



Department of
Education

Child Protection in Department of Education Sites Procedures for Non-Teaching Staff

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1. Scope

These procedures apply to non-teaching staff.

Guidance

The procedures for non-teaching staff include but are not limited to the following positions: Aboriginal and Torres Strait Islander education officers, 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, public service officers, other officers and wages staff.

2. Procedures

2.1 Child protection and abuse prevention professional learning

Non-teaching staff and their line managers 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 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.

For further information refer to Ikon: [Access child protection and abuse prevention online professional learning](#) (staff only).

2.2 Child abuse prevention education

Non-teaching staff 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](#) in Ikon (staff only).

2.3 Reporting concern of child abuse

2.3.1 Reporting of sexual, physical or emotional abuse, family violence or neglect

Non-teaching staff must:

- document observations, information and disclosures;
- report to the line manager or principal; and
- report to the Director of Education if the principal is the alleged perpetrator or may be biased towards the alleged perpetrator.

Non-teaching staff must not:

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

Guidance

Please refer to the definition of 'Child Protection Concern' in the Definitions section of these procedures and [Manage child protection at your school](#) in Ikon (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; or
- physical and/or behavioural indicators.

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

Refer to Ikon: [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 non-teaching staff member has not formed the same belief.

Non-teaching staff who provide information will be named in a child abuse report. When there is concern for the safety of a reporter, the principal may contact the relevant Regional Education Office, WA Police and/or CPFS office 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).

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith to the Department of Communities, Child Protection and Family Support (CPFS), 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.

2.3.2 Reporting allegations of physical or emotional abuse or sexual abuse perpetrated by staff

Non-teaching staff must:

- document observations, information and disclosures; and
- report to line manager and principal.

Non-teaching staff 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 is enrolled at the staff member's school or another school.

The 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](#) in Ikon (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.

Non-teaching staff 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).

2.3.3 Sexual abuse committed by a student during supervised school or residential college activities

Non-teaching staff 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.

Non-teaching staff must not:

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

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. For more information, refer to Ikon: [Respond to sexual behaviour in students](#) (staff only).

2.4 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 after school hours, non-teaching staff must inform their line manager and principal.

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

Non-teaching staff 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](#) in [lkon](#) (staff only)

2.6 Responding to students in possession of sexually explicit or child exploitation material

Non-teaching staff 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.

Non-teaching staff must not:

- 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.

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; or
- 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 [lkon](#) (staff only).

2.7 Responding to specific child protection concerns

2.7.1 Female genital mutilation

Non-teaching staff must report all concerns that a student may be subjected to female genital mutilation or arrangements are being made to carry out the procedure to the line manager and principal.

Non-teaching staff must not inform the parent of the concern or referral.

2.7.2 Forced marriage

Non-teaching staff must report to the line manager and 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.

Non-teaching staff must not inform the parent of the concern.

2.8 Supporting students affected by abuse

Non-teaching staff 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.

2.9 Communication to parents

2.9.1 When a child abuse report has been made

Non-teaching staff must not inform parents.

Guidance

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

2.9.2 When a child abuse report has not been made

Non-teaching staff 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; or
- of an intention to make a report.

Guidance

A parent may be the perpetrator of 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.

2.10 When a child under the age of consent discloses a sexual relationship

Non-teaching staff 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 males and females to consent to sexual activity is 16 years of age.

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; or
- a report of child sexual abuse is made.

2.11 Recordkeeping and documentation

Non-teaching staff must:

- document all observations and information; and
- provide copies to the line manager or principal for secure storage.

Guidance

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

For further information refer to Appendix A.

2.12 Confidentiality

Non-teaching staff must not:

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

Guidance

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

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.

2.13 Protection and support for employees who report child abuse

Non-teaching staff 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 may consult with the regional education office to implement a risk management plan. This may include informing WA Police and the Department of Communities, Child Protection and Family Support (CPFS).

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.

3. 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
- 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 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 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. Non-teaching staff 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 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.

4. 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 \(staff only\).](#)

5. Contact information

Policy manager:

Manager, Student Wellbeing

Policy contact officer:

Principal Consultant (Child Protection)

T: (08) 9402 6124

6. History of changes

Effective date	25 July 2017
Last update date Policy version no. Notes	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.

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

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

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

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

7. Appendices

Appendix A: [Completing documentation](#) (PDF file - 43.5kB)

Appendix B: [Confidentiality and legal protection](#) (PDF file - 43.2kB)

8. More information

Supporting content

No supporting content found.

Procedure review date

25 July 2020

Procedure last updated

19 January 2021
