



Mandatory Reporting of Child Sexual Abuse Policy and Procedures (WA)

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Executive Summary

The Anglican Schools Commission (Inc.) trading as AngliSchools (“AngliSchools”) 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 Department of Communities – Child Protection (DCP), 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.
- Ensure that appropriate confidentiality is observed 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

- 1.1. AngliSchools has developed this policy and procedures document in line with the requirements 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.
- 1.2. This policy is designed to be read in conjunction with the *Child Safe Policy (WA), Reporting of Abuse and Neglect Policy and Procedures (WA) and Reporting of Allegations of Reportable Conduct Policy and Procedures (WA)*.

2. Definitions

- 2.1. **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.
- 2.2. **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.
- 2.3. **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.

- 2.4. **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/or 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 of a relationship outside school hours
- testing professional boundaries (e.g. talking about sex with students – outside of mandated courses such as Health classes)
- developing a 'special relationship' with a student and attempting to keep it a secret.

- 2.5. **Mandatory reporting** legislation in Western Australia requires specific people or professionals to report suspected child sexual abuse to the Department of Communities - Child Protection (DCP) 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 (WA)*).

2.6. **Mandatory Reporters**

- Boarding Supervisors
- Doctors
- Early Childhood Workers (Cert III or higher)
- Ministers of Religion
- Nurses and midwives
- Police Officers
- Psychologists
- School Counsellors
- Teachers

2.7. **Minister of Religion**

- a. means a person who is recognised in accordance with the practices of a faith or religion as a person who is authorised to conduct services or ceremonies in accordance with the tenets of the faith or religion; and
- b. includes such a person regardless of how the person's position or title is described (for example, member of the clergy, priest, minister, imam, rabbi or pastor).

2.8. **Psychologist** means a person registered under the Health Practitioner Regulation National Law (Western Australia) in the psychology profession (other than as a student).

2.9. **Reportable conduct** includes:

- sexual offences, against, with or in the presence of, a child (sexual assault, indecent acts, child pornography, grooming);
- sexual misconduct, against, with, or in the presence of a child (non-criminal misconduct of a sexual nature);
- physical assault, against or in the presence of, a child (can include actual and apprehended use of physical force or an employee's actions which are intentional or reckless);
- significant neglect of a child (supervisory, medical, physical, educational and emotional);
- significant emotional or psychological harm to a child (coercive or manipulative behaviour, hostility towards, or rejection of, a child, verbal abuse and humiliation, belittling or scapegoating); and
- other prescribed offences (Reportable convictions for child sexual offences).

Refer to the Reporting of Allegations of Reportable Conduct Policy and Procedures (WA).

2.10. **Sexual Abuse** is when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to their 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 sexual abuse, in relation to a child, as 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.

2.11. School Counsellor

- a. means an adult who is employed or engaged in a school, as defined in the School Education Act 1999 Section 4, to provide counselling or pastoral care to children who attend the school; but
- b. does not include an adult who is employed or engaged as a student or volunteer.

2.12. **Students aged 18 and over** may attend school but are legally considered adults and as such the DCP 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 DCP website www.wa.gov.au/organisation/department-of-communities/child-protection. Schools should contact the WA Police when aware of any assault or crime against a young adult.

2.13. **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 -
- d. mentioned in the School Education Act 1999 s11B(1)(a), (b) or (e) and
- e. prescribed for the purposes of this definition; or
- f. 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
- g. A person employed by the chief executive officer as defined in the Young Offenders Act 1994 Section 3 to teach detainees at a detention centre as defined in that section.

3. Indicators of Sexual Abuse

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

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 the Mandatory Reporter believes 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. Mandatory Reporters 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 Mandatory Reporter 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 DCP.

Phone: 1800 708 704

Website: www.mandatoryreportingweb.communities.wa.gov.au

Email: mrs@communities.wa.gov.au

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

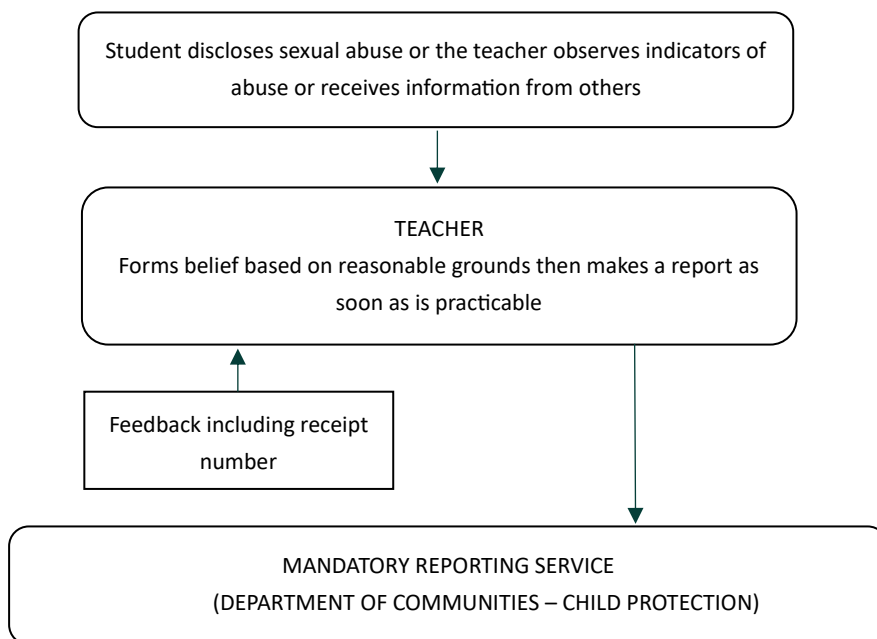
Failure to make a report can incur a maximum penalty of \$6,000. Failure to make a written report once a verbal report has been made can result in a fine of up to \$3,000.

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 Mandatory Reporter's role to conduct any investigation or to confront the suspected perpetrator or to intervene with the child's family. Mandatory Reporters are not required 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. Mandatory Reporters 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. Mandatory Reporters 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. Mandatory Reporters:
 - need to articulate the grounds on which they formed the belief that a child has been, or is being, abused.
 - may not know all of the information they are asked to provide. It is important not to interview the child to obtain information.

- 4.6. 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.
- 4.7. If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting, namely:
 - Acknowledge that you have heard the student and stop them 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.
- 4.8. If a student discloses to a Mandatory Reporter in private and tries to elicit a promise that the Mandatory Reporter will not tell anyone, it is important for the Mandatory Reporter 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 (WA)).
- 4.9. Mandatory Reporters must not engage in general staffroom discussions 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 DCP 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 or the Chief Executive Officer (CEO).

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, are not Mandatory Reporters of sexual abuse. Only teachers, doctors, nurses, midwives, police officers, ministers of religion, psychologists, school counsellors 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 or the CEO.

6. Roles and Responsibilities of Other Parties in Relation to Child Sexual Abuse

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

6.1. AngliSchools Head Office

6.1.1. The Board members will 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 DCP, the Principal shall inform the CEO as the official representative of the School Authority, and as part of the school's critical incident procedures.

6.1.3. AngliSchools Head Office will inform their insurers of any actual, alleged or reasonable suspicion of child sexual abuse.

6.1.4. AngliSchools Head Office will:

- If necessary, assist the Principal or their 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 DCP.
- 6.2.5. Any staff member who is a mandatory reporter will advise the Principal in regard to any report they make to the DCP. They will provide the report number, date and details, in confidence.
- 6.2.6. 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.
- 6.2.7. Advice must be sought from the DCP or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned.
- 6.2.8. The Principal must retain records of all communication with the DCP, the Police, the PSU and the CEO; 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 (WA), 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 a Parent Handbook, or similar, thereby ensuring that all new parents are kept informed.
- 6.2.11. The Principal must inform the School Council of Mandatory Reports (MR)/Critical Incidents (CI)/Reportable Conduct (RC) within their Principal's Report. The following information must be provided:
- Date of Incident / Date Reported to School.
 - Date Reported to Director General.
 - Date Reported to Chief Executive Officer.
 - Type (MR/CI/RC).
 - Incident Type.
 - Description of Incident.
 - Compliance with our Policy (reporting timeframes etc).

6.2 The Department of Communities - Child Protection

- 6.3.1 The DCP 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 DCP, using the Mandatory Report - Sexual Abuse Form.
- 6.3.3 The DCP 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 DCP 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 DCP has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by the DCP 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 the DCP.
- 6.3.6 DCP 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 DCP.
- 6.4.2 In the case of sexual abuse, the DCP 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.

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 New format.
7	Apr-22	Update mandatory reporters to include: Minister of Religion, Psychologist and School Counsellor
8	Jun-23	Annual Review Reference to the new Reportable Conduct Scheme Remove Appendix 3 – Template Reporting to School Council (Detail included in the Policy)
9	Nov-23	Include the requirement to notify the ASC's insurers.
10	Mar-24	Annual review
-	May-25	Update ASC to AngliSchools
11	Apr-25	Annual Review Include Early Childhood Workers as Mandatory Reporters
12	Apr-26	Periodic Review Update Mandatory Reporting website and email details Remove Appendix 1 (Questions and Concerns) – available from AngliSchools Remove Appendix 2 (Dealing with a disclosure) – incorporated into the Policy.