# Mandatory Reporting of Child Sexual Abuse Policy and Procedures - Western Australia

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| Section | Welfare |
| Number | 8d |
| Version | 6 |
| Page | 1 of 13 |
| Approved | ASC Board |
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**Executive Summary:**

The Anglican Schools Commission (ASC) seeks to assist Principals, teachers and other school staff deal appropriately with the mandatory reporting of child sexual abuse.

**Key Actions:**

- Ensure all staff are suitably trained.
- Lodge a report to the Mandatory Reporting Service at the CPFS, once a belief has been formed, based on reasonable grounds, that a child is or has been sexually abused (Teachers including Boarding supervisors).
- Report concerns that involve the safety of children and young people to the Principal (Non-teaching staff).
- Maintain brief, written, dated notes of their suspicions or observations to assist in the completion of a mandatory report.
- Do not engage in general staffroom discussion about a disclosure.
- Observe appropriate confidentiality in relation to a disclosure and ensure that this information is secure.

**NB:** The list above is not exhaustive, and the policy should be read in full to understand all obligations.

## 1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures document in line with the requirements of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008, which forms part of the Children and Community Services Act 2004. Its aim is to assist Principals, teachers and other school staff to deal appropriately with the mandatory reporting of child sexual abuse. All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

This policy is designed to be read in conjunction with the *Child Safe Policy – Western Australia* and the *Reporting of Abuse and Neglect Policy and Procedures – Western Australia*.

## 2. Definitions

2.1 What is mandatory reporting?

Mandatory reporting legislation in Western Australia requires specific people or professionals to report suspected child sexual abuse to the Department of Communities - Child Protection and Family Support (CPFS) if they form a belief, based on reasonable grounds, in the course of their paid or unpaid work, that a child has been sexually abused, or is the subject of ongoing sexual abuse.

Other forms of abuse (physical, emotional, psychological and neglect) should also be reported, but there is no penalty if the report does not occur (see *Reporting of Abuse and Neglect Policy – Western Australia*).

2.2 Who are Mandatory Reporters?

- Doctors
- Nurses and midwives
- Teachers
- Police Officers
- Boarding supervisors

2.3 Teacher

A teacher is defined in section 124A of the Children and Community Act 2004 as:

(a) A person who is registered under the Teacher Registration Act 2012, or
(b) [deleted];
(c) a person who provides instruction in a course that is -
  (i) mentioned in the School Education Act 1999 s11B(1)(a), (b) or (e) and
  (ii) prescribed for the purposes of this definition; or
(d) A person who instructs or supervises a student who is participating in an activity that is:
  (i) part of an educational programme of a school under an arrangement mentioned in the School Education Act 1999 s24(1); and
  (ii) prescribed for the purposes of this definition; or
(e) A person employed by the chief executive officer as defined in the Young Offenders Act 1994 s3 to teach detainees at a detention centre as defined in that section.

2.4 Boarding Supervisor

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

2.5 Who is a 'child'?

A child is defined as a person who is under the age of 18 years or, in the absence of positive evidence of age, as a person who is apparently under 18 years of age.

2.6 Is a student aged 18 and over a 'child'?

Students aged 18 and over may attend school but are legally considered adults and as such the CPFS does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. A list of these services may be found on the CPFS website www.dcp.wa.gov.au. Schools should contact the WA Police when aware of any assault or crime against a young adult.

2.7 What is Sexual Abuse?

Sexual abuse is when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. Examples include sexual penetration, inappropriate touching, exposure to sexual acts or pornographic materials.

The Children and Community Services Act 2004 defines it as:

*sexual abuse, in relation to a child, includes sexual behaviour in circumstances where —*

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

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

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

2.8 What is grooming?

In Western Australia, grooming has not been defined in legislation. However, in general terms grooming is the use of a variety of manipulative and controlling techniques with a vulnerable subject in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting exposure.

Grooming will occur when a child is identified and targeted, establishing communication and a relationship with a child, and the immediate community, in order to commit a sexual offence. The grooming process is calculated to gain a child's trust, creating a vulnerability that can then be exploited.

Examples of behaviours indicative of grooming behaviours include:

- inappropriate personal communication
- inappropriate extending a relationship outside of school hours
- testing professional boundaries (e.g. talking about sex with students)
- developing a 'special relationship' with a student and attempting to keep it a secret.

2.9 Cyber predators

The Criminal Code Amendment (Cyber Predators) Act 2006 protects children under the age of 16 years from an adult who uses electronic communication with intent to procure the child to engage in sexual activity or to expose the child to any indecent matter.

There are many resources and websites available for schools to use to provide information to students on keeping safe on the internet.

## 3. Indicators of Sexual Abuse

The following list of indicators is not exhaustive but is a list of possible indicators as provided by CPFS.

A single indicator may not always provide conclusive evidence; however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused. Professional judgment should also be used when considering whether teachers believe that a child has been abused.

**Sexual**

- Inappropriate sexual behaviour for their age and developmental level (such as sexually touching other children and themselves)
- Inappropriate knowledge about sex for their age
- Disclosure of abuse either directly, or indirectly through drawings, play or writing
- 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 they have to keep secrets
- Presence of sexually transmitted infection
- Sudden unexplained fears
- Bed wetting and soiling.

## 4. Reporting Procedures for Mandatory Reporters

4.1 Teachers have an obligation to take the necessary action to ensure a child is protected from further harm. Teachers are the key figures in the identification of child sexual abuse through personal observation or disclosure by the student concerned or a friend.

4.2 Once a teacher has formed a belief, based on reasonable grounds, that a child is or has been sexually abused, they are legally required to report to the Mandatory Reporting Service at the CPFS.

**Phone: 1800 708 704**

**Website: www.mandatoryreporting.dcp.wa.gov.au**

**Email: mrs@dcp.wa.gov.au**

The Mandatory Reporting Service operates 24 hours a day, 7 days a week.

Failure to make a report can incur a maximum penalty of $6,000. Failure to make a written report once a verbal report has been made can result in a fine of up to $3,000.

The mandatory reporter is protected by confidentiality legislation, except in limited circumstances. They are also protected from civil or criminal liability as long as the report was made in good faith. Disclosure of a reporter's identity carries a maximum fine of $24,000 and two years imprisonment.

4.3 It is **not** the teacher's role to conduct any investigation or to confront the suspected perpetrator or to intervene with the child's family. Teachers do not have to have proof or prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.

4.4 Teachers who have concerns that child sexual abuse is occurring or has occurred are welcome to consult with the Principal and other specialists, including the School Nurse, Pastoral Dean, School Chaplain, School Psychologist or School Counsellor.

4.5 Teachers are advised to keep brief, written, dated notes of their suspicions or observations to assist them in completing a mandatory report. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the

purpose of legal proceedings. When and if appropriate they may give a copy of any notes to the Principal, who will store these confidential notes in a secure place.

4.6 The Mandatory Reporting Service and the Duty Officer at the local CPFS office will provide advice if the teacher is unsure of what action to take.

4.7 If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting (see Appendix B for further information).

4.8 If a student discloses to a teacher in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the teacher to explain that they have concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This may include discussing it with the Principal. (For detailed information about dealing with a disclosure, see the *Child Safe Policy*.)

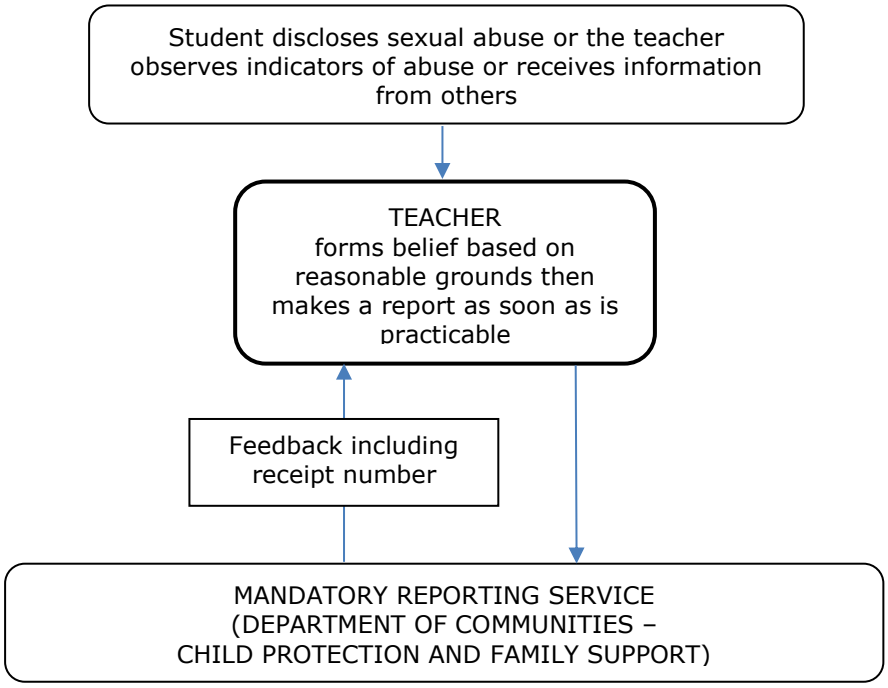
4.9 Teachers must not engage in general staffroom discussion about a disclosure.

4.10 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.

4.11 Advice must be sought from the CPFS or the Police prior to informing the parent/guardian of the concerns regarding the child.

4.12 Should allegations of any kind of abuse be made against the Principal, the teacher should not discuss this with the Principal but must go directly to the Chair of the School Council.

**Notification Steps for completing a mandatory report of child sexual abuse**




## 5. Reporting Procedures for Non-Teaching Staff (non-mandatory reporters)

5.1 Non-teaching staff, such as teacher assistants, school chaplains and school psychologists, are **not mandatory reporters of sexual abuse.** Only teachers, doctors, nurses, midwives, police officers and boarding supervisors are mandatory reporters.

5.2 Non-teaching staff must report concerns that involve the safety of children and young people to the Principal.

5.3 Should the concern involve an allegation made against the Principal, the staff member should not discuss this with the Principal but must report directly to the Chair of the School Council.

## 6. Roles and Responsibilities of other parties in relation to child sexual abuse

**Note:** the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the *Child Safe Policy* and must be read in conjunction with this policy.

6.1 The Anglican Schools Commission

6.1.1 The ASC will ensure Board members receive annual professional learning on:

- mandatory reporting of child sexual abuse; and
- school policies, procedures and practices that aim to ensure students' safety and wellbeing at school, during school-related activities and child-safe physical and online environments.

6.1.2 If a Principal is aware that a mandatory report has been made to the CPFS, the Principal shall inform the CEO of the Anglican Schools Commission as the official representative of the School Authority, and as part of the school's critical incident procedures.

6.1.3 The Anglican Schools Commission Office will:

- If necessary, assist the Principal or her/his delegate when a case of child sexual abuse is disclosed, or where there is belief, on reasonable grounds that sexual abuse has occurred, to follow the procedures on notification of abuse to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff of the school making the referral are offered appropriate support to adjust to any consequences of the referral.

6.2 The Principal

6.2.1 The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.

6.2.2 The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child sexual abuse and protective behaviours.

6.2.3 The Principal must ensure that School Council members and all staff, including regular volunteers, receive appropriate training annually on:

- Mandatory reporting of child sexual abuse; and
- school policies, procedures and practices that aim to ensure students' safety and wellbeing at school, during school-related activities and child-safe physical and online environments.

6.2.4 In the case of sexual abuse, it is the teacher who is required to make the report to the CPFS.

6.2.5 Any staff member who is a mandatory reporter will advise the Principal in regard to any report they make to the CPFS. They will provide the report number, date and details, in confidence.

This must be done as soon as is practicable to do so before or after submitting their mandatory report. The Principal must not reveal the identity of the mandatory reporter.

6.2.6 Advice must be sought from the CPFS or the Police in regard to providing any

information to others, including the parents/guardians, about the report or the child concerned.

6.2.7 Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Perth and to the CEO of the ASC. The identity of the reporter must be protected at all times, in line with the Children and Community Services Act 2004.

6.2.8 The Principal must retain records of all communication with the CPFS, the Police, the PSU and the CEO of the ASC and the subsequent actions, of which they are privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

6.2.9 The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes.

6.2.10 The Principal must inform parents about the school's Child Safe Policy, the protective behaviours curriculum, the Staff and Volunteer Code of Conduct, and when, how and who to tell if they have concerns about grooming or child abuse. This could be done by including the information in the Parent Handbook, thereby ensuring that all new parents are kept informed.

6.2.11 The Principal must inform the School Council of Mandatory Reports/Critical Incidents within their Principal's Report. (See Appendix C for format)

6.3 The Department of Communities - Child Protection and Family Support

6.3.1 The CPFS is the government department with the statutory authority to investigate concerns relating to child sexual abuse in WA.

6.3.2 In the case of sexual abuse, **the teacher** must provide a written report to the Mandatory Reporting Service of the CPFS, using the Mandatory Report - Sexual Abuse Form.

6.3.3 The CPFS has the responsibility of deciding how to proceed with reports and will supply a feedback letter to the reporter.

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

6.3.5 The CPFS has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by CPFS before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of CPFS.

6.3.6 CPFS officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

6.4 The Western Australia Police

6.4.1 The WA Police may play a role in responding to allegations of child sexual abuse when

informed by the CPFS.

6.4.2 In the case of sexual abuse, the CPFS will forward all reports to the WA Police Service.

6.4.3 The WA Police Service Child Abuse Investigation Team will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

6.5 The Professional Standards Unit of the Diocese of Perth

6.5.1 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.

6.5.2 School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children and Community Services Act 2004.

6.5.3 The PSU will investigate the matter and make a recommendation to the school.

**APPENDIX A**

## Questions and Concerns

### Must I keep written records?

As a teacher you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

### Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the Anglican Schools Commission Office.

### Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse (including sexual abuse) and neglect should be reported, irrespective of when they may have occurred. The **mandatory reporting** of sexual abuse applies to abuse, which happened on or after 1 January 2009. The decision about whether to proceed with prosecution will be made by the appropriate external agency.

### How soon after finding out about a case of child sexual abuse am I expected to make a notification?

Mandatory Reporters are required to report directly to the CPFS. As soon as possible and if appropriate, any staff member who is a teacher will advise the Principal as soon as it is practicable to do so.

### Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

### What will happen if I have to go to court? What legal support will the Anglican Schools Commission provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The Anglican Schools Commission office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

### Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

**Does the offender have to be told who notified?**

It is the policy of the Department of Communities - Child Protection and Family Support and the WA Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the Anglican Schools Commission.

**It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the Anglican Schools Commission and the Department of Communities - Child Protection and Family Support. No action will be taken which may jeopardise the safety of the child.**

**APPENDIX B**

**Dealing with a disclosure**

A student who discloses abuse or neglect will often do so with great hesitation and with feelings of fear and guilt. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing.

A disclosure can often arouse strong feelings in the person to whom the disclosure is being made. Such reactions may include shock, anger and helplessness. It is important to be aware and in control of these feelings and that they be dealt with following the disclosure. Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), may be of assistance in this regard.

It is not easy for students to disclose abuse or neglect as they may previously have been coerced, bribed or threatened into secrecy. They may need repeated reassurance that you believe them and that it was right to tell.

**Public disclosure**

It is possible that a student may start to disclose in class or with a group of other students. If disclosure does begin in a public area it is important for the teacher to use the strategy of **protective interrupting**, namely:

- Acknowledge that you have heard the student and stop him/her disclosing any further;
- Be supportive and gently indicate that they may want to talk to you about it in a more private situation; and
- Quietly arrange to see the student as soon as possible, such as after the lesson, away from the other students.

**Private disclosure**

The teacher's role is to listen actively to what the student may say but not push for details, or conduct an investigation:

- Remain calm and try not to express panic, shock or disbelief;
- Acknowledge that it can be difficult to talk about such things;
- Reassure the student that it is right to tell and emphasise your belief in her/him;
- Emphasise that the student is not to blame;
- Assure the student that they have the right to feel safe;
- Accept what is said by the student (only **minimum information** is required for action);
- Do not ask questions as this could contaminate any future evidence;
- Do not to express a judgement about the alleged perpetrator;
- Use appropriate vocabulary when speaking with the student;
- Do not promise not to tell;
- Tell the student that the matter will be reported to the appropriate authority;
- Allow the student the option of having your support during the initial agency interview; and
- Reassure the student that support will continue at school.

**APPENDIX C**

## Reporting to School Council

| Date of Incident/ Date Reported to School | Date Reported to Director General (DoE) | Date Reported to Chief Executive Officer (ASC) | Type (MR/CI) | Incident Type | Incident | Compliant with ASC Policy |
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**Version Control**

| Version | Date | Summary of Changes |
|---|---|---|
| 1 | Oct-16 | New Policy |
| 2 | Aug-18 | Updated to reflect the requirement for 'Any staff member who is a mandatory reporter **will** advise the Principal in regard to any report they make to the CPFS.' |
| 3 | May-18 | Annual review, includes new requirements from the revised Guide to Registration Standards and Other Requirements for Non-Government Schools and align the WA policies with the NSW and Victoria Policies. |
| 4 | Apr-19 | Annual review. |
| 5 | Oct-19 | Updated in response to the recently amended non-government school registration standards (WA) for 2020. |
| 6 | Apr-21 | Annual update<br>New format. |
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