



Department of  
**Education**

# **Child Protection in Department of Education Sites procedures for Allied Professionals**

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These procedures must be read in conjunction with the Child Protection in Department of Education Sites Policy.

## Table of contents

<b>1. Policy supported</b>	<b>3</b>
<b>2. Scope</b>	<b>3</b>
<b>3. Procedures</b>	<b>3</b>
3.1 Child protection and abuse prevention professional learning	3
3.2 Child abuse prevention education	4
3.3 Report concern of child abuse	4
3.3.1 Report sexual, physical or emotional abuse, family violence or neglect	4
3.3.2 Report allegation of physical or emotional abuse or sexual abuse committed by staff	5
3.4 Report allegation of sexual abuse committed by a student during supervised school or residential college activities	6
3.5 Respond when a student is at immediate risk of harm	7
3.6 Students 18 years of age and over subjected to physical or sexual assault	7
3.7 Respond to students in possession of sexually explicit or child exploitation material	8
3.8 Respond to specific child protection concerns	9
3.8.1 Female genital mutilation/cutting	9
3.8.2 Forced marriage	9
3.9 Support students affected by abuse	9
3.10 Communicate to parents	9
3.10.1 When a child abuse report has been made	10
3.10.2 When a child abuse report has not been made	10
3.11 When a child under the age of consent discloses a sexual relationship	10
3.12 Recordkeeping and documentation	11
3.13 Confidentiality	11
3.14 Protection and support for employees who report child abuse	12
<b>4. Definitions</b>	<b>12</b>
<b>5. Related documents</b>	<b>25</b>
<b>6. Contact information</b>	<b>27</b>
<b>7. History of changes</b>	<b>28</b>
<b>8. Appendices</b>	<b>30</b>
<b>9. More information</b>	<b>30</b>
Procedure review date	30
Procedure last updated	30

**These procedures must be read in conjunction with the Child Protection in Department of Education Sites Policy.**

## 1. Policy supported

Child Protection in Department of Education Sites Policy

## 2. Scope

These procedures apply to allied professionals in Department of Education sites.

### Guidance

The procedures for allied professionals are for staff employed under s235(1)(a), (c) and (d) of the *School Education Act 1999* who are not categorised as school counsellors and are therefore non-mandatory. This may include but is not limited to: managers corporate services, school officers, education assistants, library officers, laboratory technicians, home economic assistants, participation coordinators, attendance officers, youth support officers, social trainers, school based community liaison officers, home education moderators, public service officers, other officers and wages staff.

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

Allied professionals and their Department of Education line managers must:

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

### Guidance

Enrolment occurs automatically for staff who have an E number.

Third-party providers are provided access via an EZ or EV number.

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

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

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

Refer to: [Access child protection and abuse prevention online professional learning \(staff only\)](#).

## 3.2 Child abuse prevention education

Allied professionals must assist principals and teachers to implement protective behaviours education that aligns with the Western Australian Curriculum across all phases of schooling.

### Guidance

For further information, refer to [Access protective behaviours resources and Request child protection and abuse prevention training \(staff only\)](#).

## 3.3 Report concern of child abuse

### 3.3.1 Report sexual, physical or emotional abuse, family violence or neglect

Allied professionals must:

- document observations, information and disclosures received, or discussed with staff
- report all child protection concerns to the line manager or principal
- make a report to the Director of Education or the Standards and Integrity Directorate (SID) if the principal is the person alleged responsible for the abuse or may be biased towards the person alleged responsible for the abuse.

Allied professionals must not:

- inform parents that a report has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence
- inform the person alleged to be responsible for the abuse.

### Guidance

Please refer to the definition of 'Child Protection Concern' in the Definitions section of these procedures and [Manage child protection at your school \(staff only\)](#).

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

- disclosure of abuse or information provided by a child or parent
- disclosure of abuse or information provided by a third party
- physical and/or behavioural indicators.

The concern may be based on a number of possible indicators over time.

Refer to: [Recognise signs of child abuse](#) and [Indicators of abuse - factsheet \(staff only\)](#).

Emotional abuse includes being exposed to family violence.

Child protection reports are not required for students who are 18 years of age or over.

A principal or teacher may form a belief that a child is or has been subject to sexual abuse even if the allied professional has not formed the same belief.

If allied professionals have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

Allied professionals who provide information will be named in a child abuse report. When there is concern for the safety of a reporter, the principal advises the WA Police and/or Department of Communities office and contacts the relevant Regional Education Office to assist. Refer to: [Support a staff member who has reported child abuse \(staff only\)](#) and [Access support after reporting child abuse \(staff only\)](#).

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith to the Department of Communities, WA Police and/or the Department's Standards and Integrity Directorate (SID) for the purpose of investigating child abuse.

Refer to section 3.12 on Confidentiality.

### **3.3.2 Report allegation of physical or emotional abuse or sexual abuse committed by staff**

Allied professionals must:

- document concerning observations, information and disclosures received, or discussed with staff
- provide this documentation to line manager and principal
- make a report to the Director of Education or the Standards and Integrity Directorate (SID) if the principal is the person alleged responsible for the abuse or may be biased

towards the person alleged responsible for the abuse.

Allied professionals must not:

- interview the child or children involved
- investigate the allegation
- inform the person alleged to be responsible for the abuse that an allegation has been made.

### Guidance

An allegation may concern the behaviour of a staff member towards a child who is enrolled at the staff member's school or another school.

An allegation may concern the behaviour of a staff member towards a child during or outside of school hours.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Standards and Integrity Directorate. For further information refer to [Report staff misconduct \(staff only\)](#).

Sexual harassment is dealt with in the [Equal Opportunity, Discrimination and Harassment policy](#). In some cases sexual harassment of students may also be child sexual abuse. Refer to the definition of child sexual abuse in Section 4 of these procedures.

Allied professionals should be aware that certain behaviour towards students, while not illegal, may not be within professional boundaries. Refer to the [Staff Conduct and Discipline policy](#) and the [Code of Conduct and Standards \(staff only\)](#).

If allied professionals have any concerns regarding the student and suicidal ideation they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.4 Report allegation of sexual abuse committed by a student during supervised school or residential college activities

Allied professionals must refer all incidents of sexual abuse allegedly committed by a student during supervised school or residential college activities to the line manager and principal.

Allied professionals must not:

- interview the children involved
- disclose the identity of the person alleged to have committed the abuse to the alleged victim's parent

- disclose the identity of the alleged victim to the parents of the student alleged to have committed the abuse.

### Guidance

Sexual abuse of a child by another child is any sexual behaviour that involves the use of bribery, coercion, a threat, exploitation or violence or when one child has less power than the other or when there is significant disparity in the developmental function or maturity of the children involved.

Examples are: unwanted touching, unwanted kissing, exposure to sexual acts, exposure to pornographic materials and sexual penetration of the genitals or mouth.

Sexual behaviour within the normal developmental range is not usually an indicator of child sexual abuse. Sexual behaviour outside of the normal developmental range may be an indicator that the child is or has been the subject of sexual abuse. Refer to [Respond to sexual behaviour in students \(staff only\)](#).

If allied professionals have any concerns regarding the student and suicidal ideation they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.5 Respond when a student is at immediate risk of harm

Where there is a concern that the student will be exposed to the immediate risk of harm during or after school hours, allied professionals must inform their line manager and principal as a matter of priority.

## 3.6 Students 18 years of age and over subjected to physical or sexual assault

Allied professionals must report to the principal a concern for a student 18 years or over who discloses physical or sexual assault.

### Guidance

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

Students over 18 years who have an intellectual disability are viewed under Section 330 of the [Criminal Code](#) as being an 'incapable person'. The principal may make a WA Police report themselves when the student is incapable of doing so.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Standards and Integrity Directorate (SID). For further information refer to [Report staff misconduct \(staff only\)](#).

If allied professionals have any concerns regarding the student and suicidal ideation they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.7 Respond to students in possession of sexually explicit or child exploitation material

Allied professionals must report the misuse of electronic media by members of staff or students for the purposes of producing or distributing sexually explicit or child exploitation material to the line manager and principal.

Allied professionals must not:

- investigate the allegation
- search through a student's portable electronic device for evidence
- seize any portable electronic device
- download, transmit or distribute the images or text
- delete images or text
- inform the alleged offender that an allegation has been made.

#### Guidance

Please refer to the definition of 'Child Exploitation Material' in Section 4 of these procedures.

Only members of the teaching staff have the authority to confiscate student's property on school premises under reg 71 of the [School Education Regulations 2000](#). The process for the confiscation of mobile phones should be stated in the school's policy for the management of mobile phones and other electronic devices on school grounds.

A staff member may view an image to determine if it is reportable and should consider and document whether the:

- image is sexually explicit
- identity of the person is known
- image appears to be of a person under 18 years old.

Further information and resources can be found on the website of the [Office of the eSafety Commissioner](#) and in [Ikon \(staff only\)](#).

If allied professionals have any concerns regarding the student and suicidal ideation they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.8 Respond to specific child protection concerns

### 3.8.1 Female genital mutilation/cutting

Allied professionals must report all concerns that a student may be subjected to female genital mutilation/cutting or arrangements are being made to carry out the procedure to the line manager and principal.

Allied professionals must not inform the parent of the concern or referral.

### 3.8.2 Forced marriage

Allied professionals must report to the line manager and principal any concerns for a child under 18 years of age who has been forced or coerced into a marriage or is in an existing marriage.

Allied professionals must not inform the parent of the concern.

## 3.9 Support students affected by abuse

Allied professionals must support students affected by abuse, including students who are alleged to have committed abuse.

### Guidance

Staff involved in a supportive role should take into account factors such as culture, religion, age, disability and level of maturity of the student.

Staff should consult with relevant staff to gain information and develop strategies to support the student.

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

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

If allied professionals have any concerns regarding the student and suicidal ideation they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.10 Communicate to parents

### 3.10.1 When a child abuse report has been made

Allied professionals must not

- inform parents of child abuse reports made to the Department of Communities or to WA police
- disclose the identity of the reporter (if known) or the person alleged to have committed the abuse.

#### Guidance

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

### 3.10.2 When a child abuse report has not been made

Allied professionals must not inform parents:

- that physical or behavioural indicators have been observed in their child which have led to a concern of child abuse
- of a concern of family violence
- of an intention to make a report.

#### Guidance

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

The teacher or principal may discuss observations with parents in order to seek further information without alerting them to concerns of child abuse.

## 3.11 When a child under the age of consent discloses a sexual relationship

Allied professionals must report to the principal a concern that a child under 16 years of age is in a sexual relationship.

#### Guidance

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

In Western Australia, the legal age for people to consent to sexual activity is 16 years of age.

Children under 13 years of age are deemed to be incapable of consenting to sexual activity and this should be reported to WA Police and obtain a police record number, if a mandatory report of child sexual abuse is not submitted.

The principal will determine if parents are to be informed about a child under the age of consent being in a sexual relationship unless:

- it is not in the best interests of the child
- a report of child sexual abuse is made.

### 3.12 Recordkeeping and documentation

Allied professionals must:

- document all incidents of possible physical or behavioural indicators and concerns of child abuse
- provide copies to the line manager or principal for secure storage.

#### Guidance

Documentation kept by staff may be required by the Department of Communities, WA Police and the Department's Standards and Integrity Directorate (SID) in their investigations.

For further information refer to Appendix A.

### 3.13 Confidentiality

Allied professionals must not:

- disclose the identity of a staff member who makes a child protection report
- promise confidentiality when a child discloses information that leads to a concern of child abuse or family violence.

#### Guidance

Staff may consult with other relevant staff in a confidential manner, subject to the information being relevant to the wellbeing of the child

The identity of the person making the child abuse report is protected. The penalty for disclosing a reporter's identity can be up to two year's imprisonment and/or \$24,000 fine (*Children and Community Services Act 2004*).

For further information refer to Appendix B.

### 3.14 Protection and support for employees who report child abuse

Allied professionals who have a concern for their own safety following a report of child abuse must inform the principal.

#### Guidance

Where there is concern for the safety of the staff member following a report, the principal advises the Department of Communities and/or the WA Police and and contacts the regional education office for further advice

Staff who require support as a result of reporting child abuse can access the Employee Assistance Program for counselling.

For further information refer to Appendix B.

## 4. Definitions

### Allied Professionals

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

Allied professionals who are not categorised as school counsellors are non-mandatory reporters. When reporting any type of child abuse, including sexual abuse, these allied professionals are required to follow the procedures for allied professionals.

Allied professionals who fall within the category of school counsellor (see definition) are mandatory reporters of child sexual abuse. They are required to follow the procedures for school counsellors.

### Belief on reasonable grounds

Belief on reasonable grounds' means that a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming the belief are matters of which you have become aware, and any opinions in relation to those matters.

A mandatory reporter does not have to be able to prove that harm has occurred. Professional judgement and objective observation help to identify warning signs or possible indicators of child sexual abuse and contribute to a reporter forming the belief on reasonable grounds. Knowledge of child development and consultation with colleagues or other professionals can also contribute to reasonable grounds.

Reasonable grounds may include:

- your own observations of a child's behaviour
- your own observations of the behaviour of an adult interacting with the child
- when a child tells you they, or another child, has been harmed
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

Mandatory reporters must specify the grounds on which they formed the belief that a child has been, or is being, sexually abused.

(Mandatory Reporting Guide: Western Australia)

If you are a mandatory reporter and you have not formed the belief that a child has been or is being sexually abused but are sufficiently concerned, it is recommended that you consult with staff with expertise in this area, such as the Department's child protection consultants.

Refer to: Form the 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 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 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 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
- the safety of the child.

(s3 [Children and Community Services Act](#))

### **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
- responds appropriately to any disclosures, allegations or suspicions of harm.

Refer to [Manage child protection at your school \(staff only\)](#).

### **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 plan**

Documented Plan is an umbrella term used to describe a range of ways of catering for the educational needs of individual or smaller groups of students with identified needs. It is primarily a teaching and learning planning document and it identifies short to medium term education outcomes.

Documented Plans take a variety of forms, including: Individual education plans (IEPs); Individual behaviour management plans (IBMPs); Individual transition plans (ITP); Risk management plans (RMP); and Documented Education Plans (DEP).

### **Duty of care**

A duty imposed by 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.

### **Facility**

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

### **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
- (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 & Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016)

### **Female genital mutilation/cutting**

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

### **Harm**

Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by:

- (a) a single act, omission or circumstance
- (b) a series or combination of acts, omissions or circumstances

Children and Community Services Act.

### **Mandatory reporter**

In Western Australia, the legislation covering mandatory reporting of child sexual abuse is the Children and Community Services Act.

Under section 124B of the Children and Community Services Act 2004, a specified person whose duty to report child sexual abuse (a Mandatory Reporter) is a person who is working in their role either paid or in a voluntary capacity as a Department of Communities assessor or a department officer, midwife, nurse, police officer, boarding supervisor, doctor, minister of religion, out of home care worker, teacher, psychologist and school counsellor.

For the purposes of the legislation, 'teacher' is defined as any person registered under the Teacher Registration Act with the Teacher Registration Board of WA 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'.

For the purposes of the legislation, 'psychologist' is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

For the purposes of the legislation, 'school counsellor' is defined as an adult who is employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer.

Staff who are registered under the Teacher Registration Act with the Teacher Registration Board of WA, and who are not a mandatory reporter of child sexual abuse are required under this policy to report child sexual abuse to the principal.

### **Mandatory reporting legislation**

Section 124B of the Children and Community Services Act.

Duty of certain people to report sexual abuse of children:

(1) A person who:

(a) is a person specified in the Table (a **specified person**); and

### **Table**

assessor	boarding supervisor
departmental officer	doctor
midwife	minister of religion
nurse	out-of-home care worker
police officer	teacher
school counsellor	psychologist
Early childhood worker (commencement day 1 November 2024)	Youth Justice Worker (commencement day 1 May 2025)

(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 specified person; and

(ii) on or after commencement day.

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

Penalty for this subsection: a fine of \$6,000.

Commencement day is the date on which the person becomes a mandatory reporter under the legislation. The duty to report sexual abuse applies if the reporter forms the belief on or after commencement day. Commencement day varies for different reporter groups.

In a school context, the duty to report sexual abuse applies to a teacher, boarding supervisor, psychologist or school counsellor working in their role either in a paid or voluntary capacity.

If the belief that a child is or has been the subject of sexual abuse is formed when not working in their role, then there is no legal duty to report. However, a report to the Department of Communities can be made voluntarily.

## **Neglect**

**Omission of care** (from the Department of Communities Neglect policy 2021).

When a child does not receive adequate food or shelter, medical treatment, supervision, care or nurturance to the extent that their development is harmed, or they are injured.

**Cumulative harm** (from the Department of Communities Neglect policy 2021).

Refers to the effects of multiple adverse or harmful 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.

It is possible to have cumulative abuse (multiple events over time) that results in harm that is cumulative in nature (the impact of the events has been cumulative).

## **Non-mandatory reporter**

In a school context, all staff who are not working in the role of a teacher, school psychologist, school counsellor or boarding supervisor are non-mandatory reporters.

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

## **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.

### **Psychologist**

A psychologist is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

Psychologists are mandatory reporters. When reporting any type of child abuse, including child sexual abuse, school psychologists are required to follow the procedures for school psychologists.

### **Residential college**

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

### **School counsellor**

A school counsellor is defined as an adult who is employed or engaged in a school (as defined in the School Education Act section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer. (Children and Community Services Act)

In the Department of Education, school counsellors are allied professionals and third-party providers with either of the terms 'pastoral care' or 'counselling' listed in their job title, JDF or relevant service agreement. This includes chaplains, wellbeing officers, Aboriginal and Islander Education Officers and some third-party providers.

School counsellors are mandatory reporters of child sexual abuse. When reporting any type of child abuse, including child sexual abuse, school counsellors are required to follow the procedures for school counsellors.

## 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
- (b) the child has less power than another person involved in the behaviour
- (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)

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 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 section 4, 213A and 213B. More commonly known as residential setting or residential college.

## 5. 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**

[Complaints and Notifications policy](#)

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

[Enrolment in Public Schools policy](#)

[Equal Opportunity, Discrimination and Harassment policy](#)

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

[Records Management policy](#)

[Staff Conduct and Discipline policy](#)

[Student Attendance in Public Schools policy](#)

[Student Behaviour in Public Schools policy](#)

[Visitors and Dignitaries at Public Schools and Residential Facilities policy](#)

### **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 \(staff only\)](#)

## **6. Contact information**

### **Policy manager:**

Director, Student Engagement and Wellbeing

### **Policy contact officer:**

Principal Consultant, Student Engagement and Wellbeing

Telephone: (08) 9402 6448

## 7. History of changes

<b>Effective date</b>	25 July 2017
<b>Last update date</b> <b>Procedure version no.</b>	3.0
<b>Notes</b>	This new procedure supports the Child Protection Policy. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	25 July 2017
<b>Procedure 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>Procedure 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>Procedure 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>	19 January 2021
<b>Procedure version no.</b>	3.4

<b>Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	8 July 2022
<b>Procedure version no.</b>	3.5
<b>Notes</b>	Minor updates to terminology, definitions and links as per D22/0519053.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	22 September 2023
<b>Procedure version no.</b>	3.6
<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>Procedure version no.</b>	3.7
<b>Notes</b>	Minor changes to update contact details D23/1582068
<b>Effective date</b>	1 May 2024
<b>Last update date</b> <b>Procedure version no.</b>	3.8
<b>Notes</b>	Major changes to reflect Children and Community Services Amendment Act 2021 approved by Director General on 11 April 2024
<b>Effective date</b>	1 May 2024
<b>Last update date</b>	8 June 2026
<b>Procedure version no.</b>	3.9

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**Notes**

Minor changes to reflect updated appendices (B, C, D)

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## 8. Appendices

Appendix A: [Child protection and abuse prevention education professional learning](#) (PDF file - 41.5kB)

Appendix B: [Protection and support for employees who report child abuse](#) (PDF file - 116.2kB)

Appendix C: [Completing documentation](#) (PDF file - 87kB)

Appendix D: [Confidentiality and legal protection](#) (PDF file - 86.7kB)

## 9. More information

### Supporting content

#### Policy

[Child Protection in Department of Education Sites Policy](#)

#### Procedure review date

25 July 2020

#### Procedure last updated

8 June 2026

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