



Department of  
**Education**

# **Child Protection in Department of Education Sites Procedures for School Psychologists**

Effective date: 13 August 2019

Version: 3.4

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

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

## Table of contents

1. Policy supported	3
2. Scope	3
3. Procedures	3
3.1 Child protection and abuse prevention professional learning	3
3.2 Reporting concern of child abuse	3
3.2.1 Reporting concern of sexual abuse, physical, emotional abuse, family violence or neglect	4
3.2.2 Reporting allegations of abuse perpetrated by staff	5
3.2.3 Reporting sexual abuse committed by student during supervised school or residential college activities	5
3.3 Responding when a student is at immediate risk of harm	6
3.4 Students 18 years of age and over subjected to physical or sexual assault	6
3.5 Responding to students in possession of sexually explicit or child exploitation material	7
3.6 Responding to specific child protection concerns	8
3.6.1 Female genital mutilation	8
3.6.2 Forced marriage	8
3.7 Supporting students affected by abuse	9
3.8 Communication to parents	9
3.8.1 When a child abuse report has been made	9
3.8.2 When a child abuse referral has not yet been made	10
3.8.3 When a student under the age of consent discloses a sexual relationship	10
3.9 Recordkeeping and documentation	11
3.10 Confidentiality	12
3.11 Information sharing	13
3.11.1 Responding to the Department of Communities, Child Protection and Family Support requests for school psychology information	14
4. Definitions	15
5. Related documents	24
6. Contact information	26
7. History of changes	27
8. Appendices	28
9. More information	28
Procedure review date	28
Procedure last updated	28

**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 school psychologists in Department of Education sites.

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

School psychologists 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.

Compliance is monitored by the principal and Statewide Services.

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

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

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

### 3.2 Reporting concern of child abuse

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

School psychologists must:

- document observations, information and disclosures received or discussed with staff and log these records as a Student Service Request on the Student Services Support System (SSSS);
- report all child protection concerns to the principal/residential college manager; and
- make a report to the Chief Psychologist School Psychology Service or Standards and Integrity Directorate (SID) if the principal/residential college manager is the alleged perpetrator or may be biased towards the staff member alleged to be responsible for the abuse.

School psychologists must not:

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

#### Guidance

When considering if a submission of a child concern report is warranted, 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 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 [Recognise signs of child abuse](#) and [Indicators of abuse - factsheet](#) (staff only).

Multiple reports can be made for the same child if that child is subjected to abuse over a period of time.

If a School Psychologist holds a child protection concern involving a child or children enrolled at another school or college, they may report their concern to the Department of Communities, Child Protection and Family Support (CPFS) as a private citizen.

There is no requirement to provide proof of child abuse.

Emotional abuse includes being exposed to family violence.

A principal/manager or teacher may form a belief based on information received from the school psychologist, that a child is or has been the subject of sexual abuse even if the school psychologist has not formed a belief. The school psychologist will be named in the mandatory report.

If School Psychologists 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](#).

School psychologists are protected from civil, criminal liability or professional misconduct allegations by providing information in good faith to CPFS, WA Police and/or the Standards and Integrity Directorate (SID) for the purpose of investigating child abuse. Refer to procedure 3.10 on Confidentiality and procedure 3.11 on Information Sharing.

### 3.2.2 Reporting allegations of abuse perpetrated by staff

School psychologists must follow procedures in 3.2.1.

#### Guidance

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

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

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

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

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.

If School Psychologists 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](#).

### 3.2.3 Reporting sexual abuse committed by student during supervised school or residential college activities

School psychologists must report all incidents of sexual abuse committed by a student during supervised school or college activities to the principal/residential college manager.

School psychologists 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 further information refer to Ikon: [Responding to Sexual Behaviours in Children](#) (Staff only).

If School Psychologists 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](#).

## 3.3 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, school psychologists must:

- report to the principal/residential college manager and;
- assist in developing a support plan for the student.

### Guidance

A support plan may involve a risk assessment, collaboration with staff to develop a safety plan, liaison with other agencies to alert them of the risk and counselling the student concerned.

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

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

School psychologists must inform the principal/residential college manager of 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/residential college manager 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 the [Criminal Code](#) as being an 'incapable person' (Section 330). The principal/residential college manager 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 Ikon (staff only).

If School Psychologists 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 Responding to students in possession of sexually explicit or child exploitation material**

School psychologists must report the misuse of electronic media by members of staff or students for the purposes of distributing sexually explicit material or child exploitation material to the principal/residential college manager.

School psychologists must not:

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

If known, document the distributor and recipient/s of the images and provide this to the principal/residential college manager.

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

Members of the teaching staff have the authority to confiscate student's property on school premises under reg 71 of the School Education Regulations 2000.

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

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

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

If School Psychologists 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](#).

## 3.6 Responding to specific child protection concerns

### 3.6.1 Female genital mutilation

School psychologists 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 principal/residential college manager; and
- follow procedures in 3.2.1.

School psychologists must not inform the parent of the concern or the report.

#### Guidance

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

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

### 3.6.2 Forced marriage

School psychologists must:

- report concerns for a student under 18 years of age who is being forced or deceived into a marriage, or is in an existing marriage to the principal/residential college manager; and



- follow procedures in 3.2.1.

School psychologists must not inform the parent of the concern or the report.

### **Guidance**

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

## **3.7 Supporting students affected by abuse**

School psychologists must implement trauma informed frameworks and practices when supporting schools in their response to the needs of students affected by abuse.

### **Guidance**

The principal/residential college manager may seek advice from the school psychologist on determining what actions, adjustments and supports are in the best interests of the child. Refer to the [Children and Community Services Act 2004](#) for further information on 'best interests of the child'.

The principal/residential college manager may request the school psychologist to provide support to plan for the engagement and wellbeing of students affected by abuse, including students who are alleged to have perpetrated abuse.

Where a WA Police investigation into child abuse is occurring, the school psychologist should consult with the lead school psychologist about the provision of counselling by the school psychologist to the student concerned. Counselling may impact on the reliability of the student's disclosure and/or contaminate evidence. (Refer to [Respond to a disclosure of abuse](#) (staff only))

When providing direct psychological services to a student, consider the impact of possible trauma stemming from abuse and apply evidence based support and interventions.

Refer to the [Connect community for information and resources on trauma informed frameworks and practices](#) (staff only).

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

If School Psychologists 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 Communication to parents**

### **3.8.1 When a child abuse report has been made**

School psychologists must not inform parents of child abuse reports made to WA Police or the Department of Communities, Child Protection and Family Support (CPFS).

### **Guidance**

No member of staff apart from the principal/residential college manager is permitted to inform parents of child abuse reports. A parent may be responsible for the abuse and advising them that the school has made a child abuse report may compromise an investigation by CPFS or WA Police.

### **3.8.2 When a child abuse referral has not yet been made**

School psychologists 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), WA Police and/or the Department's Standards and Integrity Directorate (SID).

### **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.

School psychologists 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.

### **3.8.3 When a student under the age of consent discloses a sexual relationship**

School psychologists must:

- inform the principal/residential college manager;
- follow documentation procedures in the Professional Practice Guidelines - Records Management (staff only);
- document advice to the principal/residential college manager on the grounds for or against informing parents based on the best interests of the child concerned; and
- log this as a Student Service Request in the SSSS.

## 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.

Students under 13 years of age are incapable of consenting to a sexual relationship 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. Consideration should be given to the age of the child, developmental level, any disability or the influence of drugs or alcohol. Refer to [Form a belief that a child is or has been the subject of sexual abuse](#) (staff only). If a staff member who is a mandatory reporter forms a belief on reasonable grounds that a child is or has been the subject of sexual abuse, a mandatory report must be submitted as per the [Children and Community Services Act 2004](#).

When a person engages in sexual behaviour with someone below the age of consent (16 years of age), this is a criminal offence under the [Criminal Code](#) and should be reported to WA Police. If a belief is formed by a mandatory reporter that the child is or has been the subject of sexual abuse, a mandatory report must be submitted.

The principal/residential college manager will inform the parents about the disclosure except in circumstances where informing the parents is

- considered to be not in the best interests of the child; or
- a report of child sexual abuse has been made.

The school psychologist may be consulted on determining the best interests of the child. Refer to the [Children and Community Services Act 2004](#) for further information on 'best interests of the child'.

## 3.9 Recordkeeping and documentation

School psychologists must:

- document all information relating to a child protection matter;
- securely store all confidential records; and
- comply with record-management procedures that meet the requirements of the [Professional Practice Guidelines - Records Management](#) (staff only).

School psychologists must not store copies of child protection reports to the Department of Communities, Child Protection and Family Support (CPFS) in school psychology files.

## Guidance

Information relevant to a child protection report to CPFS is recorded in school psychology files.

Where the principal/residential college manager is the alleged perpetrator, child protection referrals are stored by the Director of Education/the Manager Residential Colleges.

Documentation kept by staff may be required by CPFS, WA Police and the Standards and Integrity Directorate (SID) in their investigations (refer to [Respond to an order to produce documents to a court or WA Police](#) (staff only).

Refer to the [Professional Practice Guidelines - Records Management](#) and [Manage student psychology records](#) (staff only).

School Psychology records should include the identity of the staff member who has consulted about possible child abuse and making a child protection report or mandatory report. This information may be required by CPFS or WA Police during the course of an investigation.

Records of school psychologist support relating to child abuse stored in student psychology files may be considered exempt material in relation to requests by parents to access the information under the [Freedom of Information Act 1992](#). This is because the records may include information that identifies or leads to the identification of the staff member who made a child protection referral or mandatory reporter which is protected under the [Children and Community Services Act section 240\(1\)](#).

### 3.10 Confidentiality

School psychologists must treat the identity of a staff member who makes a child abuse report as confidential.

When a student discloses information that leads to a concern of child abuse, school psychologists 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.

School psychologists may provide confidential information as part of a child protection report or in response to a request from a prescribed authority or authorised entity when it is considered to be in the best interests of the child.

In these situations:

- no civil or criminal liability is incurred in respect of the disclosure;
- the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law, and
- the disclosure is not to be regarded as a breach of professional ethics, standards or any principles of conduct applicable to the person's employment, or as unprofessional conduct.

([Children and Community Services Act 2004](#)) Refer to procedure 3.11.

Professional confidentiality is protected when school psychologists provide information in the best interests of the child regarding possible child abuse to the Department of Communities, Child Protection and Family Support (CPFS) or other prescribed authorities who are directly involved in responding, investigating or supporting the child. This protection does not extend to discussion or disclosure of information to other parties who are not directly involved.

While the Act protects the identity of the reporter, there are some circumstances where the identity of the reporter may be released. These are:

- for the purpose of CPFS assessment;
- for investigative purposes by WA Police or to prosecute an offence;
- for court processes such as child protection, family law or adoption proceedings;
- with the written permission of the reporter; or
- by an application under the [Freedom of Information Act 1992](#).

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.

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

Staff may consult with each other in a confidential manner and subject to the information being relevant to the wellbeing of the child.

### 3.11 Information sharing

School psychologists must:

- direct requests for information from prescribed authorities to the principal/Manager Residential Colleges and the lead school psychologist; and
- assist principals/Manager Residential Colleges in providing relevant information to and requesting information from prescribed public authorities, non-government service providers, non-government and Catholic schools subject to the information being relevant to the wellbeing of a child.

#### Guidance

Information that may lead to the identification of a mandatory reporter can only be provided under the [Freedom of Information Act 1992](#) with the written permission of the author.

The principal/Manager Residential Colleges, in consultation with the lead school psychologist, may provide information relevant to the wellbeing of a child or request this information from prescribed public authorities, non-government service providers and non-government and Catholic schools ([Children and Community Services Act](#)

2004). This includes relevant information:

- in cases where the Department of Communities, Child Protection and Family Support is not involved; or
- where there is a concern for the safety of a child subject to family and domestic violence.

Relevant information relates to the wellbeing of a child or the safety of a person who has been exposed to or subjected to family and domestic violence.

The wellbeing of a child includes but is not limited to:

- the care of 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

(Section 3 of the Children and Community Services Act (CCSA) 2004)

In these circumstances, the CCSA provides statutory protection for School Psychologists from:

- civil or criminal liability;
- breach of duties of confidentiality or secrecy; or
- breach of applicable professional ethics, standards or codes of conduct.

(Section 28B Children and Community Services Act 2004)

If acting in good faith, staff are deemed not to have breached a duty of confidentiality, professional ethics or standards; or to have engaged in unprofessional conduct by providing information under s129 of the Children and Community Services Act 2004).

Exchange of information does not breach confidentiality requirements as stated in the School Education Act (1999).

### **3.11.1 Responding to the Department of Communities, Child Protection and Family Support requests for school psychology information**

School Psychologists must:

- direct all requests for school psychology information to the principal/Manager Residential Colleges;
- inform the lead school psychologist who will consult with the principal/Manager Residential Colleges to determine what information is relevant to the request; and
- assist the principal/Manager Residential Colleges and verify that original documents are not sent to other key stakeholders.

### **Guidance**

School psychology information may be provided in compliance with a request from a prescribed authority (section 28B of the [Children and Community Services Act 2004](#)).

## **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
- physical and/or behavioural indicators.

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

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

### **Boarding facility**

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

### **Boarding supervisor**

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

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

## **Child**

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

## **Child abuse**

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

## **Child exploitation material**

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

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

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

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

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

## **Child protection concern**



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

- the care of the child;
- the physical, emotional, psychological and educational development of the child;
- the physical, emotional and psychological health of the child; and the safety of the child.

(s3 Children and Community Services Act 2004)

### **Child safe organisation**

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

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

Refer to Manage child protection at your school 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 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.

## **5. Related documents**

### **Relevant legislation or authority**



[Australian Psychological Society Code of Ethics 2007](#)

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

[Children and Community Services Act 2004 \(WA\)](#)

[Corruption and Crime Commission Act 2003 \(WA\)](#)

[Criminal Code \(Acts Amendment: Sexual Offences' Act 1992\) \(WA\)](#)

[Criminal Code Act 1995 \(Commonwealth\)](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Disability Discrimination Amendment \(Education Standards\) Bill 2004 \(Cth\)](#)

[Equal Opportunity Act 1984 \(WA\)](#)

[Freedom of Information Act 1992](#)

[Public Sector Management Act 1994 \(WA\)](#)

[Public Interest Disclosure Act 2003 \(WA\)](#)

[Restraining Orders Act 1997 \(WA\)](#)

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

[School Education Act 1999 \(WA\)](#)

[School Education Regulations 2000 \(WA\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

[State Records Act 2000 \(WA\)](#)

[Teacher Registration Act 2012 \(WA\)](#)

[Working With Children \(Criminal Record Checking\) Act 2004 \(WA\)](#)

[Working with Children \(Criminal Record Checking\) Regulations 2005 \(WA\)](#)

## **Related Department policies**

Disputes and Complaints

Duty of Care for Students for Public Schools

Enrolment in Public Schools

Equal Opportunity, Discrimination and Harassment

Incident Management on Department of Education Sites

Records Management

Staff Conduct and Discipline

Student Attendance in Public Schools

Student Behaviour in Public Schools

Visitors and Intruders on Public School Premises

## **Other documents**

Memorandum of Understanding between the Department of Communities and the Department of Education 2021 (staff only)

MOU between the Department of Education and Child and Adolescent Health Service and WA Country Health Service: 1 January 2020 – 31 December 2021 (staff only)

## **6. Contact information**

### **Policy manager:**

Manager, Student Wellbeing

### **Policy contact officer:**

Principal Consultant (Child Protection)

T: (08) 9402 6124

## 7. History of changes

<b>Effective date</b>	25 July 2017
<b>Last update date</b> <b>Policy version no.</b> <b>Notes</b>	This new procedure supports the Child Protection Policy. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	25 July 2017
<b>Policy version no.</b> <b>Notes</b>	Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	3 October 2018
<b>Policy version no.</b> <b>Notes</b>	Minor changes to title D18/0435848, reference to Public Schools D18/0151652 and updated legislation links D18/0207680.
<b>Effective date</b>	13 August 2019
<b>Last update date</b> <b>Policy version no.</b> <b>Notes</b>	Major changes approved by the Director General on 26 July 2019. D19/0349313
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	19 January 2021
<b>Policy version no.</b> <b>Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.

## 8. Appendices

Appendix A: [Child protection and abuse prevention education professional learning](#) (PDF file - 34.8kB)

Appendix B: [Protection and support for employees who report child abuse](#) (PDF file - 37.6kB)

Appendix C: [Completing documentation](#) (PDF file - 46.1kB)

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

#### Procedure last updated

19 January 2021

---