



Department of  
Education

# **Child Protection in Department of Education Sites Procedures for Boarding Supervisors**

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Accurate at the time of printing 29/07/2021.

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

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**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 boarding supervisors in residential settings.

### Guidance

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

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

Boarding supervisors must:

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

### Guidance

Enrolment occurs automatically for staff who have an E number.

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

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

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

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

Refer [Access child protection and abuse prevention online professional learning](#) (staff only) for further information.

## 3.2 Child abuse prevention education

Boarding supervisors in residential settings must implement protective behaviours education for all students.

### Guidance

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

## 3.3 Mandatory reporting of child sexual abuse

If a boarding supervisor forms a belief on reasonable grounds, during the course of paid or unpaid work as a boarding supervisor, that a child is or has been the subject of sexual abuse, and where the residential college manager/principal is not the alleged perpetrator, boarding supervisors must:

- choose one of the following reporting processes:
  - make an online mandatory report at [Mandatory Reporting Service \(MRS\)](#);
  - make a written mandatory report and forward it to the MRS; or
  - make a verbal report to the MRS which must be followed up with an online or written mandatory report.
- inform the residential college manager/principal that a mandatory report has been lodged and provide the receipt number of the report;
- inform the residential college manager/principal of the advice contained in the feedback letter received from MRS following the mandatory report;
- if there is a belief or concern that a child was sexually abused before 1 January 2016 and the abuse is not ongoing, follow procedures in 3.4; and
- if a decision to make a mandatory report has not been made but a concern is held, follow procedures in 3.4;

If the residential college manager/principal is the alleged perpetrator or may be biased towards the person alleged to be responsible for the child sexual abuse, boarding supervisors must:

- make a report to the Manager Residential Colleges or in the case of Agricultural Colleges, to the Director of Education who will advise the Department's Standards and Integrity Directorate (SID); and

- make an online mandatory report at Mandatory Reporting Service (MRS); or
- make a verbal report to the MRS which must be followed up with an online or written mandatory report.

Boarding supervisors must not provide a copy of their mandatory report to the residential college manager/principal for storage or store their own copy of the report in Department of Education files (refer to procedures 3.14).

Boarding supervisors must not:

- inform parents that a referral has been made;
- interview the child or children involved;
- investigate the concern; or
- collect photographic evidence.

### **Guidance**

Refer to the relevant services in Ikon including [Form a belief that a child is or has been the subject of sexual abuse](#) and [Make a mandatory report of child sexual abuse in Manage child protection at your school](#) (staff only).

The definition of sexual abuse from the [Children and Community Services Act 2004 \(s124A\)](#):

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.

Children under 13 years of age are deemed to be incapable of consenting to sexual activity.

Prior to lodging a mandatory report, the boarding supervisor may consult with their residential college manager/principal, local CPFS office or the MRS duty officer or Department support staff.

Where there are concerns for the immediate safety of the child, inform the residential college manager or principal and contact the MRS before making the mandatory report (1800 708 704).

The boarding supervisor is not required to make their own mandatory report if a report has already been made by a boarding supervisor or residential college manager for a belief based on the same reasonable grounds and the mandatory report receipt number has been provided to the residential college manager as proof.

A child can be subject to a number of mandatory reports by different mandatory reporters.

Unless a boarding supervisor or residential college manager has proof that a report has been submitted regarding child sexual abuse, mandatory reporting requirements apply. For further explanation, please refer to the Children and Community Services Act 2004 s124B(3):

(3) In a prosecution for an offence under subsection (1) it is a defence for the person charged to prove that he or she honestly and reasonably believed that —

- (a) all of the reasonable grounds for his or her belief were the subject of a report made by another person; or
- (b) the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing; or
- (c) the CEO had taken, or was taking, action under section 32 in respect of the child's wellbeing.

Mandatory reporting requirements apply when working in the role of a boarding supervisor, whether at their own residential setting or another residential setting, in either a paid or unpaid capacity. Mandatory reporting requirements do not apply to a boarding supervisor who is working in another role such as when employed as a cleaner or cook.

If a belief is formed that a child is or has been the subject of sexual abuse when not working in their role as a boarding supervisor, there is no legal requirement to report. However, the Department strongly recommends a report be made voluntarily to CPFS.

The legal penalties in accordance with the Children and Community Services Act (2004) for a mandatory reporter who fails to report a belief formed on reasonable grounds that a child is or has been the subject of sexual abuse can be a fine of up to \$6,000. A person can be prosecuted within three years after failing to make a report. Failure to report a belief formed on reasonable grounds that a child is or has been the subject of sexual abuse may also be considered a breach of the Department's [Staff Conduct and Discipline policy](#). Failure to follow up a verbal report of child sexual abuse with a written report could result in a fine of \$3,000.

A mandatory report cannot be made anonymously.

The boarding supervisor can add information to the mandatory report by quoting the receipt number or the child's name to MRS.

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

Mandatory reporting does not apply to students who are over 18 years of age. Refer to section 3.9.

Prior to 1 January 2016 there was no legal requirement for boarding supervisors to report child sexual abuse in Western Australia.

A boarding supervisor may consult with the Manager Residential Colleges or in the case of agricultural colleges, the Director of Education or SID, if the alleged child sexual abuse concerns a residential college manager/principal.

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith to CPFS, WA Police or SID.

When there is a concern for the safety of a mandatory reporter, the residential college manager/principal may contact the relevant Regional Education Office, Manager Residential Colleges, WA Police and/or CPFS to assist. For further information refer to Ikon: [Support a staff member who has reported child abuse and Access support after reporting child abuse](#) (staff only).

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.4 Reporting concern of child sexual abuse

If a belief on reasonable grounds that a child is or has been the subject of sexual abuse is **not** formed, but a child protection concern of child sexual abuse is held, boarding supervisors must:

- report concerns that a child may be subject to sexual abuse to the residential college manager/principal; and
- document all observations and consultations, and provide these to the residential college manager/principal.

#### Guidance

If the residential college manager forms a belief on reasonable grounds that a child is or has been the subject of sexual abuse, mandatory reporting requirements apply even if the staff member providing the information has not formed the same belief.

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.5 Reporting concern of physical or emotional abuse, family violence or neglect

Boarding supervisors must:

- document and report all child protection concerns relating to physical abuse, emotional abuse, family and domestic violence or neglect to the residential college manager/principal; and
- inform the Manager Residential Colleges or, in the case of agricultural colleges, the Director of Education if the residential college manager/principal is the alleged perpetrator.

Boarding supervisors must not:

- inform parents that a report has been made;
- interview the child or children involved;
- investigate the concern; or

- collect photographic evidence.

### **Guidance**

Being exposed to family violence is considered to be emotional abuse and may also be physical abuse.

If a boarding supervisor holds a child protection concern involving a child or children, outside of their work role, boarding supervisors may report their concern to CPFS as a private citizen.

Perth metropolitan area: Central Intake Team on 1800 273 889 (1800 CP DUTY) or Crisis Care after hours on 1800 199 008.

\*Country areas: CPFS District Offices or Crisis Care after hours on 1800 199 008.

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

Refer to Appendix B for more information on completing documentation.

## **3.6 Reporting of allegations of abuse perpetrated by staff**

Boarding supervisors must:

- report all allegations of abuse perpetrated by staff to the residential college manager/principal;  
or
- if the residential college manager/principal is the alleged perpetrator or may be biased towards a staff member alleged to be responsible for the abuse, make a referral to the Manager Residential Colleges or, in the case of agricultural schools, the Director of Education; and
- follow the mandatory reporting procedures 3.3 if a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse.

Boarding supervisors must not:

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

### **Guidance**

An allegation may concern behaviour of a staff member towards a child who does or does not reside in the residential setting.

The Department's Standards and Integrity Directorate may be consulted prior to reporting.



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

The content of electronic communication between a staff member and student may also constitute child sexual abuse.

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

Certain behaviour towards students, while not illegal, may not be within appropriate professional boundaries. Refer to the [Code of Conduct](#) and [Standards](#) (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.

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.7 Sexual abuse committed by a student during supervised residential setting activities

Boarding supervisors must:

- report all incidents of sexual abuse committed by a student during supervised college activities to the residential college manager/principal; and
- make a mandatory report if appropriate, following procedures in 3.3.

Boarding supervisors must not:

- interview the students involved;
- disclose the identity of the person alleged to have committed the abuse to the alleged victim's parent; or
- 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 on 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 that is outside of the normal developmental range may be an indicator that child sexual abuse has occurred. Sexual behaviour that is within the normal developmental range is not usually child sexual abuse. For more information refer to Ikon: [Respond to sexual behaviour in students](#) (staff only)

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.8 Responding 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 outside of residential setting hours, boarding supervisors must inform the residential college manager/principal as a matter of priority.

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

Boarding supervisors must inform the residential college manager or principal of a concern for a student 18 years or over who discloses physical or sexual assault.

#### Guidance

Students 18 years of age or older are adults and CPFS do not have a role.

The residential college manager/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 residential college manager/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 Department's Standards and Integrity Directorate (SID). For further information refer to [Report staff misconduct](#) in Ikon (staff only).

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.10 Responding to students in possession of sexually explicit or child protection material

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

- secure the device (if circumstances permit);
- report the incident to the residential college manager/principal; and
- follow reporting procedures in 3.3 or 3.4 as applicable.

Boarding supervisors must not:

- investigate the allegation;
- search through a student's portable electronic device for evidence;
- download, transmit or distribute the images or text;
- delete images or text; or
- 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.

The process for the confiscation of mobile devices should be stated in the residential setting's policy for the management of mobile phones and other electronic devices on residential setting grounds.

A boarding supervisor 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; and/or
- image appears to be of a person under 18 years old.

Once the device is secured, it is recommended that it is switched to flight mode (where possible).

If known, document the distributor and recipient/s of the images and inform the manager/principal.

The WA Police will identify whether or not a child has been exploited and may interview the students, boarding supervisors, teachers, parents and any other parties involved.

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

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

For information related to Western Australia's Intimate Image laws (Chapter XXVA of the [Criminal Code Act](#)) which came into effect on 15 April 2019, please refer to the [Frequently Asked Questions](#).

## 3.11 Responding to specific child protection issues

### 3.11.1 Female genital mutilation

Boarding supervisors must:

- report to the residential college manager/principal all concerns that a student may be subjected to female genital mutilation (FGM) or arrangements are being made to carry out the procedure; and
- follow reporting procedures in 3.5.

Boarding supervisors must not inform the parent of the concern or the report.

#### Guidance

CPFS has advised that employees of state government agencies should report the practice or risk of FGM as a form of physical abuse. FGM is also reported to WA Police as the practice is a criminal offence in Western Australia, as is taking the child from the state with the intention of having the child subjected to FGM. Concerns of FGM are reported to WA Police by the residential college manager/principal.

For further information refer to Section 306 of the [Criminal Code](#) and [Report female genital mutilation of a student](#) in Ikon (staff only).

### 3.11.2 Forced marriage

Boarding supervisors must:

- report to the residential college manager/principal any concerns for a child under 18 years of age who has been forced or deceived into a marriage or is in an existing marriage; and
- follow reporting procedures in 3.3.

Boarding supervisors must not inform the parent of the concern or report.

#### Guidance

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

For further information refer to sections 270.7A and 270.7B of the [Commonwealth Criminal Code Act \(1995\)](#) and to [Report forced marriage of a student](#) (staff only).

## 3.12 Supporting children affected by abuse

Boarding supervisors must:

- support children affected by abuse, including children who are alleged to have committed the abuse; and
- document and inform the principal of any further information or observations.

### **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. Refer to [Support a student affected by abuse or neglect](#) in Ikon (staff only).

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

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.

In circumstances where the student alleged to have committed the abuse resides at the same residential setting, a safety plan should be developed by the residential college manager in collaboration with the student affected.

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

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## **3.13 Communication to parents**

### **3.13.1 When a mandatory report or child abuse report has been made**

Boarding supervisors must not:

- inform parents of a mandatory report or report of child abuse; and
- disclose the identity of the mandatory reporter (if known) or the alleged perpetrator.

### **Guidance**

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

### **3.13.2 When there is a concern of child abuse and a mandatory report or child abuse report has not yet been made**

Boarding supervisors must not inform parents:

- that physical or behavioural indicators have been observed in their child which have led to a belief or concern of child abuse;
- of a concern of family violence; or

- of an intention to make a report concerning their child to the Department of Communities, Child Protection and Family Support (CPFS), the Mandatory Reporting Service (MRS), WA Police and/or the Department's Standards and Integrity Directorate (SID).

### Guidance

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

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

Boarding supervisors must:

- refer a disclosure made by a child under the 16 years of age that they are in a sexual relationship to the residential college manager/principal; and
- follow reporting procedures in 3.3 or 3.4 or 3.7 if applicable.

### Guidance

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

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

Sexual behaviour involving students aged 13 to under 16 years of age may not necessarily constitute sexual abuse. If a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse, a mandatory report must be submitted as per procedure 3.3. Refer to [Form a belief that a child is or has been the subject of sexual abuse](#) (staff only). Consideration should be given to the age of the child, developmental level, any disability or the influence of drugs or alcohol.

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

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

If boarding supervisors have any concerns regarding the student and suicidal ideation please refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.14 Recordkeeping and documentation

Boarding supervisors must:

- document all child protection concerns; and

- provide documentation to the residential college manager/principal.

### **Guidance**

It is strongly advised that a copy of the mandatory report is not stored by the mandatory reporter. It is not necessary to keep a mandatory report. The receipt number issued by the Mandatory Reporting Service (MRS) is proof that a report has been made. The report can be accessed or additional information added by the reporter at a later date by quoting the receipt number or the name of the child to the MRS.

Documentation kept by staff, excluding mandatory reports, may be required by Department of Communities, Child Protection and Family Support (CPFS), WA Police and/or SID in their investigations. For further information refer to the [Respond to an order to produce documents to a court or WA Police](#) (staff only).

Refer to Appendix B for more information on completing documentation.

## **3.15 Confidentiality**

Boarding supervisors must protect the identity of a staff member who submits a child abuse report.

When a student discloses information that leads to a concern of child abuse boarding supervisors must not promise confidentiality.

### **Guidance**

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith and with the best interests of the child in mind to the Department of Communities, Child Protection and Family Support (CPFS) WA Police or the Department's Standards and Integrity Directorate (SID).

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

The identity of the person making the report is protected. However, in prescribed circumstances the identity of the reporter may be disclosed. The penalty for disclosing a mandatory reporter's identity outside of these circumstances can be up to two years' imprisonment and/or \$24,000 fine. (Children and Community Services Act 2004).

For assistance regarding appropriate responses to students disclosing abuse, please refer to [Respond to student disclosure of abuse](#) in Ikon (staff only).

Refer to Appendix C Confidentiality and [Share confidential child protection information](#) in Ikon (staff only).

## **3.16 Protection and support for employees who report child abuse**

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

## Guidance

Where there is concern for the safety of the boarding supervisor following a report, the residential college manager/principal may consult with the Manager Residential Colleges and/or regional education office to implement a risk management plan. This may include informing WA Police and CPFS.

Staff who require support as a result of reporting child abuse can access the [Employee Assistance Program](#) (staff only) for counselling.

For further information refer to Appendix A and [Access support after reporting child abuse](#) (staff only).

## 4. Definitions

### 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 [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](#) (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 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 & 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 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 in a residential setting, the duties of which include the supervision of children living in the residential setting.

TAFE lecturers who are registered under the Teacher Registration Act 2012 with the Teachers Registration Board or who have Limited Registration and are working on school grounds are mandatory reporters.

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

### **Mandatory reporting legislation**

Legislation requiring teachers, doctors, midwives, nurses 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 (Perth 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 school support staff 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 non-teaching staff 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 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 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**

[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 2020 – 31 December 2021 \(staff only\)](#)

## 6. Contact information

### **Policy manager:**

Manager, Student Wellbeing

### **Policy contact officer:**

Principal Consultant (Child Protection)

T: (08) 9402 6124

## 7. History of changes

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<b>Effective date</b>	25 July 2017
<b>Last update date</b> <b>Policy version no.</b> <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.

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<b>Effective date</b>	25 July 2017
<b>Last update date</b>	25 July 2017
<b>Policy version no.</b> <b>Notes</b>	Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017.

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<b>Effective date</b>	25 July 2017
<b>Last update date</b>	3 October 2018
<b>Policy version no.</b> <b>Notes</b>	Minor changes to title D18/0435848, reference to Public Schools D18/0151652 and updated legislation links D18/0207680.

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<b>Effective date</b>	13 August 2019
<b>Last update date</b> <b>Policy version no.</b> <b>Notes</b>	Major changes approved by the Director General on 26 July 2019. D19/0349313.

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<b>Effective date</b>	13 August 2019
<b>Last update date</b>	19 January 2021
<b>Policy version no.</b> <b>Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.

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## 8. Appendices

Appendix A: [Protection and support of employees who report child abuse](#) (PDF file - 37.7kB)

Appendix B: [Completing documentation](#) (PDF file - 46.2kB)

Appendix C: [Confidentiality and legal protection](#) (PDF file - 44.4kB)

## 9. More information

### Supporting content

#### Policy

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

#### Procedure review date

25 July 2020

#### Procedure last updated

19 January 2021