



CHILD PROTECTION POLICY

This Policy has been written to provide processes about the appropriate conduct of Divine Mercy College staff and students that accord with legislation about the care and protection of children and applies to all staff and students at Divine Mercy College.

The Divine Mercy College Child Protection Policy does not work in isolation, but interconnects with other College policies and protocols, including:

- Behaviour Management Policy
- Staff Recruitment Procedures
- Bullying Policy
- Staff Code of Conduct
- Critical Incident Policy
- Mandatory Reporting Obligations
- Appropriate Physical Contact Policy (Also TRB “Teacher Student Professional Boundaries guide”)

Policy Statement

All staff employed by the Divine Mercy College are responsible for the care, safety and protection of children. All staff are required to be culturally sensitive and respect the privacy and human dignity of the student at all times. This responsibility extends to the identification and timely response to concerns regarding the possible sexual abuse including grooming, physical, psychological and emotional abuse or neglect of a child.

This document explains the actions to be taken by staff to protect children in circumstances where abuse is suspected or when allegations of child abuse are made against staff, children or other people in the community. Procedures for reporting sexual abuse are made in accordance with the *Children and Community Services Act 2004*.

All staff have an important role in the identification and reporting of child abuse and the provision of support and assistance to children who have been abused.

This policy applies to all Divine Mercy College staff

This Policy has been adapted from the Department of Education

Divine Mercy College implements the National Child Safe Organisation Principals and participates in self review's to ensure the College continually meets the National Principals.

Why have a Child Protection Policy?

- Student care and safety

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- Create a safe and positive school environment
- Diminish any opportunities or potential abuse
- Catastrophic impact of abuse on victims and school
- Legal reasons – Mandatory Reporting

Definitions

Definition of ‘teacher’

The definition of teacher in section 124A of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 has been changed to read:

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

Only (a) applies to schools. The other subsections relate to other forms of education.

Teacher assistants, nuns and school psychologists are examples of people who work with children in our school however, they are not mandated reporters. However, all people working with children, whether mandatory reporters or not, should continue to report reasonable beliefs about all forms of abuse. These people who work with children also have a great knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Definition of sexual abuse

Sexual abuse is defined by the Act in section 124A as:

‘Sexual abuse’ in relation to a child, includes sexual behaviour in circumstances where:

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

This legislation is not intended to capture all sexual activity involving children and young people. Reference should be made to consent laws in Western Australia.

Definition of child

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The definition of 'child' is defined in section 3 of the Act as a person who is under the age of 18 years. In the absence of positive evidence as to age, a child is a person who is apparently under 18 years of age. Young people aged 18 and over are considered to be adults and are not covered by this legislation. However, we believe our school still owes a duty of care to all students at the school. In these instances, police should be informed of any assault or crime against the young person.

Definitions of Maltreatment

The result of action or inaction on the part of the person who has responsibility to care for a child that results in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment may include one or all of:

- a. *Emotional \ Psychological Abuse*: an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorism, bullying, isolation, continual belittlement and exposure to an act of family and domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child's emotional, intellectual or social development.
- b. *Physical Abuse*: Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or caregiver. It includes injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation or excessive discipline.
- c. *Sexual Abuse*: 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, and includes sexual behaviour in circumstances where:
 - (a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
 - (b) the child has less power than another person involved in the behaviour; or
 - (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour
- d. *Neglect*: Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic.
- e. *Bullying students for staff*: Bullying: is a repeated behaviour that may be physical, verbal, written and/or psychological; where there is intent to cause fear, distress or harm to another; that is conducted by a more powerful individual or group; against a less powerful individual or group of individuals who is /are unable to stop this from happening.
- f. *Grooming*: prepare or train (someone) for a particular purpose or activity (especially in grooming the person to accept any of the above behaviour in particular sexual abuse). Child grooming is befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibitions for child sexual abuse. To establish a good relationship with a child and the child's family, child groomers might do several things:

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- i. They might try to gain the child's or parents' trust by befriending them, with the goal of easy access to the child.
- ii. A trusting relationship with the family means the child's parents are less likely to believe potential accusations.
- iii. Child groomers might look for opportunities to have time alone with the child, which can be done by offering to babysit;
- iv. The groomers may also invite the child for sleepovers, for opportunistic bed sharing.
- v. They might give gifts or money to the child in exchange for sexual contact, or for no apparent reason.
- vi. Commonly, they show pornography to the child, or talk about sexual topics with the child, hoping to make it easy for the child to accept such acts, thus normalizing the behavior.
- vii. Hugging and kissing or other physical contact, even when the child does not want it, can happen.
- g. A child is a person under 18 years of age.
- h. A student is any person regardless of age who is enrolled at the school.

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

Indicators of Child Abuse and Neglect

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

Physical Abuse

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Bruises • Burns • Hair missing in tufts • Lacerations and abrasions (especially to eyes, lips, gums and mouth) • Missing or loosened teeth • Self-mutilation • Welts 	<ul style="list-style-type: none"> • Fear of adults • Frequent absences, with or without explanation from parents/caregivers • Guarded or evasive answers to questions about causes of obvious injuries • Injuries that are not consistent with a child's explanation of them • Disclosure of abuse directly to an adult or indirectly to a friend • Fear of going home

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Emotional Abuse

<p>Physical Indicators</p> <ul style="list-style-type: none"> • Depression • Eating disorders • Lethargy or fatigue • Symptoms of stress • Evidence of drug abuse or dependence • Wetting, soiling, smearing • Psychosomatic complaints 	<p>Behavioural Indicators</p> <ul style="list-style-type: none"> • Aggressive or delinquent behaviour • Attempted suicide • Excessively complaint or passive behaviour • Excessive shyness or withdrawal • Low self-esteem • Fire setting • Truancy or school avoidance • Deliberate harming of animals • Poor peer relationships
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Sexual Abuse

<p>Physical Indicators</p> <ul style="list-style-type: none"> • Bruises or bleeding from external genitalia, vagina or anal regions • Blood stained underwear • Pregnancy or fear of pregnancy • Signs of pain, itching or discomfort in the genital area • Urinary tract infections 	<p>Behavioural Indicators</p> <ul style="list-style-type: none"> • Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way e.g. 'I know a person who....' • Inappropriate expression of affection • Inappropriate interest in sexual matters • Evidence of sexual themes in artwork, stories or play • Possession of pornographic materials • Promiscuity, exposure of sexual behaviour towards others • Use of sexual language inappropriate for child's age • Reluctance to change clothes in front of others • Wearing inappropriate clothing • Fear states e.g. anxiety, depression, obsessively neat, socially withdrawn or overly compliant behaviour • Poor peer relationships • Inability to concentrate in school
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Neglect

Physical Indicators	Behavioural Indicators
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<ul style="list-style-type: none"> • Abandonment • Poor hygiene • Lack of adequate or suitable clothing • Inadequate nutrition • Lack of medical or dental care • Constant fatigue • Developmental delays • Untreated sore, boils or lice • Lack of adequate supervision 	<ul style="list-style-type: none"> • Falling asleep in school • Poor school attendance or alternatively always attends school, even when sick • Poor academic performance • Steals or begs for food or eats from bins • Dull, apathetic appearance • Engages in vandalism • Engages in sexual misconduct • Uses drugs or alcohol • Early arrival at school or reluctance to leave
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Bullying

<p>Physical Indicators</p> <ul style="list-style-type: none"> • Unexplainable injuries • Lost or destroyed clothing, books, electronics, or jewelry • Frequent headaches or stomach aches, feeling sick or faking illness. • Damaged clothing • Doesn't want 	<p>Behavioural Indicators</p> <ul style="list-style-type: none"> • Changes in eating habits, like suddenly skipping meals or binge eating. • Difficulty sleeping or frequent nightmares. • Onset of anxiety, depression or other mental illnesses • Student withdrawal • Frequent tears or anger • Mood swings • Refusal to talk about what is wrong • Beings to target siblings • Continually loses money or starts stealing • Doesn't want to go to school
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Grooming

<p>Physical Indicators</p> <ul style="list-style-type: none"> • have new things such as clothes or mobile phones that they can't or won't explain 	<p>Behavioural Indicators</p> <ul style="list-style-type: none"> • be very secretive, including about what they are doing online • have older boyfriends or girlfriends • go to unusual places to meet friends
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Common Myths About Child Abuse

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

Common myths about sexual abuse:

- Sex between adults and children is not dangerous if it is in the context of a loving relationship
- It is not the abuse which causes the problem but the effects of the intervention of others
- Those abused turn into abusers
- Children frequently lie about sexual abuse
- Sexual abuse is more common in lower socio-economic areas and families
- Only men sexually abuse children
- Sexual abusers are readily identified by 'normal' people

Common myths about general abuse:

- There will not be a problem because all the volunteers/employees are female
- There will not be a problem here because the young people come from privileged backgrounds and will complain if there is an issue of abuse
- If we get the selection procedures right we will eliminate the possibility of abuse
- We use police clearances here, so we are covered
- It is one of the other children's parents/brothers/sisters to whom I am entrusting the child/ren, so it will be OK
- We did not need to screen Mr Brown because he is a friend of the teacher, president, etc.
- My workers, volunteers and casuals are youth themselves so there is no risk
- We are pretty good at identifying young people here who are a bit 'odd'

On the whole, abusers are the least obvious people in our community. Many abusers hold positions of trust within the community with easy access to children and families.

A child abuser can be a member of the family or someone close to the family. A child abuser usually spends a lot of time grooming the child/ren with the child being made to feel that they are in some way complicit in the acts, thus making disclosure difficult.

A significant myth is that child abuse is rare. A recent study (in the UK) found that 52% of children were sexually abused in community-based organizations. In 1999/2000 there were 107 134 notifications of child abuse in Australia. Various surveys from UK, USA, Canada and Australia show that 1 in 5 males and 1 in 3 females have experienced some form of sexual abuse.

MANDATORY REPORTING OF SEXUAL ABUSE

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From 1st of January 2009 all teachers registered with TRB (including all forms of registration) are required by law to report when they have reasonable belief that sexual abuse of a child has occurred or is occurring. This amendment forms part of the Children and Community Services Act 2004.

At Divine Mercy College, we believe all children have a right to be protected from harm and schools and teachers owe a 'duty of care' to all students at the school. At our school we take our special responsibility to protect children seriously, when they are on school premises and also to intervene when we believe the welfare of a child is at risk outside the school. Our mandatory reporting policy follows the procedures and guidelines set by the Association of Independent Schools of Western Australia.

Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and developmental level. These behaviours include observation or involvement with inappropriate fondling of a child's body, making a child touch an adult's genitalia, showing pornographic material or sexual acts to a child, and sexual penetration of the child. Harm from sexual abuse may include significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

A Guide for our Teachers

When does a mandatory reporter make a report?

Mandatory reporters must report a belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring. This means that teachers working outside of the school grounds (on teacher related activities) are also required to report when working in either a paid or unpaid capacity. For example, tutoring, volunteer teacher, sacramental teachers.

Failure to make a report can incur a penalty of up to \$6,000.

A mandatory reporter can form the necessary belief, based on reasonable grounds, by noting the presence of indicators, disclosures, injuries, signs, symptoms and behaviours that heighten concerns about child sexual abuse. Our teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

- Can you describe the reasons why you believe a child has been, or is being sexually abused?
- What has the child said or done to suggest they are being sexual abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?

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

How does a mandatory reporter make a report?

A centralised Mandatory Reporting Service has been established to receive all reports of child sexual abuse in Western Australia. This service is operational 24 hours a day, 7 days a week.

There are two ways to make a report - verbal or written.

A verbal report is preferred in the first instance, particularly if the teacher has formed a belief that the child is still at risk of being abused, as it allows the Mandatory Reporting Service to respond quickly, ask clarifying questions and gather as much information as possible. However, it must be followed by a written report as soon as is practicable, usually within 24 hours. To make a verbal report, the Mandatory Reporting Service can be reached on 1800 708 704.

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of \$3,000. A written report form can be downloaded from the mandatory reporting website. www.mandatoryreporting.DPFS.wa.gov.au.

If you do not have access to a computer, the form can also be mailed out to you. Once you have completed your written report, it can be returned using any of the following methods:

Email to: mrs@DPFS.wa.gov.au

Fax to: 1800 610 614

Post to: PO Box 8146

Perth BC WA 6849

Once you have lodged a report, you will receive a receipt number followed by a standardised letter. The receipt number and letter is proof that you have made a report so it is important that you keep it.

Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child, and determine the need for further child protection assessment and investigation. A copy of the report is sent to the WA Police. The police determine if they need to be involved on a case by case basis.

The mandatory reporter will receive a feedback letter advising them of the DPFS District Office it has been referred to, or whether no further action was recommended by the Mandatory Reporting Service.

The mandatory reporter needs to keep details of the report confidential, even to parents / guardians, however must (as per DMC Policy) notify Principal that a report has been made. The Principal will within 48 hours report to the Director General of Education Department via the Critical and Emergency Critical Report Form found on the Department of Education website

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www.education.wa.edu.au. The date and time the Department of Education was notified will be indicated in the minutes of governing body meetings.

In cases where a former student, or the parent or guardian of a former student, makes an allegation about child sexual abuse at the College occurring before 2009, staff are to notify the Principal, who will then inform the Department of Communities – Child Protection Service will be informed immediately.

Confidentiality and Legal Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances. Section 124F(2) protects a reporter's identity from being disclosed. Disclosure of a reporter's identity carries a maximum fine of \$24,000 and 2 years imprisonment.

There are exceptions where a reporter's identity is permitted. Even where disclosure is allowed, consideration will be given to ensuring the reporter's safety has been taken into account.

Examples of when a reporter's identity may be revealed include:

- The Mandatory Reporting Service must send a copy of every written report to the WA Police;
- The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence;
- A Department for Child Protection officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place;
- The reporter may have provided written permission for their identity to be disclosed.

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

It is the teacher's responsibility to make the report directly to the Mandatory Reporting Service (MRS) when the teacher forms a reasonable belief that sexual abuse has occurred, or is occurring.

The reporting teacher MUST advise the Principal that a report to MRS has been made.

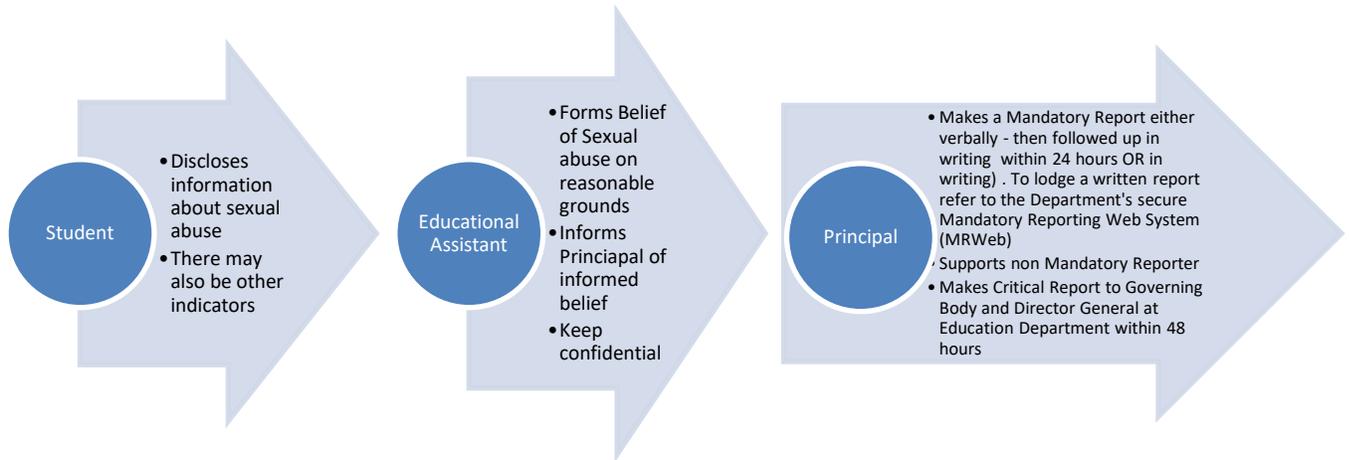
PLEASE NOTE: Education Assistants are required to lodge a report with the Principal first, who will then lodge the report with the Mandatory Reporting Service if they feel necessary.

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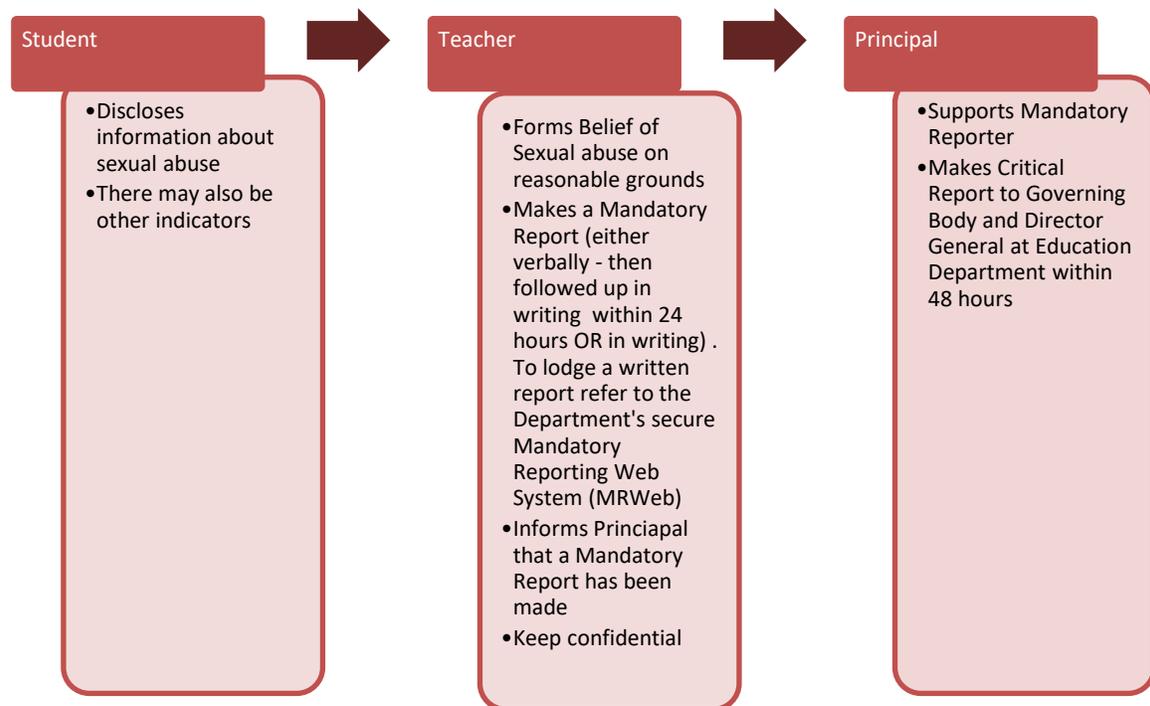


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Flow Chart below for NON MANDATORY REPORTERS
(This includes but is not limited to Educational Assistants and School Counsellor)



Flow Chart below for MANDATORY REPORTERS
(This includes Teachers)



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Communication with Parents / Carers

All DMC parents/carers will be informed of the mandatory requirements for teachers to report. This will be done through inclusion in the school's regular newsletter and staff handbook. This flow chart outlines the procedure for the mandatory reporting of child sexual abuse for independent schools, including Divine Mercy College.

Once a teacher has formed a belief based on reasonable grounds, they are required to make the report to DPFS.

REPORTING OF PHYSICAL, PSYCHOLOGICAL/EMOTIONAL ABUSE OR NEGLECT

RESPONSIBILITIES OF ALL STAFF

- All child protection concerns relating to physical, psychological, emotional abuse or neglect that arise during a school activity must be reported.
- Concerns must be documented using the School Recording Form for Disclosures, Observations of Child Abuse and Actions (Appendix 1).
- All consultations prior to reporting must be conducted in a confidential manner and documented.
- Staff who form a belief on reasonable grounds that child abuse has occurred must complete the School Reporting Form for Child found on the Child Protection Website

RESPONSIBILITIES OF PRINCIPAL

Principals must:

- forward all child protection reports to the local DPFS office and request acknowledgment that the report has been received;
- report child protection concerns that may involve criminal behaviour to WA Police;
- seek advice from DPFS or WA Police as appropriate *prior* to informing the parent;
- complete an Online Incident Report, print and store securely; and
- store all documentation securely and separately from the child's school records.

All forms of abuse or neglect are classed as a Critical Incident and the Principal will within 48 hours report to the Director General of Education Department via the Critical and Emergency Critical Report Form found on the Department of Education website www.education.wa.edu.au. The date and time the Department of Education was notified will be indicated in the minutes of governing body meetings.

Principals must not:

- delegate reporting to staff other than the deputy principal;
- authorise or request the collection of photographic evidence by staff; and
- interview the child or investigate the report.

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SEXUAL HARASSMENT

Sexual harassment can be summarised as unwelcome sexual conduct, remarks or innuendo aimed at an individual or a group of people that creates an uncomfortable environment for the recipient. A person sexually harasses another person if:

- the act is unwelcome;
- it is reasonable in the circumstances that the person who was harassed felt offended, humiliated or intimidated;
- the person being harassed believed that resistance would in any way lead to disadvantage in his or her employment.

Sexual harassment can take a variety of forms and may involve physical contact, verbal remarks or non-verbal conduct of a sexual nature. Examples taken from a booklet produced by the Human Rights and Equal Opportunity Commission entitled “*Sexual Harassment and Educational Institutions – A Guide to the Federal Sex Discrimination Act*” include:

- Uninvited touching, kisses or embraces
- Smutty jokes or comments, sexually explicit conversation
- Making promises or threats in return for sexual favours
- Displays of sexually graphic material including posters, pin-ups, cartoons, graffiti or messages left on notice boards, desks or lockers
- Repeated invitations to go out, especially after prior refusal
- ‘Flashing’ or sexual gestures
- Sex based insults, taunts or name-calling
- Staring or leering at a person or at parts of their body
- Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them
- Touching or fiddling with a person’s clothing eg. Flicking bra straps
- Requests for sex
- Persistent questions or insinuations about a person’s private life
- Offensive phone calls or letters
- Stalking
- Offensive e-mail messages or computer screen savers.

Sexual harassment can be initiated in a school in a number of ways, including;

- Staff – staff harassment
- Staff – student harassment

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- Student – staff harassment
- Student – student harassment
- Staff – parent harassment
- Parent – staff harassment.

Divine Mercy College ensures that the process for reporting sexual harassment is sensitive to these matters.

REPORTING ALLEGATIONS OF ABUSE PERPETRATED BY STAFF

Allegations made by students, former students, parents, employees or non-employees regarding staff conduct must be acted on by the principal as soon as practicable.

It is child sexual abuse and a criminal offence for an employee to have a sexual relationship with a child less than 18 years of age. Under no circumstances can a child consent to a sexual relationship with an employee. It is also considered a breach of discipline to have a sexual relationship with a student over 18 years of age.

All staff **MUST** report all suspected grooming behaviour to the Principal immediately who then will inform the school board (as per DMC Code of Conduct) and Teachers Registration Board and all staff must understand and comply with Mandatory reporting obligations.

REPORTING PROCEDURE FOR ALL STAFF

All staff **MUST**:

- report allegations or concerns involving an employee's behaviour towards a child to the Principal, the if allegation involves the Principal then reports must be made to the Chairperson of the School Board who will then act on behalf of the Principal and follow his obligations;
- understand and comply with Mandatory reporting obligations.
- report any allegations regarding the conduct of the principal to the Chairperson of the School Board
- report all suspected grooming behaviour to the Principal immediately who then will inform the school board (as per DMC Code of Conduct)
- understand and comply with Mandatory reporting obligations (as per DMC Code of Conduct)

REPORTING PROCEDURE FOR PRINCIPAL

Principals must:

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- report to the DPFS local office and WA Police Child Abuse Squad if physical assault is involved;
- report allegation to Teachers Registration Board
- report to the parent/carer only on the advice of DPFS or WA Police;

All Sexual Abuse are classed as a Critical Incident and the Principal will within 48 hours report to the Director General of Education Department via the Critical and Emergency Critical Report Form found on the Department of Education website www.education.wa.edu.au. The date and time the Department of Education was notified will be indicated in the minutes of governing body meetings.

Principals must not:

- interview the child;
- investigate the allegation; or
- inform the alleged offender that an allegation has been made.

REPORTING ALLEGATIONS OF SEXUAL ABUSE PERPETRATED BY A CHILD

Forced sexual activity involving a child constitutes sexual abuse and must be managed as a mandatory report regardless of whether the behaviour occurred during school supervised activities or outside of school time.

All allegations must be reported to the Department by making a Mandatory Report under the Mandatory reporting obligations. The police should also be informed. An incident such as this is classed as a Critical Incident and therefore reported to the Department and the School Board within 48 hours.

REPORTING SEXUAL HARASSMENT

All allegations of sexual harassment must be reported to the principal, if the allegation is in reference to the Principal then the report needs to be made to the Chairmen of the Board.

SEXUAL HARASSMENT BY A STUDENT

Sexual harassment of a student by another student must be:

- reported to the Department by making a Mandatory Report under the Mandatory reporting obligations where the behaviour leads to the belief formed on reasonable grounds that sexual abuse has occurred;
- reported to police and may become a criminal matter
- managed as a major breach of school discipline according to the school's Behaviour Management Plan, as required by the *Behaviour Management in Schools* policy. This is also located in the Staff and Student Handbook.

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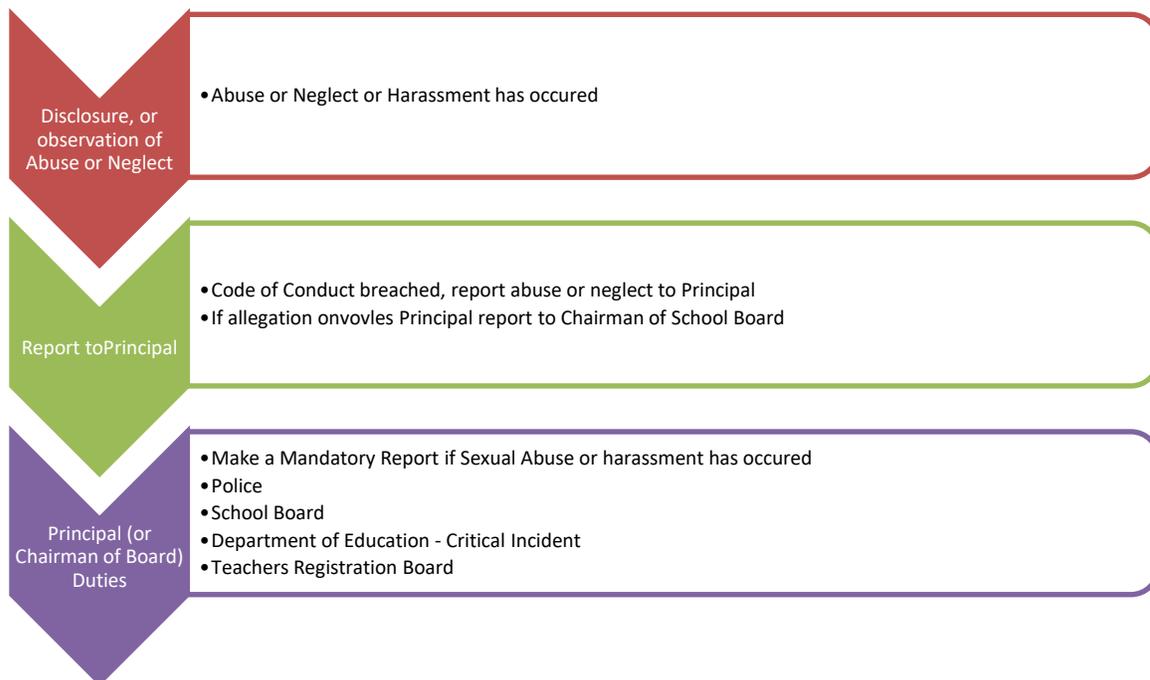
SEXUAL HARASSMENT BY STAFF

Sexual harassment of a student by a staff member is a breach of the Code of Conduct and the following reports need to be made:

- to the Department by making a Mandatory Report under the Mandatory reporting obligations where the behaviour leads to the belief formed on reasonable grounds that sexual abuse has occurred;
- police and may become a criminal matter
- Teachers Registration Board

All Sexual Harassment are classed as a Critical Incident and the Principal will within 48 hours report to the Director General of Education Department via the Critical and Emergency Critical Report Form found on the Department of Education website www.education.wa.edu.au. The date and time the Department of Education was notified will be indicated in the minutes of governing body meetings.

REPORTING OF ABUSE, NEGLECT AND HARASSMENT FLOW CHART



RESPONDING TO DISCLOSURES OF CHILD ABUSE

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All staff must be aware of the immediate needs of children making disclosures and respond accordingly.

Guidelines

When responding to a disclosure, staff are advised to:

- *reassure the child that telling was the right thing to do;*
- *allow the child to tell the story in their own words;*
- *use protective interrupting if their disclosure is in an inappropriate situation;*
- *find a quiet place to talk;*
- *let the child know what will happen next;*
- *assess the child's immediate safety; and*
- *complete documentation as soon as possible.*

Staff are advised to not:

- *dismiss or ignore the disclosure;*
- *put words in the child's mouth, push for details or conduct an investigation as this could jeopardise the interviewing process of DPFS and WA Police;*
- *make the child repeat the disclosure to a third party;*
- *stop the child from talking once there are reasonable grounds for forming a belief that abuse occurred;*
- *promise not to tell when there are clear limits on confidentiality;*
- *confront the person believed to be the abuser; or*
- *engage in general staffroom discussion about the disclosure.*

Protective interrupting is a strategy to prevent a child disclosing in front of other children and providing them with the opportunity to disclose in a safe and confidential manner using the following steps:

- *acknowledge that the child has been heard and stop further disclosure;*
- *be supportive and gently indicate that they can talk in a more private situation;*
- *quietly arrange to see them as soon as possible; and*
- *listen attentively in a private location within the school.*

ACTING ON A SUSPICION WHEN THERE IS NO DISCLOSURE

All physical and behavioural indicators of child abuse must be documented on the School Recording Form for Disclosures, Observations of Child Abuse and Actions (Appendix 1). This includes confidential discussion with colleagues.

Guidelines

A child who is being subjected to abuse and has not disclosed, may be experiencing emotional and psychological distress which could affect their behaviour and learning.

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If there is a concern about a child but the staff/child relationship is not favourable to offering support, advise the principal or student services team.

Continue to observe the child and document

The principal may contact DPFS to seek advice.

REPORTING FAMILY AND DOMESTIC VIOLENCE

Witnessing family and domestic violence is associated with child abuse and must be reported to DPFS.

Guidelines

Other forms of child abuse are more likely to occur when family and domestic violence exists. Children who are involved in or witness this violence may show physical, behavioural, emotional or psychological indicators consistent with child abuse.

SUPPORTING CHILDREN AFFECTED BY ABUSE

The principal must take steps to support children affected by abuse, including children who may be alleged perpetrators.

When a case has been reported to DPFS, the principal must develop a support plan that includes details of actions planned and agreed responsibilities of all relevant staff and document this.

INFORMING PARENTS WHEN A CHILD ABUSE REPORT HAS BEEN MADE

Parents must not be informed of reports made to DPFS or WA Police unless the agencies have instructed the principal to do so.

When DPFS or WA Police have directed a principal to inform parents, the principal must:

- conduct the interview in private and document the discussion;
- tell the parents why the interview is taking place;
- inform parents that the interview is confidential;
- be direct, honest and professional;
- advise of reports that have been made to other agencies;
- explain the action to be taken by the Department if an allegation has been made against a staff member; and
- inform the parents of the support available to them and their child.

The principal must not:

- disclose the identity or personal information relating to the person alleged to have committed the abuse;

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- disclose the identity of the person who made the report;
- offer personal opinions;
- question the family about matters that are unrelated to the situation; or
- place blame on the parties involved.

INFORMING PARENTS WHEN A CHILD ABUSE REPORT HAS NOT BEEN MADE

Parents must not be informed:

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

RECORD KEEPING AND DOCUMENTATION

Staff must document observations, consultations and actions involving child abuse.

Staff must record all information and observations relating to child abuse using the School Recording Form for Disclosures, Observations of Child Abuse and Actions (Appendix 1) and provide this to the principal for storage.

Reports to DPFS must be made using the School Reporting Form for Child Abuse

All records must provide factual information, observable indicators and not opinion or conclusions. Records must include the dates and approximate times of observations or disclosures with exact wording of statements made by the child.

If the school recording form or school support plan or case management documents contain information relating to child sexual abuse, the identity of the reporter must not be recorded.

The receipt number for a mandatory report must be recorded by the reporter as proof that a report has been made.

Principals must:

Keep written records of all communication with DPFS and WA Police and subsequent actions

Complete an Online Incident Report and store securely; and

Securely store all confidential information separately from the child's school records.

Principals must not:

Store copies of mandatory reports;

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Record or disclose information that may identify the mandatory reporter other than to agencies involved in the investigation; or

Send original copies of child protection documents to a school where the child has subsequently enrolled.

COLLABORATION AND CASE MANAGEMENT

The principal must develop a plan of support for children affected by child abuse. This responsibility can be delegated to a deputy principal or where there is no deputy principal position, to the next person in charge. Actions must be documented and the principal must be kept informed.

DPFS must be invited to attend school planning for a child taken into care.

CONFIDENTIALITY

When a disclosure of child abuse is made, confidentiality must not be promised and whenever possible the child must be informed about who will be involved and the actions that may be taken.

Where there is suspected or alleged abuse or misconduct, staff must not disclose or make use of the information in a manner that breaches confidentiality under Sections 23 and 129 of the *Children and Community Services Act 2004* and s242 of the *School Education Act 1999*.

All information held by the school must be provided to DPFS, WA Police and SID upon request and doing so does not breach confidentiality under Sections 23 and 129 of the *Children and Community Services Act 2004* or s242 of the *School Education Act 1999*.

PHYSICAL CONTACT FOR THE CARE AND PROTECTION OF STUDENTS

Documented plans must be developed in collaboration with parents to provide staff caring for children with disabilities with guidelines for appropriate and reasonable physical contact to carry out tasks such as toileting and dressing. When there is a known history of the need for physical restraint, documented plans must include a range of strategies that may be employed when restraining a child in order to prevent them from harming themselves or others.

CHILDREN IN THE CARE OF THE CEO OF THE DEPARTMENT FOR CHILD PROTECTION

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Principals must:

- verify that a Documented Plan is developed as soon as practicable upon identification by DPFS that a child is in the care of the CEO of DPFS; and
- provide a copy of the completed Documented Plan to the DPFS case manager and other key stakeholders.

CHILD PROTECTION PROFESSIONAL LEARNING

The principal must manage and facilitate staff to participate in professional learning on an annual basis.

WORKING WITH CHILDREN CHECK

Principals and managers must confirm that all employees, volunteers, visitors and external providers in child-related work have applied for or hold a valid Working with Children Check

LEGISLATION

Children and Community Services Act 2004 (WA)
Corruption and Crime Commission Act 2003 (WA)
Criminal Code (Acts Amendment: Sexual Offences' Act 1992) (WA)
Disability Discrimination Act 1992 (Cth)
Disability Discrimination Act: Standards for Education 2004 (Cth)
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)
Western Australian College of Teaching Act 2004 (WA)

WHERE TO GO FOR ASSISTANCE

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The Department for Child Protection is the agency responsible for the new legislation regarding the mandatory reporting of child sexual abuse. The Mandatory Reporting Service has been established by the Department to receive and investigate reports of sexual abuse. The Department for Child Protection has established a website www.mandatoryreporting.DPFS.wa.gov.au. Information on this website includes frequently asked questions and a copy of the report to download.

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

Telephone: 1800 708 704

Email: mrs@DPFS.wa.gov.au

Fax: 1800 610 614

Post: PO Box 8146, Perth BC, WA 6849

Department for Child Protection and Family Support

Telephone: (08) 9222 2555

Country free call: 1800 622 258

TTY: (08) 9325 1232

Fax: (08) 9222 2776

International: +61 8 9222 2555

Street address: 189 Royal Street, EAST PERTH WA 6004

Postal address: PO Box 6334, EAST PERTH WA 6892

Crisis Care

For concerns after hours, please contact Crisis Care:

Telephone: (08) 9223 1111

Country free call: 1800 199 008

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APPENDIX 1 - SCHOOL RECORDING FORM DISCLOSURES, OBSERVATIONS OR CHILD ABUSE AND ACTIONS

Do not print your name on this form. Provide to principal for secure storage.

RECORD FOR (Child's name)	
School	Principal

DATE/TIME	DISCLOSURE DETAILS &/or OBSERVATIONS	Consultation with whom and date	Notification to which agency: eg DPFS, Police, SID, DET Child Protection Team via OLINS

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