



Department of  
**Education**

# **Child Protection in Department of Education Sites Procedures for Residential College Managers**

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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 residential college managers in residential settings.

### Guidance

A residential college manager has the same mandatory reporting responsibilities as a boarding supervisor and is responsible for line management of other boarding supervisors as well as the day to day operations in the 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.

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

Residential college 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 program every three years from the date of completion;
- confirm that staff complete the online Child Protection and Abuse Prevention course within 6 months of enrolment in the course;
- confirm that staff repeat the online Child Protection and Abuse Prevention program every three years from the date of completion; and
- inform all contract staff of their child protection responsibilities.

### Guidance

Enrolment occurs automatically for staff who have an E number.

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

The Child Protection and Abuse Prevention course is optional for gardeners. Cleaners are not required to do the course. There is a [brochure](#) to assist (staff only) in Ikon to assist.

For further information refer to [Confirm staff completion of online child protection professional learning](#) in Ikon (staff only).

## 3.2 Child abuse prevention education

Residential college managers 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).

### 3.2.1 Informing students about the child protection policy

Residential college managers must inform students:

- that all staff are required to follow the procedures set out in the Department's [Child Protection in Department of Education Sites Policy](#);
- how they can make a disclosure or complaint of abuse; and
- how they can access the residential student complaint line.

### Guidance

Residential college managers may use their discretion in the amount and detail of information provided to students concerning the policy and procedures for staff for identifying and reporting of child abuse.

Students should be made aware of the options available for making a disclosure or complaint about the behaviour of a member of staff or other adult or child towards them.

## 3.3 Mandatory reporting of child sexual abuse

When a residential college manager forms a belief on reasonable grounds that a child is or has been the subject of sexual abuse, residential college managers 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;
- contact the MRS by phone when there is a concern for the immediate safety of the child prior to making a written or online report (refer to procedures 3.7);
- make an Online Incident Notification and quote the mandatory report receipt number;
- seek advice from the MRS prior to communication with parents (refer to procedures 3.13.1);
- provide secure storage for documentation (excluding mandatory reports, copies of which are not kept) in a confidential file, separate from the child's residential setting records (refer to procedures 3.16);
- where the child is enrolled at a WA College of Agriculture, provide the mandatory report receipt number and incident details to the principal or where the child is enrolled at a school other than a WA College of Agriculture, provide the mandatory report receipt number and incident details to the Manager Residential Colleges who informs the principal of the school where the child is enrolled;
- if a staff member provides information that results in a mandatory report being made, advise the staff member of actions taken;
- follow reporting procedures in 3.4 if a belief is formed that a child was the subject of sexual abuse before 1 January 2016 and the abuse is not ongoing; and
- apply mandatory reporting requirements in circumstances where:
  - a child is enrolled in another residential setting; or
  - a child is under 13 years of age; or
  - another agency has previously submitted a report on the same child and the same alleged incident.

Residential college managers must not:

- write a mandatory report on behalf of a boarding supervisor;
- alter a mandatory report in any way;
- keep a copy of a mandatory report made by another mandatory reporter;
- name the mandatory reporter in any Department documentation;

- interview the child or children involved or investigate the report;
- authorise or request staff to interview the child or children involved or investigate the report;
- identify the mandatory reporter or children involved when making an Online Incident Notification;
- collect photographic evidence; or
- authorise or request the collection of photographic evidence by staff.

## Guidance

Please refer to the relevant service in Ikon including Form a belief that a child is or has been the subject of sexual abuse in Manage child protection at your school (staff only).

The definition of sexual abuse in section 4 of these procedures from the Children and Community Services Act 2004 (s124A):

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

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

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

Prior to submission of a report residential college managers may seek advice from MRS staff and/or Department support staff.

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

If the boarding supervisor or 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.

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 —

- all of the reasonable grounds for his or her belief were the subject of a report made by another person; or

- the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing; or
- 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 does 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.

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

If residential college managers 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](#).

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).

### 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, residential college managers must:

- in the Perth metropolitan area, report all new child protection concerns which relate to child sexual abuse to the Department of Communities, Child Protection and Family Support (CPFS) Central Intake Team by using the [CPFS Child Protection Concern Referral Form](#);
- in country areas, refer all child protection concerns which relate to child sexual abuse to the relevant CPFS District by using the [CPFS Child Protection Concern Referral Form](#);
- where appropriate, if information is received from boarding supervisors and other staff, advise them to continue to document concerns and update information as necessary;
- advise the staff member of further actions taken;

- where the child is enrolled at a WA College of Agriculture, provide the incident details to the principal **or** where the child is enrolled at a school other than a WA College of Agriculture, provide the incident details to the Manager Residential Colleges who informs the principal of the school where the child is enrolled; and
- make an Online Incident Notification once a report to CPFS is made.

### **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.

See also Guidance under 3.5.

If residential college managers 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**

Residential college managers must:

- in the Perth metropolitan area, report all new child protection concerns which relate to physical abuse, emotional abuse, family violence or neglect of a child to the Department of Communities, Child Protection and Family Support (CPFS) Central Intake Team by using the [CPFS Child Protection Concern Referral Form](#);
- in country areas, report all child protection concerns which relate to physical abuse, emotional abuse, family violence or neglect of a child to the relevant CPFS District by using the [CPFS Child Protection Concern Referral Form](#);
- report child protection concerns where there is a concern for the immediate physical safety of the child to WA Police on 13 14 44 prior to making a CPFS referral (refer to procedures 3.8);
- conduct all consultations in a confidential manner and document concerns in a confidential file separate from the child's residential setting records;
- where the child is enrolled at a WA College of Agriculture, provide the incident details to the principal **or** where the child is enrolled at a school other than a WA College of Agriculture, provide the incident details to the Manager Residential Colleges who informs the principal of the school where the child is enrolled;
- make an Online Incident Notification and, where a report has been made to WA Police, quote the Incident Report number; and



- follow the requirements in procedure 3.13 for communication with parents.

Residential college managers must not:

- interview the child or children involved or investigate the report; or
- authorise or request the collection of photographic evidence by staff.

### Guidance

Residential college managers may:

- seek advice from CPFS staff and/or Department support staff;
- contact CPFS\* by phone prior to lodging a written report, where there is a significant concern for the wellbeing of the child (refer to procedure 3.8); and
- request acknowledgement that the report has been received.

\*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 a residential college manager holds a child protection concern involving a child or children enrolled at another residential setting or outside of their work role, college managers may report their concern to CPFS Central Intake Team or relevant CPFS District Office as a private citizen.

Being exposed to family violence is considered to be emotional abuse and may also be physical abuse. In cases of family violence WA Police may interview students, teachers, boarding supervisors, parents and any other parties involved (refer to procedures 3.15).

If residential college managers 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 C for more information on completing documentation.

## 3.6 Reporting of allegations of abuse perpetrated by staff

Residential college managers must:

- report all allegations made by students, employees or non-employees regarding staff misconduct in accordance with the [Staff Conduct and Discipline policy](#);
- seek instructions in relation to management of allegations from Standards and Integrity Directorate (SID);
- if a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse, submit a mandatory report (refer to procedures 3.3);

- if a belief is not formed but a concern of child sexual abuse is held, submit a child concern report (refer to procedures 3.4);
- if a child protection concern is held related to physical abuse, or emotional abuse, submit a child concern report (refer to procedures 3.5);
- obtain permission from SID prior to informing the parent/carer (refer to procedures 3.13); and
- make an Online Incident Notification and, where a mandatory report has been submitted, quote the receipt number.

Residential college managers must not:

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

Where the student is 18 years of age and over, the residential college manager must also follow procedures in 3.9.

### **Guidance**

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

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

When considering if the submission of a child concern report is warranted, please refer to the definition of 'Child Protection Concern' in the Definitions section of these procedures.

The content of electronic communication between a staff member and student may also constitute reasonable grounds to form a belief that a child is or has been subject to sexual abuse.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Department's 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.

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

If residential college managers 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**

Residential college managers must:

- arrange for the safety and supervision of the alleged victim and the student alleged to have committed the abuse;
- follow the mandatory reporting procedures in 3.3;
- seek advice from the MRS before informing the alleged victim's parent;
- seek advice from the MRS before informing the parents of the student alleged to have committed the abuse;
- if medical attention is required, take reasonable steps to contact the parent prior to contacting emergency services;
- support the students involved and affected by the incident as required;
- where the child is enrolled at a WA College of Agriculture, provide the mandatory report receipt number and the incident details to the principal **or** where the child is enrolled at a school other than a WA College of Agriculture, provide the mandatory report receipt number and the incident details to the Manager Residential Colleges; who informs the principal of the school where the child is enrolled;
- make an Online Incident Notification, quoting the receipt number of the mandatory report; and
- arrange support for staff affected by the incident.

Residential college managers must not:

- interview the students 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; or
- disclose the identity of the staff member who made a mandatory report of child sexual abuse to the parents of the students involved.

## 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 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 may or may not be an indicator of child sexual abuse. For more information, refer to Ikon: [Respond to sexual behaviour in students](#) (staff only).

If a report is submitted to the mandatory reporting service (MRS), the MRS will automatically notify WA Police who will assess the need for criminal charges.

Permission to inform parents can be requested or obtained by calling, as relevant: the MRS on 1800 708 704; the CPFS Central Intake Team in the Perth metropolitan area on 1800 273 889; the relevant CPFS office in country regions; or WA Police on 13 14 44.

Making a report to WA Police does not preclude the residential college manager from considering taking action in accordance with the [Student Behaviour in Public Schools Policy and Procedures](#).

If residential college managers 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

Residential college managers must:

- call the WA Police on 13 14 44 and note the Incident Report number; and
- if in the Perth metropolitan area, call the Department of Communities, Child Protection and Family Support (CPFS) Central Intake Team on 1800 273 889 (1800 CP DUTY) or Crisis Care after hours on 1800 199 008; or
- if in the country, call the duty officer at the relevant CPFS District Office or Crisis Care after hours on 1800 199 008; or
- call the CPFS District Office responsible if the child is in the care of the CEO of Department of Communities, CPFS; or
- call the Mandatory Reporting Service if a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse; and

- lodge an Online Incident Notification and quote the Incident Report number provided by WA Police.

### Guidance

If CPFS identify an immediate risk of harm to the child, the WA Police and CPFS Child Safety Team may be involved.

If residential settings do not receive a response at all from the WA Police, do not receive a response within a reasonable timeframe or are concerned about the response received then the residential college manager can request to speak with the Officer In Charge.

If residential settings do not receive a response from CPFS or remain concerned about the response received, the residential college manager can request to speak with the CPFS Team Leader followed by the Assistant District Director or District Director to discuss the need for immediate assistance.

If the student is in care, contact the CPFS Case Manager or Team Leader.

Perth metropolitan area: CPFS Central Intake Team on 1800 273 889 (1800 CP DUTY)

Country areas: CPFS District Office

After hours contact Crisis Care 9223 1111 (1800 199 008 Country Free Call)

Mandatory Reporting Service (1800 708 704 available 24 hours)

If residential college managers 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.](#)

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

Residential college managers must:

- advise and assist students to make a report to WA Police; and
- inform the parent or carer when the student:
  - has an intellectual disability; and
  - is incapable of understanding that they have been subjected to sexual exploitation.

### Guidance

Students 18 years of age or older are adults and CPFS do not have a role. Concerns for their safety are reported to the WA Police by the student themselves. The residential college manager's duty of care responsibilities require assistance be provided to the student in making a WA Police report.

Students over 18 years who have an intellectual disability are viewed under the Criminal Code as being an 'incapable person' (Section 330). The residential college manager may make a report to WA Police 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).

If residential college managers 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 Students in possession of sexually explicit or child exploitation 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 is alleged to have been distributed to others, residential college managers must:

- secure the electronic device (if circumstances permit);
- report all concerns about issues involving sexually explicit or child exploitation material allegations to WA Police and note the Incident Report number;
- store devices securely until WA Police advise of the course of action;
- request confirmation that the report has been received through the provision of a WA Police Incident Report number;
- seek advice from the WA Police prior to informing parents/caregivers;
- if a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse, make a mandatory report as outlined in procedures 3.3;
- make an Online Incident Notification and quote the Incident Report number provided by WA Police, as well as the mandatory report receipt number if a mandatory report has been made;
- follow the requirements in procedure 3.12 on supporting the children involved; and
- follow the requirements in procedure 3.13 on informing the parents.

Residential college managers must not:

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

- authorise or request the collection of photographic evidence by staff;
- delete images or text; or
- inform the alleged offender that an allegation has been made.

### **Guidance**

Please refer to the definitions of 'Child Exploitation Material' and 'Child Protection Concern' in Section 4 of these procedures.

A residential college manager 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.

The residential college manager should include in the residential setting's mobile phone policy, procedures that permit confiscation of mobile phones and other electronic devices under these circumstances. The WA Police will identify whether or not a child has been exploited and if criminal charges will be made.

Possession and/or distribution of child exploitation material is a criminal matter and likely but not always a child protection issue. Residential college managers should use their professional judgement or seek advice.

If residential college managers 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](#).

For information related to Western Australia's Intimate Image laws (Chapter XXVA of the [Criminal Code](#)) 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**

When a concern is formed that a student may be subjected to Female Genital Mutilation (FGM), or arrangements are being made to carry out the procedure, residential college managers must:

- follow the requirements in procedure 3.5; and
- make a report to WA Police on 13 14 44.

Residential college managers must not inform the parent of the concern or report.

### **Guidance**

CPFS has advised that employees of state government agencies 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.

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**

If a concern is formed that a student under 18 years of age is being or has been forced or deceived into a marriage or is in an existing marriage, residential college managers must:

- follow procedures 3.3 where a belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse; or
- follow procedures 3.4 where there is a concern of sexual abuse.

Residential college managers must not inform the parent of the concern or report.

### **Guidance**

For further information refer to sections 270.7A and 270.7B of the [Commonwealth Criminal Code Act \(1995\)](#).

Residential college managers may consult with WA Police (Child Abuse Squad 9428 1500) or the Department of Communities, Child Protection and Family Support (CPFS).

## **3.12 Supporting children affected by abuse**

Residential college managers must:

- [support children affected by abuse](#) (staff only), including children who are alleged to have committed the abuse; and
- in cases where the parties remain on residential setting grounds, where practicable, remove the student alleged to have committed the abuse from contact with the alleged victim.

### **Guidance**

In cases where criminal conduct has been reported, the support of regional office staff, the Manager Residential Colleges and the lead school psychologist should be accessed by the residential college manager.



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

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.

The residential college manager may request a staff member to undertake the support role but it remains the responsibility of the residential college manager. Refer to [Support a student affected by abuse or neglect in Ikon \(staff only\)](#).

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

If residential college managers 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

Residential college managers must inform parents of a mandatory report or child abuse report:

- when permission has been given by the Department of Communities, Child Protection and Family Support (CPFS) or WA Police; and
- when it is considered to be in the best interests of the child and consultation has been conducted with appropriate staff and this is documented by the residential college manager.

Residential college managers must not inform parents of a mandatory report or child abuse report:

- without prior permission from CPFS or WA Police; and
- when it is considered to be not in the best interests of the child and consultation has been conducted with appropriate staff and this is documented by the residential college manager.

When informing the parents, residential college managers must:

- conduct the meeting in private and document the discussion;
- tell the parents why the meeting is taking place;
- inform parents that the meeting is confidential;
- advise of reports that have been made to other agencies and explain the action to be taken by the Department if an allegation has been made against a staff member; and
- inform the parents of the support available to them and their child.

Residential college managers must not:

- disclose the identity or personal information relating to the person alleged to have committed the abuse;
- disclose the identity of the person who made the mandatory report or child abuse report;
- offer personal opinions; and
- question the family about matters that are unrelated to the situation.

### **Guidance**

Obtaining permission from CPFS or WA Police before informing parents is required because the parent/carer may be responsible for the abuse and advising them that the college has made a mandatory report or child abuse report may compromise an investigation.

Permission to inform parents can be requested or obtained by calling, as relevant, the MRS on 1800 708 704, the CPFS Central Intake Team in the Perth metropolitan area on 1800 273 889, the relevant CPFS office in country regions or WA Police on 13 14 44.

The identity of the person alleged to have committed the abuse is not disclosed as release of these details may compromise the investigation by CPFS or WA Police.

Where a face-to-face meeting with parents is impractical e.g. if parents live considerable distance from the residential college, a residential college manager may inform parents by phone.

### **3.13.2 When a concern is held but a mandatory report or child abuse report has not yet been made**

Residential college managers 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 concerning their child to the Department of Communities, Child Protection and Family Support (CPFS), the Mandatory Reporting Service (MRS), WA Police and/or SID.

### **Guidance**

A parent/carer may be 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.

If a parent makes a disclosure of extrafamilial child abuse, residential college managers should obtain permission from WA Police before informing the parent about an intention to make a report.

Residential college managers should use their professional judgement when deciding to discuss observations with parents. It is permissible to seek clarification from parents in order to determine if a child protection report is required. Document questions and responses verbatim. The WA Police and CPFS may use this information in their investigations.

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

Residential college managers must:

- inform parents of the disclosure 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; and
- follow procedures 3.3, 3.4 or 3.8, if applicable.

Residential college managers must not inform the parents where the disclosure is viewed as possible child abuse without seeking prior permission from the Department of Communities, Child Protection and Family Support (CPFS) or WA Police.

#### 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.

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 3.3.1. Consideration should be given to the age of the child, developmental level, any disability or the influence of drugs or alcohol.

When a person engages in sexual behaviour with someone below the age of consent, this is a criminal offence under the Criminal Code and should be reported to WA Police. If a belief is formed that the child is or has been the subject of sexual abuse, a mandatory report must also be submitted as per procedure 3.3.

If the student is a child in the care of the CEO of the Department of Communities, Child Protection and Family Support (CPFS), the matter should also be referred to CPFS.

Residential setting psychologists may be consulted on determining the best interests of the child and the availability of appropriate support options, including implementation of protective behaviours education.

If residential college managers 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 The Department of Communities, Child Protection and Family Support on residential setting grounds

When the Department of Communities, Child Protection and Family Support (CPFS) is on residential setting grounds to interview a student, residential college managers must sight the authorised officer identity card of the CPFS worker to interview the child before access to the child is given.

Residential college managers must not inform the parents that CPFS have interviewed the student as this is the responsibility of CPFS.

When CPFS removes a student from the residential setting, residential college managers must:

- confirm with CPFS whether or not they have parental permission to remove the student;
- if CPFS does not have parental permission to remove the student, confirm that CPFS is exercising their authority under section 33 of the [Children and Community Services Act 2004](#); and
- document this information.

#### Guidance

CPFS have the statutory authority to access a child for purposes of investigation without parental consent. Refer to Section 33 of the Children and Community Services Act 2004.

The CPFS officer is required to notify the residential college manager of the intention to access a child and the reasons for it before access is given.

As soon as practicable after accessing the child, the CPFS officer is required to inform at least one of the parents that the child has been seen and the reasons for it unless:

- they believe that the parent may be charged,
- the investigation may be compromised,
- the child's safety may be put at risk, or
- the child has requested that the parents are not informed and the CPFS officer believes on reasonable grounds that this is in the best interests of the child.

In some cases CPFS determines if a residential setting staff member is present during the interview to support the child.

CPFS officers may remove a child from the residential setting for an interview if they have the permission of the parent.

If parental permission is not given and the child is at immediate and substantial risk of harm the child will be taken into provisional protection and care under s37 of the Children and Community Services Act 2004 by CPFS or the WA Police. Residential college managers should check that these conditions have been met before allowing the removal of a child from the residential setting. Verbal communication is adequate as long as it is documented by the residential college manager.

Refer to Sections 32, 35 and 37 of the [Children and Community Services Act 2004 and the Memorandum of Understanding between the Department of Communities and the Department of Education 2021](#) (staff only).

### 3.15 WA Police on residential setting grounds

When WA Police request permission to interview a student on residential setting grounds, residential college managers must:

- sight the WA Police officer's identification;
- establish the purpose of the interview; and
- confirm that parental consent has been obtained.

When parental consent has not been obtained, the residential college manager can grant or refuse permission to WA Police to interview or remove a student from the residential college grounds. The residential college manager must document the details of the request and the reasons for their decision.

#### Guidance

WA Police rely on the cooperation of the residential college manager to grant access to a student for the purposes of carrying out a child interview on the residential setting site.

When making a decision concerning WA Police requests to interview a student or remove them from the residential setting grounds, residential college managers should take into account the best interests of the child and the child safe principles that apply to this policy.

WA Police can remove a child without parental permission if they have a warrant or if the child is under arrest. All other situations require the child to be accompanied by CPFS.

### 3.16 Recordkeeping and documentation

Residential college managers must store, in perpetuity, all confidential child protection information securely and separately from the student's residential setting records. Confidential information includes:

- child protection referrals to the Department of Communities, Child Protection and Family Support (CPFS);
- written and electronic records of all communication with CPFS, WA Police, the Department's Standards and Integrity Directorate (SID) or other authorities and subsequent actions;
- Mandatory Report receipt numbers; and
- Online Incident Notification (staff only) numbers.

Residential college managers must not:

- keep or store copies of mandatory reports; or
- record or disclose information that may identify the mandatory reporter other than to CPFS or WA Police involved in the investigation.

### **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 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.

For further information, please contact the Records Management (staff only) area and refer to the Records Management policy and Manage confidential child protection records (staff only).

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 C for more information on completing documentation.

## **3.17 Confidentiality**

Residential college managers must protect the identity of a staff member who submits a report of child abuse.

When a student discloses information that leads to a concern of child abuse residential college managers must not promise confidentiality.

## Guidance

The [Children and Community Services Act 2004](#) overrides other policies, codes of conduct professional confidentiality requirements and legislation that governs the exchange of information between agencies when it is in the best interests of the child.

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 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).

For further information refer to Appendix D.

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

Where there are concerns for the safety of a staff member, residential college managers must:

- advise the Department of Communities, Child Protection and Family Support (CPFS) District Office and/or the WA Police;
- contact either the Manager Residential Colleges or, for WA Schools of Agriculture, the Regional Education Office for further advice if required; and
- provide information on counselling support through the [Employee Assistance Program](#) (staff only) if requested.

## Guidance

The [Children and Community Services Act 2004](#) protects the identity of the reporter and protects against any breach of conduct or professional standards.

For further information refer to Appendix B.

## 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 of 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 at 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.

(Children and Community Services Act 2004 Section 124A)

## **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.

(s 3 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 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 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 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). Legislation covering mandatory reporting of child sexual abuse 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**

A residential college manager has the same mandatory reporting responsibilities as a boarding supervisor and is responsible for line management of other boarding supervisors as well as the day to day operations in the 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 boarding facility or student residential college and does not include private arrangements.

### **Residential setting activity**

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

## **School activity**

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

## **Sexual abuse**

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

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

(s124A Children and Community Services Act 2004)

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

## **Sexual harassment**

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

## **Staff**

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

## **Student residential college**



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

Excursions in Public Schools Procedures

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

**Effective date**

13 August 2019

**Last update date**  
**Policy version no.**  
**Notes**

These new procedures support the Child Protection in Department of Education Sites Policy. Approved by the Director General on 26 July 2019.

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## 8. Appendices

Appendix A: [Child protection and abuse prevention education professional learning](#) (PDF file - 34.7kB)

Appendix B: [Protection and support of employees who report child abuse](#) (PDF file - 38.5kB)

Appendix C: [Completing documentation](#) (PDF file - 43.8kB)

Appendix D: [Confidentiality and legal protection](#) (PDF file - 42.8kB)

## 9. More information

### Supporting content

#### Policy

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

### Procedure review date

25 July 2020

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