



Department of  
**Education**

# **Child Protection in Department of Education Sites Policy**

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Table of contents

1. Policy statement	3
2. Policy rules	3
3. Responsibility for Implementation and Compliance	4
4. Scope	5
5. Supporting Procedures	5
6. Definitions	5
7. Related documents	14
8. Contact information	17
9. History of changes	17
10. More information	19
Policy review date	19
Policy last updated	19

## 1. Policy statement

The Department is committed to being a child safe organisation through the prevention, identification and reporting of child abuse and neglect. This includes the provision of support to children who have been abused, or are affected by abuse or neglect.

## 2. Policy rules

All Department staff will:

- take all actions and make decisions based on the best interests of the child;
- apply child safe principles;
- report all concerns relating to possible child abuse and neglect; and
- comply with the procedures relevant to their position:
  - Child Protection in Department of Education Sites Procedures for Principals;
  - Child Protection in Department of Education Sites Procedures for Teachers;
  - Child Protection in Department of Education Sites Procedures for School Psychologists;
  - Child Protection in Department of Education Sites Procedures for Boarding Supervisors;
  - Child Protection in Department of Education Sites Procedures for Allied Professionals; and
  - Child Protection in Department of Education Sites Procedures for Residential College Managers.

### Guidance

The child safe principles that apply to this policy are:

- actions that reduce the likelihood of harm occurring to children and young people;
- actions that increase the likelihood of any harm being discovered; and
- appropriate responses by staff to any disclosures, allegations or suspicions of harm.

For further information, visit the [Commissioner for Children and Young People](#) website.

The Department promotes positive and inclusive school communities where all members feel safe and are safe.

Principals should take into account the following principles for making decisions in the best interest of the child:

- the need to protect the child from harm;
- the capacity of the child's parents to protect the child from harm;
- the capacity of the child's parents, or of any other person, to provide for the child's needs;
- the nature of the child's relationship with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;
- the attitude to the child, and to parental responsibility, demonstrated by the child's parents;
- any wishes or views expressed by the child, having regard to the child's age and level of understanding in determining the weight to be given to those wishes or views;
- the child's age, maturity, sex, sexuality, background and language;
- the child's physical, emotional, intellectual, spiritual and developmental needs; and
- the child's educational needs.

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

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

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

### 3. Responsibility for Implementation and Compliance

Implementation of the policy is the responsibility of all staff.

Compliance monitoring is the responsibility of line managers.

## 4. Scope

This policy applies to all Department staff.

## 5. Supporting Procedures

[Child Protection in Department of Education Sites Procedures for Allied Professionals](#)

[Child Protection in Department of Education Sites Procedures for Teachers](#)

[Child Protection in Department of Education Sites Procedures for Principals](#)

[Child Protection in Department of Education Sites Procedures for Boarding Supervisors](#)

[Child Protection in Department of Education Sites Procedures for School Psychologists](#)

[Child Protection in Department of Education Sites Procedures for Residential College Managers](#)

## 6. Definitions

### Allied Professionals

Allied professionals are those staff employed under s235(1)(a), (c) and (d) of the School Education Act 1999.

Allied professionals are non-mandatory reporters. When reporting any type of child abuse, including sexual abuse, allied professionals are required to follow the procedures for allied professionals.

### Belief on reasonable grounds

A belief formed on reasonable grounds that a child is or has been the subject of sexual abuse may be based on but is not limited to:

disclosure of child sexual abuse or information provided directly by a child or parent/carer;

disclosure of child sexual abuse or information provided by a third party; and/or

possible physical and/or behavioural indicators.

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

Refer to Ikon: Form a belief that a child is or has been the subject of sexual abuse and Recognise signs of child abuse in Manage child protection at your school (staff only).

### **Boarding facility**

Means a place used to provide residential accommodation for children while they attend a school as defined in the School Education Act 1999. (Children and Community Services Act 2004 Section 124A).

### **Boarding supervisor**

Means a person who holds an office or position in a boarding facility; the duties of which include the supervision of children living at the facility. (Children and Community Services Act 2004 Section 124A)

Department of Education residential settings commonly use the terms boarding supervisor and residential supervisor to describe a boarding supervisor.

### **Child**

A person who has not reached the age of 18 years of age and, in the absence of positive evidence as to age, means a person who is apparently under 18 years of age. (Children and Community Services Act 2004 Section 124A).

### **Child abuse**

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

### **Child exploitation material**

**Child exploitation** material is (a) child pornography; or (b) material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be, a child (i) in an offensive or demeaning context; or (ii) being subjected to abuse, cruelty or torture (whether or not in a sexual context).

**Child pornography** is material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be a child (a) engaging in sexual activity; or (b) in a sexual context.

**Material** includes (a) any object, picture, film, written or printed matter, data or other thing; and (b) any thing from which text, pictures, sound or data can be produced or reproduced, with or without the aid of anything else.

([Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010 s216](#))

**Sexting** (sex + texting) is the sending and receiving of sexually explicit or sexually suggestive texts or images via phone or internet. ([Australian Institute of Family Studies 2018](#))

### **Child protection concern**

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

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

### **Child safe organisation**

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

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

Refer to Manage child protection at your school in Ikon (staff only).

### **Confidentiality**

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

### **Documented education plan**

A support document for schools and teachers as they plan, monitor, assess and evaluate teaching and learning programs that address individual needs such as individual education plans and individual behaviour plans.

### **Duty of care**

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

### **Emotional abuse**

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

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



## Family violence

**Family violence** is a reference to:

- (a) violence, or a threat of violence, by a person towards a family member of the person; or
- (b) any other behaviour by the person that coerces or controls the family member or causes the member to be fearful.

A child is **exposed to** family violence or personal violence if the child sees or hears the violence or otherwise experiences the effects of the violence.

Examples of behaviour that may constitute family violence include (but are not limited to) the following —

- (a) an assault against the family member;
- (b) a sexual assault or other sexually abusive behaviour against the family member;
- (c) stalking or cyber-stalking the family member;
- (d) repeated derogatory remarks against the family member;
- (e) damaging or destroying property of the family member;
- (f) causing death or injury to an animal that is the property of the family member;
- (g) unreasonably denying the family member the financial autonomy that the member would otherwise have had;
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or a child of the member, at a time when the member is entirely or predominantly dependent on the person for financial support;
- (i) preventing the family member from making or keeping connections with the member's family, friends or culture;
- (j) kidnapping, or depriving the liberty of, the family member, or any other person with whom the member has a family relationship;
- (k) distributing or publishing, or threatening to distribute or publish, intimate personal images of the family member;
- (l) causing any family member who is a child to be exposed to behaviour referred to in this section.

([Restraining Orders Act 1997 s5A](#) and [Restraining Orders and Related Legislation Amendment \(Family Violence\) Act 2016](#))

## **Female genital mutilation**

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

## **Mandatory reporter**

In Western Australia, all teachers, doctors, nurses, midwives, police officers and boarding supervisors who form a belief that a child is or has been the subject of sexual abuse during the course of their work, either voluntary or paid, are mandatory reporters.

For the purposes of the legislation, 'teacher' is defined as any person registered under the [Teacher Registration Act 2012](#) with the Teacher Registration Board of Western Australia or with Provisional Registration or Limited Registration and is working as a teacher.

For the purposes of the legislation, 'boarding supervisor' is defined as 'a person who holds an office or position at a boarding facility the duties of which include the supervision of children living at the (boarding) facility'.

TAFE lecturers who are registered under the [Teacher Registration Act 2012](#) with the Teacher Registration Board of WA or who have Limited Registration and are working on school grounds are mandatory reporters.

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

## **Mandatory reporting legislation**

Legislation requiring teachers, doctors, nurses, midwives, WA Police officers and boarding supervisors to report a belief that a child is or has been the subject of sexual abuse to the Mandatory Reporting Service of the Department of Communities, Child Protection and Family Support (CPFS). The legislation covering mandatory reporting of child sexual abuse in Western Australia is the Children and Community Services Act 2004.

The requirement to report only applies when a teacher, registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA, or boarding supervisor is working in their role as a teacher or boarding supervisor either in a paid or voluntary capacity.

If a belief that a child is or has been the subject of sexual abuse is formed outside of working hours, when not working as a teacher or boarding supervisor, then there is no legal requirement to report. However, a report to the CPFS Central Intake Team (metropolitan area) or the relevant CPFS District office (country areas) can be made voluntarily.

## **Neglect**

### **Omission of care**

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

### **Cumulative harm**

The term 'cumulative harm' refers to the effects of patterns of circumstances and events in a child's life. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance or event, or by multiple circumstances or events.

## **Non-mandatory reporter**

All staff who are not working in the role of a teacher or boarding supervisor, including allied professionals and school psychologists.

Even if the staff member is registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA, if the staff member is not working in the role of a teacher, they are not a mandatory reporter. When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for allied professionals or school psychologists.

## **Parent**

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

## **Physical abuse**

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

## **Prevention**

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

## **Protective behaviours**

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

## **Residential college**

A place used to provide residential accommodation for children while they attend a school as defined in the School Education Act 1999 section 4.

Also referred to as a boarding facility and does not include private arrangements.

### **Residential college manager**

The residential college manager has the same mandatory reporting responsibilities as a boarding supervisor and is responsible for the line-management of other boarding supervisors and operations in a residential setting. Department of Education residential settings commonly use the terms residential college manager, college manager or head of residence to describe a residential college manager.

### **Residential setting**

A place used to provide residential accommodation and related services for students while they attend, and participate in an educational programme of, a school as defined in the School Education Act 1999 section 4, 213A and 213B. Also referred to as a student residential college or boarding facility and does not include private arrangements.

### **Residential setting activity**

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

### **School activity**

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

### **Sexual abuse**

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

- (a) the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- (b) the child has less power than another person involved in the behaviour; or
- (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

(s124A Children and Community Services Act 2004)

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

### **Sexual harassment**

Sexual harassment under the Equal Opportunity Act 1984 (WA) occurs when a person makes an unwelcome sexual advance or request for sexual favours, or engages in other unwelcome conduct of a sexual nature, towards another person and that person is disadvantaged, or has reasonable grounds for believing he or she will be disadvantaged, by taking objection. Sexual harassment is unlawful in the areas of employment, education, and accommodation.

### **Staff**

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

### **Student residential college**

A place used to provide residential accommodation and related services for students while they attend, and participate in an educational programme of, a school as defined in the School Education Act 1999 section 4, 213A and 213B. More commonly known as residential setting.

## **7. Related documents**

**Relevant legislation or authority**

Australian Psychological Society Code of Ethics 2007

Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010

Children and Community Services Act 2004 (WA)

Corruption and Crime Commission Act 2003 (WA)

Criminal Code (Acts Amendment: Sexual Offences' Act 1992) (WA)

Criminal Code Act 1995 (Commonwealth)

Disability Discrimination Act 1992 (Cth)

Disability Discrimination Amendment (Education Standards) Bill 2004 (Cth)

Equal Opportunity Act 1984 (WA)

Freedom of Information Act 1992

Public Sector Management Act 1994 (WA)

Public Interest Disclosure Act 2003 (WA)

Restraining Orders Act 1997 (WA)

Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016)

School Education Act 1999 (WA)

School Education Regulations 2000 (WA)

Sex Discrimination Act 1984 (Cth)

State Records Act 2000 (WA)

Teacher Registration Act 2012 (WA)

Working With Children (Criminal Record Checking) Act 2004 (WA)

Working with Children (Criminal Record Checking) Regulations 2005 (WA)

## **Related Department policies**

[Disputes and Complaints](#)

[Duty of Care for Students for Public Schools](#)

[Enrolment in Public Schools](#)

[Equal Opportunity, Discrimination and Harassment](#)

[Incident Management on Department of Education Sites](#)

[Records Management](#)

[Staff Conduct and Discipline](#)

[Student Attendance in Public Schools](#)

[Student Behaviour in Public Schools](#)

[Visitors and Intruders on Public School Premises](#)

## **Other documents**

[Memorandum of Understanding between the Department of Communities and the Department of Education 2021 \(staff only\)](#)

[MOU between the Department of Education and Child and Adolescent Health Service and WA Country Health Service: 1 January 2022 – 31 December 2024 \(staff only\)](#)



## 8. Contact information

**Policy manager:**

Director, Student Engagement and Wellbeing

T: (08) 9402 6100

**Policy contact officer:**

Principal Consultant (Child Protection)

T: (08) 9402 6124

## 9. History of changes

<b>Effective date</b>	25 July 2017
<b>Last update date</b> <b>Policy version no.</b>	3.0
<b>Notes</b>	The Child Protection policy has undergone a major review. The structure has been recast as an overarching policy with five supporting procedures. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	25 July 2017
<b>Policy version no.</b>	3.1
<b>Notes</b>	Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017.

<b>Effective date</b>	25 July 2017
<b>Last update date</b>	3 October 2018
<b>Policy version no.</b>	3.2
<b>Notes</b>	Minor changes to title D18/0435848, reference to Public Schools D18/0151652 and updated legislation links D18/0207680.
<b>Effective date</b>	13 August 2019
<b>Last update date</b> <b>Policy version no.</b>	3.3
<b>Notes</b>	Major changes approved by the Director General on 26 July 2019. D19/0349313
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	8 July 2022
<b>Policy version no.</b>	3.4
<b>Notes</b>	Minor updates to terminology, definitions and links as per D22/0519053.
<b>Effective date</b>	13 September 2019
<b>Last update date</b>	22 September 2023
<b>Policy version no.</b>	3.5
<b>Notes</b>	Minor change to update link to MOU D23/1550610
<b>Effective date</b>	13 September 2019
<b>Last update date</b>	6 October 2023
<b>Policy version no.</b>	3.6
<b>Notes</b>	Minor changes to update contact details D23/1582068

## 10. More information

### Supporting content

#### Procedure

[Child Protection in Department of Education Sites Procedures for Allied Professionals](#)

[Child Protection in Department of Education Sites Procedures for Teachers](#)

[Child Protection in Department of Education Sites Procedures for Principals](#)

[Child Protection in Department of Education Sites Procedures for Boarding Supervisors](#)

[Child Protection in Department of Education Sites Procedures for School Psychologists](#)

[Child Protection in Department of Education Sites Procedures for Residential College Managers](#)

### Policy review date

25 July 2020

### Policy last updated

6 October 2023