwide and webbased services support for LGBTIQ people of all ages</b> 3pm-12am 7 days a week	1800 184 527
<b>SANE</b> Support, training and education enabling those with mental illness lead a better life.	1800 187 623

The *following* sites can provide a wide range of background information on child abuse for schools that are interested.

**Australian Institute of Family Studies**

<https://aifs.gov.au/>

This site lists recent publications relating to information on child abuse that have been updated on the web site of the National Child Protection Clearinghouse.

<http://www.aic.gov.au/publications>

This is the Australian Institute of Criminology site and has links to the criminal aspect of child abuse.

**Acknowledgement:** *AISWAs Policies and Procedures Guidelines for Schools*

**APPENDIX 1:  
Student Protection Officers**

**STUDENT PROTECTION OFFICERS**

As at 18 February 2019

Geraldton Grammar School

Geraldton Grammar School has adopted appropriate Student Protection Policies and Procedures. The policies and procedures provide the written processes for how Geraldton Grammar School will respond to allegations of sexual abuse, likely sexual abuse, harm or risk of harm of a student by another person or inappropriate behaviour of a staff member or volunteer to a student.

Allegations and/or concerns of this nature should be reported to any one of the following Student Protection Officers or to the Principal

**AS APPOINTED BY Neesha Flint - Geraldton Grammar School 9965 7800 -**

Neesha Flint	Principal	<a href="mailto:Neesha.Flint@gegs.wa.edu.au">Neesha.Flint@gegs.wa.edu.au</a>	Administration
Fiona Angelatos	Head of Primary	<a href="mailto:Fiona.Angelatos@gegs.wa.edu.au">Fiona.Angelatos@gegs.wa.edu.au</a>	Primary
Simon Moffatt	Head of Secondary School	<a href="mailto:Simon.Moffatt@gegs.wa.edu.au">Simon.Moffatt@gegs.wa.edu.au</a>	I Block
Lara Watson	Student Wellbeing Officer	<a href="mailto:Lara.Watson@gegs.wa.edu.au">Lara.Watson@gegs.wa.edu.au</a>	Library

Neesha Flint		
Principal	Signature	Date

## APPENDIX 2: Answers to Legal Questions

*This outline was prepared by Lavan Legal for general information. While it directs attention to, and comments upon, aspects of law, it is not intended to provide legal advice in the area. Further professional advice should be sought prior to acting upon the information conveyed here.*

### **A TRB registered priest is working as a School's Chaplain. What are the Chaplain's obligations with regards to mandatory reporting?**

Firstly, if the priest is TRB registered, then the priest falls within the definition of teacher in the *Children and Community Services Act 2004 (Act)*. The Act's definition of 'Teacher' includes:

*'a person who is registered under the Teacher Registration Act 2012'*

Hence, the priest has obligations under the Act whilst the priest is working as a 'teacher'.

Section 124B of the Act places an obligation on certain people to make a report to the CEO of The Department for Child Protection (**Department**) if they have a reasonable belief that a child is or has been subject to sexual abuse. The section 124B provides matters concerning sexual abuse of children to be reported by certain persons, such as:

- 1) *A person who-*
  - (a) *is a doctor, nurse, midwife, police officer or teacher;*
  - (b) *believes on reasonable grounds that a child-*
    - (i) *has been the subject of sexual abuse that occurred on or after commencement day; or*
    - (ii) *is the subject of ongoing sexual abuse; and*
  - (c) *forms the belief-*
    - (i) *in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and*
    - (ii) *on or after the commencement day, must report the belief as soon as practicable after forming the belief.*

Section 124B(1) has 3 key elements, namely:

- 1) it identifies to whom the section applies;
- 2) that the person must believe on reasonable grounds that the child is or has been subject to sexual abuse; and
- 3) that the person forms that belief *'in the course of their work'*.

If these 3 elements are satisfied, then that person must report their belief that a child is or has been subject to sexual abuse as soon as practicable, after forming the belief, to the Department. Further, if the report is initially made verbally then the reporter must provide the Department with a written report as soon as practicable after making the verbal report.

In the case of a TRB registered priest, point (a) as explained above is satisfied by TRB.

The second element under (b) is a subjective issue for the priest.

The third element under (c) is an issue of fact, which is determined whether it occurs in the course of the priest's work as a teacher or outside of work.

Hence, for example, if the priest is employed by the School to work as a Chaplain during school time or whilst attending school functions and camps and whilst carrying out this role he forms the *'belief'* that a child is or has been subject to sexual abuse then, in my view the priest has an obligation under the Act to make a report to the Department.

However, if the priest becomes aware of abuse in his role as the parish priest, perhaps in the confessional or at the Church fete, then it is not in the course of his work as a teacher, nor reportable under the Act. The priest may of course have other reporting obligations as a priest but they do not arise under the Act.

Recent Royal Commission advice would recommend the Priest to report this information.

### **What is 'in the course of work'?**

What is conduct that constitutes *'in the course of work'* is an issue of fact and requires a consideration of the facts in each particular set of circumstances. (It is also often described as *'in the course and scope of employment'*.)

With respect to teachers, the course of work is far wider than a teacher just teaching the core subject for which they are engaged to teach. For example, a teacher who is engaged to teach English but then takes on an Art class as a relief teacher is still acting in the course of their work whilst they are teaching in the Art class. Similarly, if that same teacher then was to supervise a group of students going on an external function away from the school precinct, that would still be within the course of that teacher's work.

Some other examples of the phrase *'in the course of work'* are:

- (a) Teaching relief classes
- (b) A teacher's DOTT time
- (c) School yard duties/supervision
- (d) Before and after the start of the school day (this is similar to the concept of duty of care teachers at the beginning and end of the school day)
- (e) Out of school functions such as school excursions and camps
- (f) Coaching a school team after school hours or at the weekend, where that role is part of the teacher's extra-curricular duties.

However, it is not within a teacher's course of work where a teacher in a voluntary capacity coaches their child's sport team at the local sports club, independent of the school. Similarly it would not include the situation where the teacher was at the local shopping centre or at the beach and met or observed a student of the school.

Whilst these can be no hard and fast rule on what is or is not in the course of the teacher's work, a '*rule of thumb*' test that can be applied is that if there is some link to the school, then it should be considered to be the '*course of work*'.

Recent Royal Commission advice would recommend the teacher to report this information.

### **How has the Freedom of Information Act (FOI) been varied to take into consideration the legislation?**

Independent schools are not subject to the FOI Act and therefore the information which they will hold cannot be accessed by a third party under the FOI Act. The FOI Act only applies to Government Departments and statutory authorities.

Once the report under the Act is provided to the Department, then that report would be subject to the FOI Act but only to the extent the exemption in section 1495) of the FOI Act as shown below does not apply.

There are various materials, reports and documents which are exempt from the provisions of the FOI Act and cannot be the subject of an FOI application. These are set out in Schedule 1 of the FOI Act.

When the Act was enacted, Schedule 1 of the FOI Act was amended to include reports made under the Act and also information which the Department collects as a consequence of receiving a report.

*Section 14(5) of the FOI Act provides:*

*'a matter is an exempt matter if its disclosure would reveal or tend to reveal the identity of anyone as:*

- (c) a person who has made or a person who is mentioned in a report under the Children and Community Services Act 2004, section 124B(1); or*
- (a) a person who is a notifier as defined in the Children and Community Services Act 2004, section 240(1) or a person about whom the information mentioned in that definition is given'.*

### **What is the teachers' obligation with respect to the storage and retention of notes and reports?**

The situation with respect to notes and a report prepared by a teacher who is employed in an independent school is different to the situation that applies in Government schools. This is because the FOI Act does not apply to independent schools. Further, a report prepared by the teacher is not a '*government record*' and therefore is also not subject to provisions of the *State Records Act*.

That aside, under the Privacy Act a teacher, and also the school, do have obligations to keep secure and confidential any notes and reports that they prepare about individual students. These obligations apply irrespective of whether a report has been made to the Department. There are also other requirements with respect to collection, correction, use, access and transfer of information under the Privacy Act.

There is nothing within the Act which requires a teacher to provide the report or their notes to the school nor does it make them automatically the property of the school. However, many schools have in place school policies and procedures which require these types of documents and records to be provided to the Principal of the school and to be kept as school records. In which case the Principal and the school will also have obligations under the *Privacy Act* to keep confidential and secure any notes or reports it may receive.

Once the report has been provided to the Department for Child Protection and Family Support, the report becomes a 'government record' held by the Department and must be treated by the Department in accordance with the requirements imposed on the Department by the Act and any other statutory obligations.

Because the reporting obligations under the Act are obligations placed upon the teacher personally, it is recommended that the teacher:

- (a) keeps a copy of the report and any notes the teacher provides to the Department in compliance with their obligations under the Act;
- (b) keeps a record of receipt by the Department of the report (this is usually in the form of receipt number) as evidence that the report was made to the Department;
- (c) keeps a copy of the report and any notes the teacher provides to the school; and
- (d) should retain copies of any notes, the report and the receipt of the report by the Department, when the teacher leaves the school.

## **APPENDIX 3: Obligations to the Teachers Registration Board**

*Extract accessed 27/10/2016 from the TRBWA website, page content:*

### Notifications to the Board

Section 42 of the [Teacher Registration Act 2012 \(Act\)](#) requires employers of registered teachers to notify the Board, of any investigation (even if not completed), where the employer is of the opinion that there was reason to believe that a teacher has engaged in serious misconduct or has been seriously incompetent, that results in a teacher:

- being suspended at the educational venue;
- being dismissed from teaching at the educational venue;
- resigning from the educational venue;
- no longer teaching at, or being moved from the educational venue.

Notifications must be given within 30 days after the teacher was suspended, dismissed or ceased teaching at the educational venue. Failure to comply may incur a penalty of \$5000.

Notifications are to contain the following information:

- The teacher's full name
- The teacher's registration category
- The teacher's registration number
- The date the investigation commenced and the reasons it was commenced
- The decision, if any, reached by the employer as a result of the investigation and the reasons for the decision.

Note that, regulation 26(5) of the [Teacher Registration \(General\) Regulations 2012](#) protects employers from any civil liability as a result of providing this information to the Board.

### Section 42 notice from employer

For further information, contact the Assistant Director, Investigations and Compliance on (08) 9230 0601 or by email: [icb@des.wa.gov.au](mailto:icb@des.wa.gov.au).