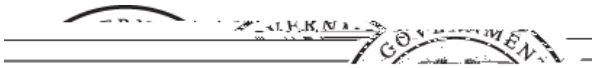


# CHILD PROTECTION POLICY

# CHILD PROTECTION PROCEDURES FOR PRINCIPALS

# CHILD PROTECTION PROCEDURES FOR TEACHERS

# CHILD PROTECTION PROCEDURES FOR SCHOOL PSYCHOLOGISTS

# CHILD PROTECTION PROCEDURES FOR BOARDING SUPERVISORS

# CHILD PROTECTION PROCEDURES FOR NON-TEACHING STAFF

# 1 POLICY STATEMENT

*The procedures for non-teaching staff include but are not limited to the following positions: Aboriginal and Torres Strait Islander education officers, corporate services managers school officers, education assistants, library assistants, laboratory assistants, home economics assistants, participation coordinators, attendance officers, youth support officers, social trainers, school based community liaison officers, public service officers, other officers and wages staff.*

## 3 RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

Implementation of the policy is the responsibility of all staff.

Compliance monitoring is the responsibility of line managers.

## 4 SCOPE

This policy applies to all Department staff.

## 5 DEFINITIONS

BELIEF ON REASONABLE GROUNDS

A belief formed on reasonable grounds that a child has been sexually abused may be based on but is not limited to:

- disclosure of information provided by a child or parent/carer;
- disclosure of child sexual abuse by a third party; and/or
- observed evidence of physical and/or behavioural indicators.

The belief may be based on a number of child protection concerns that form the 'reasonable grounds' and may have been documented over time. There is no requirement to provide proof of child sexual abuse.

Refer to Indicators of Abuse.

CHILD

A person who has not reached the age of 18 years of age and, in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

CHILD ABUSE

Occurs when a child has been subjected to physical, sexual, or emotional abuse and/or neglect which has resulted or is likely to result in harm to the child's wellbeing. It may involve ongoing, repeated or persistent abuse, or arise from a single incident.

DUTY OF CARE

A duty imposed by the law to take care to minimise the foreseeable risk of harm to another.

EMOTIONAL ABUSE

Occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. Emotional abuse includes psychological abuse and being exposed to an act of family and domestic violence.

Some examples are: constantly putting a child down; humiliating or shaming a child; not showing love, support or guidance; continually ignoring or rejecting the child; exposing a child to family and domestic violence; threatening abuse or bullying a child; threats to harm loved ones, property or pets.

FAMILY AND DOMESTIC VIOLENCE

Under the *Restraining Orders Act 1997 s.6*, an act of family and domestic violence means one of the following acts that a person commits against another person with whom he or she is in a family and domestic relationship:
(a)

MANDATORY REPORTING LEGISLATION

Legislation requiring teachers, doctors, nurses, midwives, police and boarding supervisors to report beliefs of child sexual abuse to the Mandatory Reporting Service of Child Protection and Family Support. Legislation covering mandatory reporting of child sexual abuse is the *Children and Community Services Act 2004*.

Mandatory reporting only applies when a teacher, registered with the Teacher Registration Board of WA, or boarding supervisor is working in their role as a , s

PREVENTION

Strategies that promote self-management, emotional awareness and interpersonal problem-solving skills that reduce risk factors and promote protective factors to ensure the wellbeing of children and young people.

PROTECTIVE BEHAVIOURS

A personal safety program designed to equip children with the knowledge and skills to act in ways that reduce the likelihood of abuse occurring and help them to report abuse and to seek help if abuse occurs.

QUALIFIED PRIVILEGE

The protection from incurring civil or criminal liability or professional misconduct when providing confidential information concerning suspected child abuse in good faith to Child Protection and Family Support

*Public Interest Disclosure Act 2003 (WA)*
*Restraining Orders Act 1997 (WA)*
*School Education Act 1999 (WA)*
*School Education Regulations 2000 (WA)*
*Sex Discrimination Act 1984 (Cth)*
*State Records Act 2000 (WA)*
*Working With Children (Criminal Record Checking) Act 2004 (WA)*
*Working with Children (Criminal Record Checking) Regulations 2005 (WA)*
*Teacher Registration Act 2012 (WA)*

RELATED DEPARTMENT POLICIES

*Court Appearances and Production of Documents*
*Disputes and Complaints*
*Duty of Care for Students*
*Duty of Care – VET for School Students Attending TAFEWA Colleges*
*Emergency and Critical Incident Management*
*Enrolment*
*Excursions*
*Public Interest Disclosure*
*Records Management*
*Staff Conduct and Discipline*
*Student Attendance*
*Student Behaviour*
*Visitors and Intruders on School Premises*

OTHER DOCUMENTS

*Department for Child Protection and Family Support MOU with the Department of Education 2013 – 2018*
*MOU between the Department of Education and the Department of Health 2013-2016*

## 7 CONTACT INFORMATION

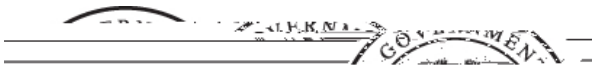
Policy manager: Manager, Complex Learning and Wellbeing

Policy contact officer: Principal Consultant (Child Protection)

T: (08) 9402 6124

## 8 REVIEW DATE

25 July 2020



# CHILD PROTECTION PROCEDURES FOR PRINCIPALS

**EFFECTIVE: 25 JULY 2017**

**VERSION: 3.1 FINAL**

*Last update date: 25 July 2017*

4 DEFINITIONS ..... 18
5 RELATED DOCUMENTS ..... 23
6 CONTACT INFORMATION ..... 23
7 REVIEW DATE ..... 24

.....

Guidance

If the principal forms a belief on reasonable grounds of child sexual abuse, mandatory reporting requirements apply even if the staff member providing the information has not formed the same belief.

## 3.4 REFERRAL OF PHYSICAL, EMOTIONAL ABUSE, FAMILY AND DOMESTIC VIOLENCE OR NEGLECT

Principals must:

- refer all child protection concerns received which relate to physical abuse, emotional abuse, family and domestic violence, or neglect to the local CPFS District Office using the CPFS Child Protection Concern Referral Form;
- refer child protection concerns where there is a concern for the immediate physical safety of the child to WA Police on 13 14 44 prior to making a CPFS referral (refer to procedures 3.7);
- conduct all consultations in a confidential manner and document concerns in a confidential file separate from the child's school records;
- make an Online Incident Notification; and
- follow the requirements in procedure 3.11 for communications with parents.

Principals must not:

- interview the child or children involved or investigate the report; or
- authorise or request the collection of photographic evidence by staff.

Guidance

Principals may:


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Principals must not:

- interview the students involved;
- disclose the identity of the person alleged to have perpetrated the abuse to the alleged victim's parent; or
- disclose the identity of the staff member who may have made a mandatory report of child sexual abuse to the parents of the students involved.

***Guidance***
*The MRS will automatically notify WA Police who will assess the need for criminal charges.*

*Referral to the police does not preclude the principal from considering taking action in accordance with the Student Behaviour Policy and Procedures.*

*Sexual behaviour that is within the normal range is not necessarily child sexual abuse. Behaviour outside of the normal developmental range may be an indicator that child sexual abuse has occurred For more information refer to Guidelines for Responding to Sexual Behaviours in Children.*

## 3.7 RESPONDING WHEN A STUDENT IS AT IMMEDIATE RISK OF HARM

Principals must:

- call the WA Police on 13 14 44 and note the Incident Report number; and
- call the duty officer at the local CPFS District Office; or
- call the CPFS District Office responsible if the child is in care of CPFS; or
- call the MRS if a belief on reasonable grounds is formed that child sexual abuse has occurred; and
- lodge an Online Incident Notification.

***Guidance***
*If CPFS identify an immediate risk of harm to the child, the WA Police and CPFS Child Assessment and Investigation Team may be involved.*

*If schools do not receive a response at all from the police,*

Principals must not inform the parent of the concern.

***Guidance***
*For further information refer to sections 270.7A and 270.7B of the Commonwealth Criminal Code Act (1995).*

## 3.10 SUPPORTING STUDENTS AFFECTED BY ABUSE

Principals

**CHILD**

**NOTIFIER**

A person who makes a referral to the Department for Child Protection and Family Support about concerns for the well-being of a child and/or who provides information to a mandatory reporter that leads to a mandatory report.

**PARENT**

In relation to a child, is a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

**PHYSICAL ABUSE**

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured. Some examples are: hitting, shaking, punching; burning and scolding; excessive physical punishment or discipline; attempted suffocation; or shaking a baby.

**PREVENTION**

Strategies that promote self-management, emotional awareness and interpersonal problem-solving skills that reduce risk factors and promote protective factors to ensure the wellbeing of children and young people.

**PROTECTIVE BEHAVIOURS**

A personal safety program designed to equip children with the knowledge and skills to act in ways that reduce the likelihood of abuse occurring and help them to report abuse and to seek help if abuse occurs.

**STAFF**

All employees of the Director General of the Department of Education.

## 5 RELATED DOCUMENTS

**RELEVEaaS18.6 (O (a)14.N4.065 0 Td ( )Tj5 )4004 Tc 0.01 Tw -18504 -0 0 1(o)10.5C /H1 <[(**

# 6 CONTACT INFORMATION

Policy manager: Complex Learning and Wellbeing

Policy contact officer: Principal Consultant (Child Protection)

T: (08) 9402 6124

# 7 REVIEW DATE

25 July 2020

# 8 HISTORY OF CHANGES

**Effective date**

## APPENDIX C. COMPLETING DOCUMENTATION

When documenting child protection concerns staff should be aware that records can be subpoenaed by the court as evidence. If in doubt, you can consult with the principal, stsn.2d ( )Tj EAw ( s)8Q wi pw 0-6.oenaed b, otdo(i)2.7 (on 8.9 (n t6-11.4 )-2 (er6 ()0.7

# APPENDIX D: CONFIDENTIALITY AND LEGAL PROTECTION

The Children and Community Services Act 2004 (the Act) protects the identity of the reporter and protects against legal prosecution or professional misconduct.

The legislative requirements of the Act override the Department's policies, professional codes of conduct and professional confidentiality requirements.

If reports are made in good faith and with the best interests of the child in mind, the Act protects staff from:

- civil or criminal liability in respect of the disclosure;
- a breach of any duty of confidentiality or secrecy imposed by law; and
- a breach of professional ethics or any principles of conduct applicable to the person's employment, or
- a breach of professional conduct.

Professional confidentiality is protected when staff provide information in the best interests of the child regarding possible child abuse to the Department for Child Protection and Family Support (CPFS) or other prescribed authorities who are directly involved in responding, investigating or supporting the child. This protection does not extend to discussion or disclosure of information to other parties who are not directly involved.

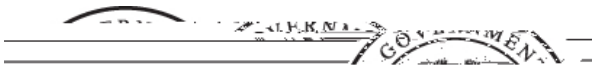
While the Act protects the identity of the reporter, there are some circumstances where the identity of the reporter may be released. These are:

- for the purpose of CPFS assessment;
- for investigative purposes by WA Police or to prosecute an offence;
- for court processes such as child protection, family law or adoption proceedings;
- with the written permission of the reporter; or
- by an application under the Freedom of Information Act 1992.

Disclosure of a reporter's identity carries a maximum fine of $24,000 and 2 years imprisonment.

The identity of a person who makes a mandatory report of child sexual abuse will always be known to the police because the Mandatory Reporting Service must send a copy of every mandatory report to the WA Police for assessment.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.



# CHILD PROTECTION PROCEDURES FOR TEACHERS

EFFECTIVE: 25 JULY 2017

VERSION: 3.1 FINAL

Last update date: 25 July 2017

# 1 POLICY SUPPORTED

Child Protection Policy

# 2 SCOPE

These procedures apply to teachers.

Guidance
These procedures apply to staff who are registered with the Teacher Registration Board of Western Australia and are currently working in the role of a teacher.

# 3 PROCEDURES

## 3.1 CHILD PROTECTION AND ABUSE PREVENTION PROFESSIONAL LEARNING

Teachers must:

- complete the online Child Protection and Abuse Prevention professional learning program within six months of enrolment in the online course; and
- repeat the online Child Protection and Abuse Prevention program every three years from the date of completion.

Guidance
Enrolment occurs automatically for staff who have an E number.

Note that any reference to staff includes casual and relief staff.

Compliance is monitored by the manager/principal and Statewide Services.

A certificate of completion is provided on satisfactory completion of the course.

Alternative professional learning formats are available for staff who cannot access the online professional learning due to a disability or special circumstances.

Refer to the Child Protection website for further information

## 3.2 CHILD ABUSE PREVENTION EDUCATION

Teachers must implement protective behaviours education that aligns with the Western Australian Curriculum across all phases of schooling.

Guidance
For further information refer to the Department's Child Protection website.
The Department's protective behaviours teaching and learning resources are available on connect.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Teachers should be aware that certain behaviour towards students, while not illegal, may not be within professional boundaries. Refer to How to comply with our code of conduct guideline.

## 3.6 SEXUAL ABUSE PERPETRATED BY A STUDENT DURING SUPERVISED SCHOOL ACTIVITES

Teachers must:

- report all incidents of sexual abuse perpetrated by a student during supervised school activities to the principal; and
- follow reporting procedures in 3.3.

Teachers must not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- x disclose the identity of the mandatory reporter (if known) or the alleged perpetrator.

Guidance

The parent/carer may be responsible for the abuse and advising them that a mandatory report or child abuse referral has been made may compromise an investigation.

### 3.12.2 WHEN A CONCERN IS HELD BUT A MANDATORY REPORT OR CHILD ABUSE REFERRAL HAS NOT BEEN MADE

Teachers must not inform parents:

- x that physical or behavioural indicators have been observed in their child which have led to a concern of possible child abuse;
- x of a suspicion of family and domestic violence; or
- x of an intention to make a referral concerning their child to CPFS, WA Police and/or SID.

Guidance

A parent/carer may be responsible for the abuse. To inform the parent of a concern of possible child abuse may alert them and pose a further risk to the child.

If a parent makes a disclosure of possible extrafamilial child abuse, teachers should discuss this with the principal.

Observations can be discussed with parents in order to seek further information without alerting them to concerns of child abuse.

### 3.13 WHEN A STUDENT UNDER THE AGE OF CONSENT DISCLOSES A SEXUAL RELATIONSHIP

Teachers must:

- x inform the principal; and
- x follow reporting procedures in 3.3.

Guidance

These procedures only apply when a disclosure has been made by the student themselves.

Sexual activity involving students under 16 years of age may or may not be sexual abuse unless a belief on reasonable grounds of child sexual abuse is formed.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

### 3.17 DOCUMENTED EDUCATION PLANNING FOR CHILDREN IN THE CARE OF THE CEO OF THE DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT

Teachers must:

- develop a Documented Education Plan (DEP) within 30 working days of being advised that a child is in care;
- provide a copy of the completed DEP to principal who forwards it to the CPFS child protection worker and other key stakeholders; and
- review the DEP at least twice per year.

Guidance

For further information on the requirement to develop a DEP refer to the Child Protection website Memorandum of Understanding between CPFS and the Department. Section 30 of the Children and Community Services Act 2004.

Templates are available for DEP planning. The Special Educational Needs (SEN) planning function allows teachers and school administrators to create education plans for students with special education needs.

## 4 DEFINITIONS

BELIEF ON REASONABLE GROUNDS

A belief formed on reasonable grounds that a child has been sexually abused may be based on but is not limited to:

- disclosure of information provided by a child or parent/carer;
- disclosure of child sexual abuse by a third party; and/or
- observed evidence of physical and/or behavioural indicators.

The belief may be based on a number of child protection concerns that form the 'reasonable grounds' and may have been documented over time. There is no requirement to provide proof of child sexual abuse.

Refer to Indicators of Abuse.

CHILD

A person who has not reached the age of 18 years of age and, in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

CHILD ABUSE

Occurs when a child has been subjected to physical, sexual or emotional abuse and/or neglect which has resulted or is likely to result in harm to the child's wellbeing. It may involve ongoing, repeated or persistent abuse, or arise from a single incident.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

CHILD EXPLOITATION MATERIAL

Child pornography or material that involves the depiction of a child in a sexual context, or engaging in sexual activity and at a basic level can include material involving a child in an offensive or demeaning context or being subjected to abuse, cruelty or torture such as posing without clothes, and exposure of genitals, anus region, or breasts. It includes a wide range of formats such as texts, pictures, film, printed or written material. Teachers must refer students subjected to physical or sexual assault to the principal.

CHILD PROTECTION CONCERN

A concern about the wellbeing of a child based on the observation of indicators or information that may lead to a concern for:

- the care of the child;
- the physical, emotional, psychological and educational health and/or sexual development of the child; and
- the safety of the child (s3 Children and Community Services Act 2004).

CHILD SAFE ORGANI SATION

The Australian Children's Commissioners and Guardians (ACCG) define a child safe organisation as one that consciously and systematically:

- creates conditions that reduce the likelihood of harm occurring to children and young people;
- creates conditions that increase the likelihood of any harm being discovered; and
- responds appropriately to any disclosures, allegations or suspicions of harm.

Refer to Responding to disclosures.

CHILD SEXUAL ABUSE

Occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level. It includes circumstances where the child has less power than another person involved, is exploited or where the child has been bribed, threatened or coerced. It also includes situations where there is a significant difference between the developmental or maturity level of the child and another person involved.

Some examples are: letting a child watch or read pornography; allowing a child to watch sexual acts; fondling a child's genitals; having oral sex with a child; sexual assault (including sexual touching or vaginal or anal penetration that is non-consensual); and using the internet to find a child for sexual exploitation.

CONFIDENTIALITY

The protection of personal, private and sensitive information. Professional codes of conduct and the Department's Staff Conduct and Discipline policy reinforce the importance of protecting an individual's privacy.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

TAFE lecturers who are registered with the Teachers Registration Board or who have Limited Registration and are working on school grounds are mandatory reporters

Staff who have teacher registration but are not working as teachers; are not mandatory reporters but are required under this policy to report child sexual abuse to the line manager or principal. Non-teaching staff are not mandatory reporters.

MANDATORY REPORTING LEGISLATION

Legislation requiring teachers, doctors, nurses, midwives, police and boarding supervisors to report beliefs of child sexual abuse to the Mandatory Reporting Service of Child Protection and Family Support. Legislation covering mandatory reporting of child sexual abuse is the Children and Community Services Act 2004.

Mandatory reporting only applies when a teacher, registered with the Teacher Registration Board of WA or boarding supervisor is working in their role as a teacher or boarding supervisor either in a paid or voluntary capacity.

If a belief of child sexual abuse is formed outside of working hours, when not working as a teacher or boarding supervisor, then there is no legal requirement to report. However, a report to the local Department for Child Protection and Family Support office can be made voluntarily.

NEGLECT

When a child


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Equal Opportunity Act 1984 (WA)
Public Sector Management Act 1994 (WA)
Public Interest Disclosure Act 2003 (WA)
Restraining Orders Act 1997 (WA)
School Education Act 1999 (WA)
School Education Regulations 2000 (WA)
Sex Discrimination Act 1984 (Cth)
State Records Act 2000 (WA)
Working With Children (Criminal Record Checking) Act 2004 (WA)
Working with Children (Criminal Record Checking) Regulations 2005 (WA)
Teacher Registration Act 2012 (WA)

RELATED DEPARTMENT POLICIES

Court Appearances and Production of Documents
Disputes and Complaints
Duty of Care for Students
Duty of Care – VET for School Students Attending TAFEWA Colleges
Emergency and Critical Incident Management
Enrolment
Excursions
Public Interest Disclosure
Records Management
Staff Conduct and Discipline
Student Attendance
Student Behaviour
Visitors and Intruders on School Premises

OTHER DOCUMENTS

Department for Child Protection and Family Support MOU with the Department of Education 2013 – 2018
MOU between the Department of Education and the Department of Health 2013-2016

## 6 CONTACT INFORMATION

Policy manager: Manager, Complex Learning and Wellbeing

Policy contact officer: Principal Consultant (Child Protection)

T: (08) 9402 6124

## 7 REVIEW DATE

25 July 2020


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

# APPENDIX A. PROTECTION AND SUPPORT OF EMPLOYEES WHO REPORT CHILD ABUSE

All staff are protected from civil, criminal and disciplinary liability by providing information to CPFS, WA Police or SID for the purpose of investigating child abuse.

If acting in good faith, staff are deemed not to have breached a duty of confidentiality, professional ethics or standards; or to have engaged in unprofessional conduct by providing information under s129 of the Children and Community Services Act (2004).

Under Sections 124F and 240 of the Children and Community Services Act 2004, the identity of the person making a report to CPFS is protected and can only be released with the permission of the reporter or the court, for investigative purposes or by an application under the Freedom of Information Act 1992.

When there is concern for the safety of the reporter, it is important that the school has a risk management plan in place and the principal should contact the Regional Education Office for support.

An employee who attempts to threaten, intimidate, coerce or take reprisal against an employee who has disclosed or intends to disclose unethical or unlawful behaviour may face disciplinary action as outlined in the Staff Conduct and Discipline policy.

Staff are entitled to seek counselling through the Employee Assistance Program.


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

APPENDIX B: COMPLETING A P[7gMC Q BT /(ar)0.6 (17 (.7 4 (I)4.5C)-5.8 U) 98E22 Tm


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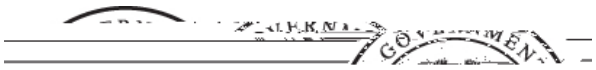

# CHILD PROTECTION PROCEDURES FOR SCHOOL PSYCHOLOGISTS

**EFFECTIVE: 25 JULY 2017**

**VERSION: 3.1 FINAL**

*Last update date: 25 July 2017*

## CONTENTS

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3 PROCEDURES ..... 3
3.1 CHILD PROTECTION AND ABUSE PREVENTION PRO

- x investigate the concern; or
- x collect photographic evidence.

Guidance

*A concern that a child has been subject to child abuse may be based on but is not limited to:*

- x *disclosure by a child or parent;*
- x *disclosure by a third party; and/or*
- x *observed evidence of physical and/or behavioural indicators.*

*The concern may be based on a number of child protection issues documented over time.*

*Multiple referrals can be made for the same child if that child is subjected to abuse over a period of time.*

*If a School Pschologist holds a child protection concern involving a child or children enrolled at another school or college, they may report their concern to the CPFS District Office as a private citizen.*

*There is no requirement to provide proof of child abuse.*

*A child witnessing, hearing or being involved in family and domestic violence is considered to be emotional abuse and may also be physical abuse. Observing the injuries resulting from the violence is also considered to be emotional abuse.*

*If a principal/manager or teacher forms a belief on reasonable grounds based on information received from the school psychologist, mandatory reporting of child sexual abuse requirements apply even if the school psychologist has not formed a belief. The school psychologist will be named in the mandatory report.*

*School psychologists are protected from civil, criminal liability or professional misconduct allegations by providing information in good faith to the Department for Child*

- refer concerns for a student under 18 years of age who is being forced or deceived into a marriage, or is in an existing marriage to the principal/manager; and
- follow procedures 3.2.1.

School psychologists must not inform the parent of the concern.

Guidance
*For further information refer to sections 270.7A and 270.7B of the Commonwealth Criminal Code Act (1995).*

## 3.7 SUPPORTING STUDENTS AFFECTED BY ABUSE

School psychologists must implement trauma informed frameworks and practices when supporting schools in their response to the needs of students affected by abuse.

Guidance
*The principal/manager may seek advice from the school psychologist on determining what actions, adjustments and supports are in the best interests of the child. Refer to the Children and Community Services Act 2004.*

*The principal/manager may request the school psychologist to provide support to plan for the engagement and wellbeing of students affected by abuse, including students who are alleged to have perpetrated abuse.*

*Where a WA Police investigation into child abuse is occurring, the school psychologist should consult with the lead school psychologist about the provision of counselling by the school psychologist to the student concerned. Counselling may impact on the reliability of the student's disclosure and/or contaminate evidence. (Refer to Responding to disclosures)*

*When providing direct psychological services to a student, consider the impact of possibe trauma stemming from abuse and apply evidence based support and interventions.*
*Refer to the Connect community for information and resources on trauma informed frameworks and practices.*

*Where appropriate, the student should be informed about who will be involved in supporting them, be involved in decisions that directly affect them and be provided with relevant information.*

## 3.8 COMMUNCATION TO PARENTS

### 3.8.1 WHEN A CHILD ABUSE REFERRAL HAS BEEN MADE

School psychologists must not inform parents of child abuse referrals made to WA Police or the Department for Child Protection and Family Support (CPFS).

Guidance
*No member of staff apart from the principal/manager is permitted to inform parents of child abuse reports or referrals. A parent may be responsible for the abuse and advising them that the school has made a child abuse report or referral may compromise an investigation by CPFS or WA Police.*


*All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.*

### 3.8.2 WHEN A CHILD ABUSE REFERRAL HAS NOT BEEN MADE

School psychologists must not inform parents:

- that physical or behavioural indicators have been observed in their child which have led to a concern of possible(i)2.6 (bl)2.6 (e(i)2.6(e been )11.3 (obs)-2 (er)79U)2jU0 Td

School psychologists must not store copies of child protection referrals to CPFS in school psychology files.

Guidance

*Information relevant to a child protection referral to CPFS is recorded in school psychology files.*

*Where the principal/manager is the alleged perpetrator, child protection referrals are stored by the Regional Executive Director.*

*Documentration kept by staff may be required by the Department for Child Protection and Family Support (CPFS), WA Police and the Standards and Integrity Directorate in their investigations (refer to the Court Appearances and Production of Documents Policy).*

*Refer to Recordkeeping for School Psychologists.*

*School Psychology records should include the identity of the staff member who has consulted about possible child abuse and making a child protection referral or mandatory report. This information may be required by CPFS or WA Police during the course of an investigation.*

*Records of school psychologist support relating to child abuse stored in student psychology files may be considered exempt material in relation to requests by parents to access the information under the Freedom of Information Act 1992. This is because the records may include information that identifies or leads to the identification of the staff member who made a child protection referral or mandatory reporter which is protected under the Children and Community Services Act section 240(1).*

## 3.10 CONFIDENTIALITY

School psychologists must treat the identity of a staff member who makes a child protection referral or mandatory report as confidential.

When a student discloses information that leads to a concern of child abuse, school psychologists must not promise confidentiality.

Guidance

*The Children and Community Services Act 2004 overrides other policies, codes of conduct professional confidentiality requirements and legislation that governs the exchange of information between agencies when it is in the best interests of the child.*

*School psychologists may provide confidential information as part of a child protection referral or in response to a request from a prescribed authority or authoristed entity when it is considered to be in the best interests of the child.*

*In these situations:*

- *no civil or criminal liability is incurred in respect of the disclosure;*
- *the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law, and*
- *the disclosure is not to be regarded as a breach of professional ethics, standards or any principles of conduct applicable to the person's employment, or as unprofessional conduct.*

*(Children and Community Services Act 2004) Refer to procedure 3.11.*

*Professional confidentiality is protected when school psychologists provide information in the best interests of the child regarding possible child abuse to the Department for Child Protection and Family Support (CPFS) or other prescribed authorities who are directly involved in responding, investigating or supporting the child. This protection does not extend to discussion or disclosure of information to other parties who are not directly involved.*

- *breach of applicable professional ethics, standards or codes of conduct.*

*(Section 28B Children and Community Services Act 2004)*

*If acting in good faith, staff are deemed not to have breached a duty of confidentiality, professional ethics or standards; or to have engaged in unprofessional conduct by providing information under s129 of the Children and Community Services Act (2004).*

*Exchange of information does not breach confidentiality requirements as stated in the School Education Act (1999).*

### 3.11.1 RESPONDING TO CHILD PROTECTION AND FAMILY SUPPORT REQUESTS FOR SCHOOL PSYCHOLOGY INFORMATION

School Psychologists must:

- direct all requests for school psychology information to the principal/manager;
- inform the lead school psychologist who will consult with the principal/manager to deter

CHILD ABUSE

Occurs when a child has been subjected to physical, sexual or emotional abuse and/or neglect which has resulted or is likely to result in harm to the child's wellbeing. It may involve ongoing, repeated or persistent abuse, or arise from a single incident.

CHILD EXPLOITATION MATERIAL

Child pornography or material that involves the depiction of a child in a sexual context, or engaging in sexual activity and at a basic level can include material involving a child in an offensive or demeaning context or being subjected to abuse,

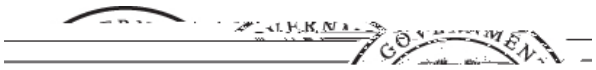
*Criminal Code (Acts Amendment: Sexual Offences' Act 1992) (WA)*
*Criminal Code Act 1995 (Commonwealth)*
*Disability Discrimination Act 1992 (Cth)*
*Disability Discrimination Act: Standards for Education 2004*

# 7 REVIEW DATE

25 July 2020

# 8 HISTORY OF CHANGES

| Effective date | Last update date | Policy version no. | Ref no. | Notes |
|---|---|---|---|---|
| 25 July 2017 | | 3.0 | D17/0217882 | This new procedure supports the Child Protection Policy. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017. |
| 25 July 2017 | 25 July 2017 | 3.1 | D17/0304351 | Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017. |



# CHILD PROTECTION PROCEDURES FOR BOARDING SUPERVISORS

EFFECTIVE: 25 JULY 2017

VERSION: 3.1 FINAL

Last update date: 25 July 2017

# 1 POLICY SUPPORTED

Child Protection Policy

# 2 SCOPE

These procedures apply to boarding supervisors at residential colleges and Western Australian Colleges of Agriculture.

Guidance

These procedures apply to staff who hold an office or position at a boarding facility; the duties of which include the supervision of children living at the facility while they attend school.

# 3 PROCEDURES

## 3.1 CHILD PROTECTION AND ABUSE PREVENTION PROFESSIONAL LEARNING

Boarding supervisors must:

- complete the online Child Protection and Abuse Prevention professional learning program within six months of enrolment in the online course; and
- repeat the online Child Protection and Abuse Prevention program every three years from the date of completion.

Guidance

Enrolment occurs automatically for staff who have an E number.

Note that any reference to staff includes casual and relief staff.

A certificate of completion is provided on satisfactory completion of the course.

Compliance is monitored by the manager/principal and Statewide Services.

Alternative professional learning formats are ( an3-12 4 (e 0.902 scn(i)(anc-12.2 (y)[[c2 0 Td 2op1o2 350.)-1


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

## 3.3 MANDATORY REPORTING CHILD SEXUAL ABUSE

### 3.3.1 BELIEF OF CHILD SEXUAL ABUSE FORMED

If a belief is formed on reasonable grounds, during the course of work that a child is being sexually abused

- inform the Manager Residential Colleges or Director Agricultural Education if the manager/principal is the alleged perpetrator.

Boarding supervisors must not:

-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The manager/principal may advise and assist the student who has been subjected to physical or sexual assault to make a police report.

Students over 18 years who have an intellectual disability are viewed under Section 330 of the Criminal Code as being an incapable person. The manager/principal may make a WA Police report themselves when the student is incapable of doing so or make a referral to CPFS.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Standards and Integrity Directorate.

## 3.8 RESPONDING TO STUDENTS IN POSSESSION OF CHILD EXPLOITATION MATERIAL

When sexually explicit material has been located on a student's mobile phone or other electronic device or if sexually explicit material has been distributed to others, boarding supervisors must:

- secure the device (if circumstances permit); and
-


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## 3.9 RESPONDING TO SPECIFIC CHILD PROTECTION ISSUES

### 3.9.1 FEMALE GENITAL MUTILATION (FGM)

Boarding supervisors must refer all concerns that a student may be subjected to female genital mutilation or arrangements are being made to carry out the procedure to the manager/principal.

Boarding supervisors must not inform the parent of the concern.

Guidance

CPFS has confirmed that all forms of FGM are physical abuse and mandatory reports of child sexual abuse for FGM will not be accepted.

For further information refer to Section 306 of the Criminal Code.

### 3.9.2 FORCED MARRIAGE

Boarding supervisors must:

- refer to the manager/principal any concerns for a child under 18 years of age who has been forced or deceived into a marriage or is in an existing marriage; and
- follow procedures 3.3 to submit a mandatory report of child sexual abuse if information is received that a child is married without legal permission and a belief is formed on reasonable grounds that child sexual abuse has occurred or is occurring.

Guidance

For further information on making a mandatory report, refer to section 3.3.

For further information refer to sections 270.7A and 270.7B of the Commonwealth Criminal Code Act (1995).

## 3.10 SUPPORTING CHILDREN AFFECTED BY ABUSE

Boarding supervisors must support children affected by abuse, including children who are alleged to have perpetrated the abuse.

Guidance

Staff involved in a supportive role should take into account culture, religion, disability and maturity of the child.

Where appropriate, the student should be informed about who will be involved in helping them, involved in decisions that directly affect them and provided with information about what will happen.

In circumstances where the alleged perpetrator resides at the college, a safety plan should be developed in collaboration with the student affected.

The impact on the student's behaviour from trauma stemming from abuse should also be considered.

For further information refer to the Department's Child Protection website.


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## 3.11 COMMUNICATION TO PARENTS

### 3.11.1 WHEN A MANDATORY REPORT OR CHILD ABUSE REFERRAL HAS BEEN MADE

Boarding supervisors must not inform parents of a mandatory report or referrals made to CPFS.

Guidance
The parent/carer may be responsible for the abuse and advising them that the college has made a child abuse report may compromise an investigation.

### 3.11.2 WHEN THERE IS A CONCERN OF POSSIBLE CHILD ABUSE AND A MANDATORY REPORT OR REFERRAL HAS NOT BEEN MADE

Boarding supervisors must not inform parents that their child has made a disclosure, or physical or behavioural indicators have been observed in their child which has led to a concern of possible child abuse if there is:

- a suspicion of family and domestic violence; or
- an intention to make a mandatory report or referral concerning their child to CPFS, WA Police or SID.

Boarding supervisors must not inform parents:

- that their child has made a disclosure of possible child abuse;
-


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The manager/principal will inform parents about a child under the age of consent disclosing that they are in in a sexual relationship unless:

- it is not in the best interests of the child; or
- a mandatory report or referral of child sexual abuse is made; or
- where a child protection referral has been made.

## 3.12 RECORDKEEPING AND DOCUMENTATION

Boarding supervisors must:

- x document all child protection concerns; and
- x provide documentation to the manager/principal who will securely store all confidential records and information.

Guidance

It is strongly advised that a copy of the mandatory report is not stored by the mandatory reporter. It is not necessary to keep a mandatory report. The receipt number issued by the Mandatory Reporting Service (MRS) is proof that a report has been made.

Additional information may be added at a later date by quoting the receipt number or the name of the child to the MRS.

Documentation may be required by the CPFS, WA Police and/or SID in their investigations. For further information refer to the Court Appearances and Production of Documents policy.

Refer to Appendix A for more information on completing documentation.

## 3.13 CONFIDENTIALITY

Boarding supervisors must protect the identity of a staff member who makes a mandatory report of child sexual abuse or referral of child abuse.

Where a student discloses information that leads to a concern of child abuse. Boarding Supervisors must not promise confidentiality.

Guidance

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith and with the best interests of the child in mind.

Staff may consult with each other provided this is carried out in a confidential manner.

The identity of the person making the report is protected. In prescribed circumstance the identity of the reporter may be disclosed. The penalty for disclosing a mandatory reporter's identity outside of these circumstances can be up to two year's imprisonment and/or $24,


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## 3.14 PROTECTION AND SUPPORT FOR EMPLOYEES WHO REPORT CHILD ABUSE

Boarding supervisors who have a concern for their own safety following a referral or mandatory report must inform the manager/principal.


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- the care of the child;
-

Some examples are: constantly putting a child down; humiliating or shaming a child; not showing love, support or guidance; continually ignoring or rejecting the child; exposing a child to family and domestic violence; threatening abuse or bullying a child; threats to harm loved ones, property or pets.

FAMILY AND DOMESTIC VIOLENCE

Under the Restraining Orders Act 1997 s.6, an act of family and domestic violence means one of the following acts that a person commits against another person with whom he or she is in a family and domestic relationship —

(a) assaulting or causing personal injury to the person;
(b) kidnapping or depriving the person of his or her liberty;
(c) damaging the person's property, including the injury or death of an animal that is the person's property;
(d) behaving in an ongoing manner that is intimidating, offensive or emotionally abusive towards the person;
(e) pursuing the person or a third person, or causing the person or a third person to be pursued:
    (i) with intent to intimidate the person; or
    (ii) in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, the person;
(f) threatening to commit any act described in paragraphs (a) to (c) against the person.

FEMALE GENITAL MUTILATION

All procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs for non-therapeutic reasons.

MANAGER RESIDENTIAL COLLEGE

The College Manager is responsible for the management and operations of a residential college.

MANDATORY REPORTER

All teachers, doctors, nurses, midwives, police and boarding supervisors who form a belief of child sexual abuse during the course of their work, either voluntary or paid, are mandatory reporters. For the purposes of the legislation, 'teacher' is defined as any person registered with the Teacher Registration Board of WA or with provisional registration, or limited registration and is working as a teacher.

TAFE lecturers who are registered with the Teachers Registration Board or who have Limited Registration and are working on school grounds are mandatory reporters.

Staff who have teacher registration but are not working as teachers; are not mandatory reporters but are required under this policy to report child sexual abuse to the principal. Non-teaching staff are not mandatory reporters.

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All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Mandatory reporting only applies when a teacher, registered with the Teacher Registration Board of WA or boarding supervisor is working in their role as a teacher or boarding supervisor either in a paid or voluntary capacity.

If a belief of child sexual abuse is formed outside of working hours, when not working as a teacher or boarding supervisor, then there is no legal requirement to report. However, a report to the local Department for Child Protection and Family Support office can be made voluntarily.

NEGLECT

When a child is not provided with adequate food or shelter; effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent where the health or development of the child is significantly impaired or placed at serious risk.

NON-MANDATORY REPORTER

All staff who are not working in the role of a teacher or boarding supervisor, including school support staff and school psychologists. Even if the staff member is registered with the Teacher Registration Board of WA, if the staff member is not working in the role of a teacher, they are not a mandatory reporter. When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for non-teaching staff or school psychologists.

NOTIFIER

A person who makes a referral to the Department for Child Protection and Family Support about concerns for the well-being of a child and/or who provides information to a mandatory reporter that leads to a mandatory report.

PARENT

In relation to a child, is a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

PHYSICAL ABUSE

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured.


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PREVENTION

Strategies that promote self-management, emotional awareness and interpersonal


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

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# APPENDIX A: COMPLETING DOCUMENTATION

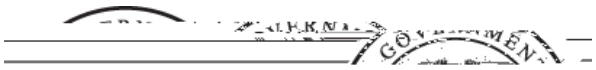
When documenting child protection concerns staff should be aware that records can be subpoenaed by the court as evidence. If in doubt, you can consult with the principal/manager, student services, Student Support Service (Child Protection) or the Department for Child Protection and Family Support (CPFS)


All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

# APPENDIX B: CONFIDENTIALITY AND LEGAL PROTECTION

The identity of the person making a referral or report to the Department for Child Protection and Family Support (CPFS) is protected and can only be released:

- for the purpose of CPFS assessment;



# CHILD PROTECTION PROCEDURES FOR NON-TEACHING STAFF

EFFECTIVE: 25 JULY 2017

*Last update date: 25 July 2017*

CONTENTS

# 1 POLICY SUPPORTED

*Child Protection* Policy

# 2 SCOPE

These procedures apply to non-teaching staff.

Guidance
*The procedures for non-teaching staff include but are not limited to the following positions: Aboriginal an*

# 3

3.1

## 3.3 REFERRAL OF CHILD ABUSE

### 3.3.1 REFERRAL OF SEXUAL, PHYSICAL OR EMOTIONAL ABUSE, FAMILY

Guidance

*Students over 18 years of age are adults and concerns for their safety are reported to the WA Police by the student themselves. The principal may advise and assist the student who has been subjected to physical or sexual assault to make a WA Police report.*

## 3.10 RECORDKEEPING AND DOCUMENTATION

Non-teaching staff must

- document all observations and information; and
- provide copies to the line manager or principal for secure storage.

The belief may be based on a number of child protection concerns that form the 'reasonable grounds' and may have been documented over time. There is no requirement to provide proof of child sexual abuse.

Refer to Indicators of Abuse.

CHILD

A person who has not reached the age of 18 years of age and, in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

CHILD ABUSE

Occurs when a child has been subjected to physical, sexual or em.5 ( a)16.7 ( )]TJ -2 (on )11.2 (c)

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CHILD SEXUAL ABUSE

Occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level. It includes circumstances where the child has less power than another person involved, is exploited or where the child has been bribed, threatened, or

(i) with intent to intimidate the person; or
(ii) in a manner that could r.9 ( )11f t04 147.48 760.8 Tmb17

NON-MANDATORY REPORTER

All staff who are not working in the role of a teacher or boarding supervisor, including school support staff and school psychologists. Even if the staff member is registered with the Teacher Registration Board of WA, if the staff member is not working in the role of a teacher, they are not a mandatory reporter. When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for non-teaching staff or school psychologists.

NOTIFIER

A person who makes a referral to the Department for Child Protection and Family Support about concerns for the well-being of a child and/or who provides information to a mandatory reporter that leads to a mandatory report.

PARENT

In relation to a child, is a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

PHYSICAL ABUSE

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured. Some examples are: hitting, shaking, punching; burning and scolding; excessive physical punishment or discipline; attempted suffocation; or shaking a baby.

PREVENTION

Strategies that promote self-management, emotional awareness and interpersonal problem-solving skills that reduce risk factors and promote protective factors to ensure the wellbeing of children and young people.

PROTECTIVE BEHAVIOURS

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SCHOOL ACTIVITY

An activity that is organised or managed by a teacher as part of his or her duties.

SEXUAL HARASSMENT

An unwelcome sexual advance, an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature. It includes:

*Enrolment*
*Excursions*
*Public Interest Disclosure*
*Records Management*
*Staff Conduct and Discipline*
*Student Attendance*
*Student Behaviour*
*Visitors and Intruders on School Premises*

OTHER DOCUMENTS

*Department for Child Protection and Family Support MOU with the Department of Education 2013 – 2018*
*MOU between the Department of Education and the Department of Health 2013-2016*

# 6 CONTACT INFORMATION

Policy manager: Manager, Complex Learning and Wellbeing

Policy contact officer: Principal Consultant (Child Protection)

T: (08) 9402 6124

# 7 REVIEW DATE

25 July 2020

# 8 HISTORY OF CHANGES

| Effective date | Last update date | Policy version no. | Ref no. | Notes |
|---|---|---|---|---|
| 25 July 2017 | | 3.0 | D17/0217879 | This new procedure supports the |