



ST. ANDREW'S GRAMMAR

CHILD PROTECTION POLICY

Including Mandatory Reporting

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April 2006	Principal	2006	2007
February 2008	Principal	2008	2009
March 2009	Principal	2009	2010
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ST. ANDREW'S GRAMMAR

Child Protection Policy

RATIONALE

St. Andrew's Grammar believes that students should know that they are safe and valued from the time they enter the School community. This pastoral dimension should influence every aspect of the School's life and be especially evident in the quality of relationships between all members of the School community.

We are entrusted to take on, in partnership with parents who are the primary educators of their children, some of the most significant elements of that education. All St. Andrew's Grammar staff have a 'duty of care' to students during school hours and at other times when staff/student relationship exists. Within the School, the Principal has particular responsibility for this care. The St. Andrew's Grammar School Board also has a critical role in the oversight of the school as a child-safe organisation.

Duty of care falls under the area of common law that is established by the courts on the basis of precedent. The concept of duty of care requires that a staff member must take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure the student and take steps to remove those dangers. St Andrew's Grammar feels it important that the prevention of abuse is given equal consideration to disclosure of abuse.

St. Andrew's Grammar acknowledges its responsibilities for the duty of care of all students in the School. This particular policy addresses the issues of child protection including mandatory reporting.

POLICY

St. Andrew's Grammar acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. St. Andrew's is a child-safe organisation that takes a preventative, proactive and participating stance on child protection issues and promotes a child safe environment as the main consideration in all of its activities and management practices. Within the School, the protection strategies and procedures to be followed are based on the following principles;

1. All adults have a responsibility to care for children, to positively promote their welfare and to protect them from any kind of abuse.
2. All children have the right to a thorough and systematic education about personal safety, including safety in relationships. At St. Andrew's Grammar, this education occurs through the Protective Behaviours Curriculum.
3. The School is committed to the importance and implementation of child protection strategies and procedures.
4. The value of the family unit is to be respected but this should not be to the detriment of the well-being of a child.

5. All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
6. All School staff who have access to information regarding suspected or disclosed child abuse have a clear obligation to observe appropriate strict confidentiality in relation to the entire matter and an obligation to ensure that this information is kept secure.
7. All parents should be informed of the mandatory requirements for teachers to report. This can be done through a letter to parents.
8. The participation of children in the child-safe environment is fundamental. Children are encouraged and enabled to express their views and accordingly, they are less vulnerable and better able to protect themselves and other children. Examples of the approach taken at St. Andrew's Grammar includes:
 - Talking to children about who to talk to/how to speak up if something is worrying them and what to do if they know someone is being hurt.
 - A Comprehensive Protective Behaviours Curriculum is taught throughout the school.
 - A student communication box is placed outside the library if they initially feel too uncomfortable to speak with a teacher.
 - Staff are pro-active in checking on and caring for the well-being of children.

PROCEDURES AND NOTIFICATION STEPS

Step 1A: Physical, emotional or psychological abuse, neglect (non-mandatory reporting):

The teacher's observations or the child's disclosure should be discussed, in the first instance, with the Principal, or the School Board Chair, if it is not appropriate to discuss it with the Principal.

It is not the role of the teacher to investigate child abuse or neglect matters. They must report concerns to the Principal.

The teacher and Principal may wish to consult with AISWA and/or the Non-Government School Psychologist.

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

Step 1B: Sexual abuse – mandatory reporting

In cases of suspected sexual abuse, the teacher is the mandated reporter and is required to make a report to the Department for Child Protection through the Mandatory Reporting Service.

If the teacher concerned wishes, they may include the Principal and other relevant staff in discussions with the teacher in relation to a specific child prior to the teacher forming a belief based on reasonable grounds. It is the teacher's responsibility to make the report directly to the Mandatory Reporting Service when the teacher forms a reasonable belief that sexual abuse has occurred, or is occurring. **The Principal and other relevant staff are there to provide support if required, the teacher may advise the Principal the report has been made, but there is no obligation on the teacher to do so.**

Step 2

If, following a report, a family approaches the school to receive support for their child, it is recommended that any interview be conducted with a minimum of two school members present (e.g. The Principal and one other) to provide support.

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

In cases of child sexual abuse, the legislation provides protection for the person reporting.

Disclosure of the reporter's identity or identifying information to parents or any other party can incur a fine of \$24,000 and two years' imprisonment.

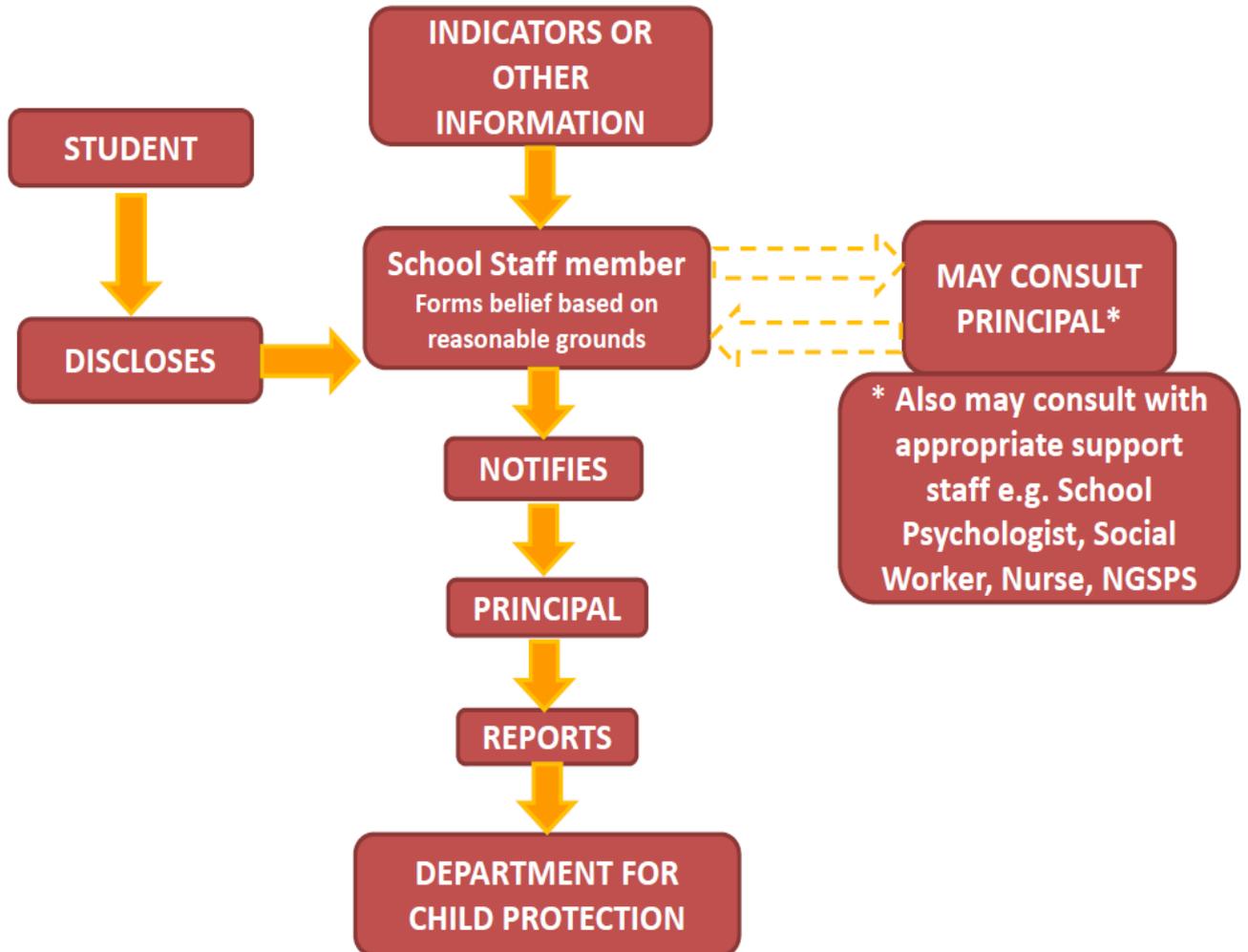
Very important! To avoid interfering with any investigative process initiated by the Department for Child Protection or the Police, the Principal or teacher must seek advice from the Department for Child Protection or Police prior to informing the parent/carer of a concern of abuse or neglect.

Step 3

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

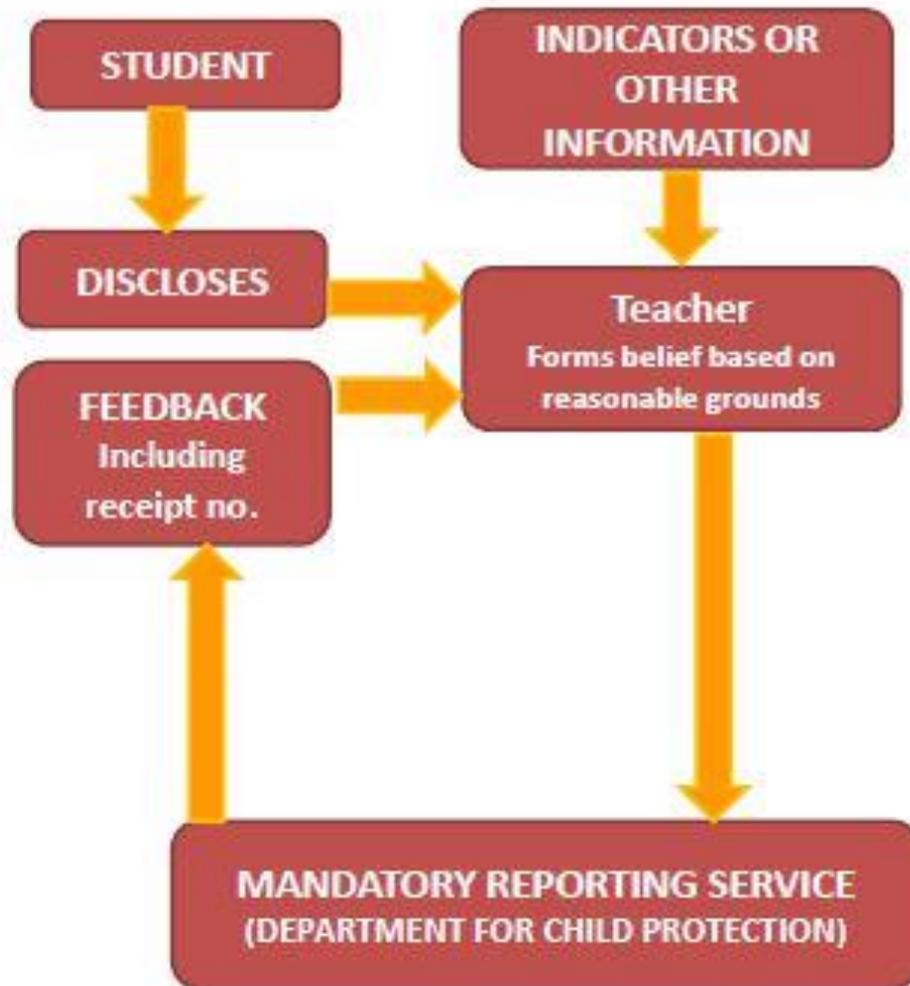
NOTIFICATION STEPS
for physical, emotional, psychological abuse and neglect

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



**NOTIFICATION STEPS
for the mandatory reporting of sexual abuse**

MANDATORY REPORTING PROCEDURE



It is important to remember that the notification steps for sexual abuse will differ from the steps used to notify other forms of child abuse as the teacher is the one responsible for notifying the mandatory reporting unit of sexual abuse.

Once a teacher has formed a belief based on reasonable grounds, they are required to make the report directly to the Department for Child Protection, **not the School Principal**. Prior to forming a belief, the teacher may, if they wish, consult with colleagues with specialist knowledge, for example, other teachers, psychologist or school counsellor. The teacher may also wish to advise the Principal **after** they have made the report to the Department for Child Protection.

The flowchart above only shows what the teacher must do once they have formed a belief. It does not include the consultation process with other school staff. The consultation process may occur prior to the teacher forming a belief.

MANDATORY REPORTING PROCEDURE FOR NON-MANDATORY REPORTERS

At St. Andrew's Grammar, we have staff members with important responsibilities who are Non-Mandatory Reporters. Education Assistants, Non-Teaching Staff such as Receptionist, Principal's Assistant, Curriculum Assistant and Canteen Manager are examples of people who work with children at St. Andrew's that are not mandated reporters. However, all people working with children, whether mandatory reporters or not, should continue to report reasonable beliefs and suspicions or concerns about all forms of abuse. These people who work with children also have a greater knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Reports by those employees who are not mandated should be made to the Principal. In the case where it is believed the Principal may somehow be complicit or obstructionist, the report should be made to Chair of the School Board.

MANDATORY REPORTING OF CHILD SEXUAL ABUSE

The new legislation

Since 1st January 2009, the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 has been in effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the Children and Community Services Act 2004.

In Western Australia, the mandatory reporters of child sexual abuse are the following professions in both the government and non-government sectors:

- doctors
- nurses
- midwives
- **teachers**
- police officers.

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:

- a. person who is registered under the Teacher Registration Act 2012,

Teacher assistants, school chaplains and school psychologists are examples of people who work with children in schools that 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.

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.

Definition of child

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, schools still owe 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.

When to make a report?

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

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.

Teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

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

A centralised duty team 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 central duty team 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 central duty team can be reached on 1800 CP DUTY (1800 273 889)

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.dcp.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: cpduty@dcs.wa.gov.au

Once you have lodged a report, you will receive a standardised letter. This letter is proof that you have made a report so it is important that you keep it.

Once the report has been lodged, the central duty team 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 Department for Child Protection District Office it has been referred to, or whether no further action was recommended by the central duty team.

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

A mandated reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct (e.g. Doctor/patient) is protected from a breach to this code if they are making a report in good faith. The legislative requirements of the Act override internal school policies, professional codes or confidentiality requirements.

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

DEFINITIONS

CHILD ABUSE AND NEGLECT

This is maltreatment of a person under the age of 18 years. It is the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators.

- Physical
- Sexual
- Emotional
- Psychological
- Neglect

PHYSICAL ABUSE

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include, but is not limited by injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline or physical punishment.

SEXUAL ABUSE

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

EMOTIONAL ABUSE

Emotional abuse is a sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.

PSYCHOLOGICAL ABUSE

Psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement. This abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs.

NEGLECT

Neglect is the failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic or remedial care and emotional security. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social, psychological, educational or physical development and/or physical injury. Neglect should be considered in the context of physical, emotional or psychological abuse.

Note:

Child abuse and neglect, through the Department for Child Protection, is defined as maltreatment done by a person who has responsibility to care for a child and this document concentrates specifically on that relationship.

However, it is very important to note that the definitions of child maltreatment described in this section of this document can be used to explain some of the behaviour that can occur in schools by one child to another. While the treatment of such behaviour may be dealt with through other school policies such as Anti-Bullying and Behaviour Management, the victim of that 'bullying' may display some of the physical and behavioural indicators as those described in the next section of this document. These events should be treated seriously by the school with the aim to help both parties.

It is also important to note that the child who is 'bullying' may be doing so because they have been subjected to the same inappropriate behaviour and may require assistance through the school's Child Protection policy.

Note:

Students aged 18 and over may attend school but are legally considered adults and as such the Department for Child Protection does not have a child protection mandate for them. However, they can be considered potentially vulnerable and in need of specialist services and schools do owe a duty of care towards them. There are many youth-specific agencies available to assist these students. Details of these are listed in section 16 of this document. Schools should contact the Police if they are aware of any assault or crime against a young adult.

Indicators of Child Abuse and Neglect

The following list of indicators is not exhaustive but contains those that will be of most use to staff. This list has been taken from the Department for Child Protection Support document "*Identifying and responding to child abuse and neglect – A Guide for Professionals*".

Students frequently show indicators from more than one category; and the examples listed are not necessarily exclusive to a single category of abuse. Any of these indicators may suggest that a student is being abused, neglected or at risk of harm; however, indicators should be considered 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 must also be considered.

Physical abuse

- broken bones or unexplained bruises, burns, or welts in various stages of healing
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre
- direct admissions from the parents that they are concerned that they might harm their child
- family history of violence
- marked delay between injury and obtaining medical assistance
- parent who shows little concern about the welfare of their child or the treatment and care of the injury
- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse)
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home
- the child or young person reports intentional injury by their parent or carer
- arms and legs are kept covered by inappropriate clothing in warm conditions
- ingestion of poisonous substances including alcohol or drugs
- avoidance of physical contact by the child (particularly with a parent or carer)

Sexual abuse

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves)
- knowledge of sexual behaviour inappropriate to their years
- disclosure of abuse either directly or indirectly through drawings, play or writing that describes abuse
- pain or bleeding in the anal or genital area with redness or swelling
- fear of being alone with a particular person
- child or young person implies that he/she is required to keep secrets
- presence of sexually transmitted disease
- sudden unexplained fears
- bed-wetting and bed soiling

Emotional or Psychological abuse

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive
- delayed physical, emotional, or intellectual development
- compulsive lying and stealing
- high levels of anxiety
- lack of trust in people
- feelings of worthlessness about life and themselves
- eating hungrily or hardly at all

- uncharacteristic seeking of attention or affection
- reluctance to go home
- rocking, sucking thumbs or self-harming behaviour
- fearfulness when approached by a person known to them

Neglect

- signs of malnutrition, begging, stealing or hoarding food
- poor hygiene: matted hair, dirty skin or severe body odour
- unattended physical or medical problems
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- child or young person appears constantly tired
- frequent lateness to school or absence from school
- inappropriate clothing, especially inadequate clothing in winter
- alcohol and/or drug abuse present in the household
- frequent illness, low grade infections or sores
- hunger

Response to disclosure of abuse or neglect

If a student makes a disclosure of abuse or neglect staff should be aware of the immediate needs of the student and know what to do in these circumstances. The following are suggested elements that should be discussed at staff training.

- Use 'protective interrupting' if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people;
- Acknowledge that you have heard them and stop them from disclosing any further;
- Be supportive and gently indicate that they might tell you about it in a more private situation; and
- Quietly arrange to see them as soon as possible, in a situation away from other students.
- Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process;
- Put your own feelings aside and listen as if the information is not sensational;
- Provide reassurance that you believe them, that it is right to tell and do not think that they are to blame or make judgements about what has happened;
- Listen to students in a private location within the school;
- Be supportive and understanding;
- Be empathetic to student feelings;
- Acknowledge that it is difficult to talk about such things;
- Try to identify students' fears;
- Let students tell the event in their own words;
- If you are unable to answer all the questions of the child, it is OK to let them know;
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure;
- Allow students the option of support during any agency interview and reassure them of the availability of continuing support;
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them;

- Document the disclosure and subsequent discussion and actions;
- Explain what will happen next; and
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support.

Staff cannot agree to a student's demands for confidentiality or requests that parents, police or other agencies not be informed when the welfare or safety of the student or other students may be threatened.

Staff must be careful that they:

- Don't push for details or conduct an investigation. Other agencies have this responsibility;
- Don't express judgement of the student, perpetrator or family;
- Don't get angry, upset or show shock;
- Don't ask questions that may make the child feel guilty or inadequate;
- Don't ask leading questions, for instance 'Did Daddy hit you?'
- Don't put words in students' mouths or interrogate as this could jeopardise the interviewing process of The Department for Child Protection and Police;
- Don't promise not to tell when there are clear limits on confidentiality;
- Never make false promises;
- Don't give a lecture about right and wrong;
- Don't say 'forget it', 'you'll get over it' or other such minimalising statements;
- Don't give excessive pity;
- Respect the confidentiality of the disclosure and do not share the information with anyone other than the Principal and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.

Staff must be aware that a disclosure can arouse in them strong feelings of shock, anger and helplessness. It is important to try and control these feelings and work through them after the disclosure.

Cyber Predators

Although the main perpetrators of child abuse and neglect are people that the child knows, the continuing popularity of the internet has given credence once more to the term 'Stranger Danger'.

The Internet is one of the main sources of communication for young people today. The popularity of chat rooms, discussion groups and interactive games makes them a very attractive place for predators to go as they can remain virtually anonymous whilst participating in a range of paedophilic activity.

These quotes come from the NetAlert website,

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

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

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

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

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

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

Paedophiles conduct numerous activities online, including:

- Swapping child pornographic pictures in chat rooms or through email or P2P networks;
- Swapping children's personal information;
- Participating in online communities with the intention to groom children for personal sexual gratification or to meet them in person;
- Forming networks with other paedophiles;
- Trading techniques on how to avoid the authorities.”

The WA Police, in conjunction with AISWA, the Department of Education and the Catholic Education Office have formed the Internet Safety Working Party. The aim of the working party is to implement strategies through schools and community networks to educate children and parents on safe internet behaviours.

The working party has produced a DVD titled 'Keeping Safe on the Internet'. The DVD features two individual presentations – one aimed at students aged 12 to 16 and the other specifically for parents. A copy of this DVD has already been provided to all AISWA member schools. Schools may choose to run whole school or class presentations of the material, or copy the DVD as many times as they wish to send home to parents.

The *Criminal Code Amendment (Cyber Predators) Act 2006* is the legislation in Western Australia that protects children under the age of 16, or that the offender believes is under the age of 16, from an adult who uses electronic communications with the intent to procure the child to engage in sexual activity; or to expose the child to any indecent matter.

Recruitment and Selection of Staff, Volunteers and Contractors

Schools should have effective human resource practices in place to ensure all new employees, volunteers and contractors are adequately screened, trained and supervised.

Teachers are required, through the Teachers Registration Board of Western Australia (TRBWA), to have a police clearance. The Working with Children (WWC) legislation requires them to have a WWC Check.

Non-teaching staff are also required to have a WWC check if their usual duties involve contact with children (see details below). School policy can be used to require these staff to have a police clearance.

Volunteers who are not parents who have contact with children are also required to have a WWC Check. The 2013 Registration Standards (section 6.1) states that volunteers who are not parents are required to have a National Police Check and/or a WWC Check.

Volunteers who are parents are exempt from getting a WWC Check, unless on an overnight camp. However, the 2013 Registration Standards (section 6.1) require volunteers who are parents and undertake a professional role at the school to have a National Police Check and/or WWC Check. The WWCC may have been obtained for another purpose.

Working with Children Check

To strengthen the protection of children in WA, the State Government introduced legislation, the Working with Children (Criminal Record Checking) Act 2004 (the Act), that requires people who start or continue in “child-related work” to have a national criminal record check called a Working with Children Check (WWC Check).

Work is “child-related work” if the **usual duties** of the work involve, or are likely to involve, contact with a child **in connection with at least one of the 19 categories of work** listed under the Act. A “child” is a person under the age of 18 years. Detailed information on this legislation and its application to the Education Sector is contained in the ‘Duty of Care’ document in AISWA’s Policy and Procedures Manual.

It is vital that schools sight the Working with Children Card of volunteers and self-employed people used by the school. Police have raised concerns that the number of people working with children saying they have a valid WWC card, who on further inspection either do not have a card or have been issued with a Negative Notice.

A register of WWCC individuals who are on the PVS site (working with children) are held at reception.

Police Clearances

TRBWA registered teachers

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

The teacher will be asked to disclose whether they are the subject of any criminal charges still pending before the Court, or whether they have been the subject of any convictions or findings of guilt before a Court.

Under Western Australian legislation (Spent Convictions Act 1988 (WA)), spent convictions are not disclosed as part of the criminal history checks. However, the TRB has received an exemption that allows them to receive information on ALL criminal convictions or findings of guilt, including spent convictions in WA. Spent convictions in other states will only be released if the State based legislation in that state allows them to release it.

The Working with Children legislation also requires teachers to have a WWC Check. A register is maintained at the school office and is updated annually.

Other School Staff

Other school staff are also required to have a WWC Check if their usual duties involve, or are likely to involve contact with a child. Schools may require all staff to also have a criminal check/police clearance. The Australian Federal Police administer the National Police Certificate through the CrimTrac Agency.

A National Police Certificate is a list of your disclosable Court outcomes and pending charges sourced from the databases of all Australian Police Jurisdictions. Certain convictions may not be

disclosed on a NPC in accordance with the legislation and policies of various police jurisdictions (eg Spent Convictions and most traffic and juvenile convictions). National Police Certificates are commonly used for employment or licensing purposes. To obtain a National Police Certificate, collect a form from a participating Post Office Bank@Post Australia Post outlet

What is CrimTrac?

CrimTrac provides national criminal history checks for a range of organisations across the country. These services involve checking the criminal history of potential employees on behalf of employers, such as government agencies, and non-government organisations. A national criminal history check involves identifying and releasing any relevant criminal history information (CHI) subject to relevant spent convictions/non-disclosure legislation and/or information release policies. CrimTrac facilitates about 2.5 million national criminal history checks a year through a decentralised process involving all Australian police services evaluating relevant police records with a view to determining the type and extent of CHI that can be released.

What is a spent conviction?

A spent conviction is a conviction for either a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- It is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months
- the individual has not re-offended during the 10 year (5 years for child offenders) waiting period;
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner;

If a school decides to include a Criminal History Check as part of staff recruitment, AISWA recommends the Federal Police Clearance procedures.

Effective Human Resource Practices – things to consider

- Structure and formalise the recruitment and selection process.
- Ensure the school's commitment to protection of students is made clear at all stages of the recruitment and selection process. This may include a statement on all advertised positions
- Assess all positions within the school community. Identify high risk positions and ensure safeguards are in place to protect both employees from placing themselves in vulnerable situations and students from being abused.
- Each position requires a specific job description. Ensure there are clearly defined roles and responsibilities for all employees, contractors and volunteers (eg. are parents clear about their responsibilities when assisting in the classroom? Are volunteers left alone with students?)
- Use a number of different tools for selection eg. application forms, reference checks, interviews
- Develop appropriate processes for screening for all positions within the school community. This includes people such as friends and family of current employees who may be utilised for a short period to 'help out'. Screening is the process of gathering information about an applicant for employment in order to make an informed decision about whether to employ the person or not. Screening includes structured referee checks, criminal history checks, a current Working with Children Check and checks with past or current employers for any disciplinary records. In addition, there is access to the National Employment Check Status

for teaching staff to ensure people are not employed where there are unresolved allegations of abuse from previous employment.

- Advise potential employees of the requirement that they participate in orientation, supervision, training and performance management.
- Implement professional behaviour standards through codes of conduct or similar guidelines.
- Monitor and review recruitment and selection procedures.

Consideration should also be given to how these points may relate to existing staff, volunteers and contractors.

Relevant Legislation and Authority

The following Acts can be viewed at www.slp.wa.gov.au

- Children and Community Services Act 2004
- Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008
- Criminal Code Act (1913)
- Criminal Code Amendment (Cyber Predators) Act 2006 (changes to s204B of The Criminal Code)
- Working with Children (Criminal Record Checking) Act 2004

The Criminal Code Amendment (Cyber Predators) Act 2006 is the legislation in Western Australia that protects children under the age of 16, or that the offender believes is under the age of 16, from an adult who uses electronic communications with the intent to procure the child to engage in sexual activity; or to expose the child to any indecent matter.

Where to go for further information

The Department for Child Protection is the state government department responsible for issues specifically related to the protection of children, including the handling of abuse and neglect cases. This website contains some excellent material for professionals, and parents and friends. Of particular interest is the information on 'Identifying and responding to child abuse and neglect – a guide for professionals'. <http://www.community.wa.gov.au/>

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

Telephone: 1800 708 704

Email: mrs@dcp.wa.gov.au

Fax: 1800 610 614

Post: PO Box 8146

Perth BC WA 6849

This unit is available 24 hours a day, 7 days a week for make a report or to raise concerns. Details regarding mandatory reporting can be obtained through:

www.mandatoryreporting.dcp.wa.gov.au

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

After hours
Child Abuse Services WA
9223 1111/1800 199 008

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

WA Police Service Child Abuse Investigation Unit

If the matter is urgent and the safety of a child is at risk, call 000. If you are a victim of child abuse or paedophilia, or if you have information about someone else being abused, you should contact police on **131 444**. You can also report child abuse to the Child Protection Squad on **9492 5444** or email them on Child.Abuse.Investigation@police.wa.gov.au or you can ring Crime Stoppers on **1800 333 000** or go to your local police station.

WA Police Cyber Predator Team can be contacted on **9492 5444** or complaints can be lodged on the WA Police Website www.police.wa.gov.au

The websites below contain information on cyber predators that for both parents, teachers and students may find informative.

www.acma.gov.au

www.constablecare.org.au

www.cybersmartkids.com.au

www.virtualglobaltaskforce.com

www.netalert.net.au

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

NAPCAN is an Australian organisation that seeks to resource and network child welfare professionals and practitioners working to prevent child abuse and neglect from happening before it starts, through the provision of parenting brochures, training, support networks and information.
www.napcan.org.au

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

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

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

Prime Corporate Psychology Services

Offers an employee assistance program including counselling, management and referrals.
9492 8900/1800 674 188

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

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

Department for Child Protection (see previous page for details)

Parenting Line

9272 1466/1800 654 432

Family Helpline is a free confidential telephone counselling and information service for families with relationship difficulties.

9223 1100/1800 643 000

Men's Domestic Violence Helpline provides a free telephone, referral and counselling service for men to help them change their violent behaviour toward female partners.

9223 1199/1800 000 599

Women's Domestic Violence Helpline provides a free 24-hour telephone support and counselling service for women experiencing family and domestic violence.

9223 1188/1800 007 339

Child Health and Community Health Services

Refer to the White Pages for contact details of local Child Health Centres

Child and Adolescent Mental Health Services

1800 220 400 – 24-hour mental health advice line

Princess Margaret Hospital for Children

9340 8222

State Child Development Centre

9481 2203

Disability Services Commission

9426 9200/1800 998 214

Kids Helpline is a free and confidential telephone counselling service for 5 to 25 year olds in Australia available 24 hours a day, 7 days a week.

1800 551 800

Sexual Assault Resource Centre Counselling Line offers a free, 24-hour emergency service for people aged 13 or over who have been sexually assaulted or sexually abused recently (within the last two weeks).

9340 1828/1800 199 888

Lifeline Australia offers a service 24 hours a day, 7 days a week and can provide information about other support services, if required.

13 11 14

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

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

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

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

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

Appendix 1 - Before and After School Incidents - Suggested strategies for schools

The information provided below is an amalgamation of feedback provided by various sources about before and after school incidents and suggested strategies for school to cope.

Our schools and communities are generally safe environments. From time to time, situations arise where it is pertinent for students, parents and staff to be more vigilant. The following suggestions are intended to support the work that schools are already doing, and should be used as reminders of protective behaviours should the need arise.

Schools can help by

- Informing all school staff of the incident details
- Asking teachers to reinforce the stranger danger message to their students
- Alerting parents of children in your school to child protection alerts by email and/or school newsletter
- Informing parents in writing when supervision is to commence before school and cease after school, including the designated areas that are supervised
- Providing appropriate teacher supervision before and after school, and have designated pickup points for students
- Informing staff, parents and students that police are to be contacted on 131 444 to report incidents
- Advise AISWA of the incident so that other schools in the area can also be informed

Students can help by

- Travelling with a friend and avoiding unsafe shortcuts
- Not talking to strangers, going anywhere with them, or taking anything from them
- Being aware of the safe places they have available to them on their walk to school e.g. a friend's house, a neighbour if known and accepted by the family
- Not lingering on the way to or from school
- Telling teachers or parents when they see someone hanging around the school or acting suspiciously
- Telling teachers or parents if they are approached by someone they don't know on the way to or from school
- Taking a photo of the vehicle or person with their mobile phone, if possible
- If approached, walk away and recite to yourself as many details as you can remember eg. car colour, type, number plate, description of person

Parents can help by

- Ensuring that young children don't travel to and from school unaccompanied
- Making sure children are not on school premises unsupervised
- Using school designated areas if dropping children off or collecting them from school
- Reporting suspicious vehicles/people to Police 131 444 or CRIMESTOPPERS 1800 333 000

Staff can help by

- Reporting all sightings of suspicious people or vehicles to the Principal so that they can then be reported to the local police
- Ensuring playground, after school supervision and bus duty rosters are adhered to
- Advising crossing attendants to look out for suspicious vehicles or people

Further information is also available in the 'Child Abduction Response Plan' on the AISWA website www.ais.wa.edu.au

Appendix 2 - Answers to legal questions

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

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

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

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

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

Section 124B of the Act places an obligation on certain people to make a report to the CEO of the Department for Child Protection and Family Support (**Department**) if they have a reasonable belief that a child is or has been subject to sexual abuse. The section provides:

124B. Matters concerning sexual abuse of children to be reported by certain persons

(1) A person who-

(a) is a doctor, nurse, midwife, police officer or teacher; and

(b) believes on reasonable grounds that a child-

(i) Has been the subject of sexual abuse that occurred on or after commencement day; or

(ii) Is the subject of ongoing sexual abuse;

and

(c) forms the belief-

(i) In the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and

(ii) On or after the commencement day,

must report the belief as soon as practicable after forming the belief.

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

(a) It identifies to whom the section applies;

(b) That the person must believe on reasonable grounds that the child is or has been subject to sexual abuse; and

(c) That the person forms that belief 'in the course of their work'.

If these 3 elements are satisfied, then that person must report their belief that a child is or has been subject to sexual abuse as soon as practicable after forming the belief to the Department. Further, if

the report is initially made orally then the reporter must provide the Department with a written report as soon as practicable after making the oral report.

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

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

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

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

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

What is 'in the course of work'?

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

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

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

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

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

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

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

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

Once the report under the Act is provided to the Department, then that report would be subject to the FOI Act but only to the extent the exemption in section 14(5) of the FOI Act as shown below does not apply.

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

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

Section 14(5) of the FOI Act provides:

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

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

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

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

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

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

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

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

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

Appendix 3 - Children left at School

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

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

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