



Department of  
**Education**

# **Child Protection in Department of Education Sites Procedures for Teachers**

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

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

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

## 1. Policy supported

Child Protection in Department of Education Sites Policy

## 2. Scope

These procedures apply to teachers in Department of Education sites.

### Guidance

These procedures apply to staff who are registered under the Teacher Registration Act 2012 with the Teacher Registration Board of Western Australia and are currently working in the role of a teacher.

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

Teachers 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 Child abuse prevention education

Teachers must implement protective behaviours education that aligns with the Western Australian Curriculum across all phases of schooling.

### Guidance

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

## 3.3 Mandatory reporting of child sexual abuse

When a teacher forms a belief on reasonable grounds, during the course of paid or unpaid work as a teacher, that a child is or has been the subject of sexual abuse, and where the principal is not the alleged perpetrator, teachers must:

- choose one of the following reporting processes:
  - make an online mandatory report at [Mandatory Reporting Service \(MRS\)](#);
  - make a verbal report to the MRS which must be followed up with an online or written mandatory report; or
  - write a report and provide it to the principal for lodgement with MRS;
- inform the principal that a mandatory report has been lodged and provide the principal with the receipt number of the mandatory report;
- follow procedures in 3.4 if a belief is formed that a child was the subject of sexual abuse **before 1 January 2009** and the abuse is **not** ongoing;
- if a decision to make a mandatory report has not been made, document all observations and consultations and follow procedures 3.4;
- inform the principal of the advice contained in the feedback letter received from MRS following the mandatory report; and
- not provide a copy of their mandatory report to the principal for storage or store their own copy of the report in Department of Education files.

If a belief is formed, on reasonable grounds, during the course of paid or unpaid work as a teacher, that a child is or has been the subject of sexual abuse, where the principal is the alleged

perpetrator or may be biased towards the alleged perpetrator, teachers must:

- make a report to Director of Education or Standards and Integrity Directorate (SID) and choose one of the following reporting processes:
  - make an online mandatory report at [Mandatory Reporting Service \(MRS\)](#); or
  - make a verbal report to the MRS which must be followed up with an online or written mandatory report; and
- not provide a copy of their mandatory report to the principal for storage or store their own copy of the report in Department of Education files.

## Guidance

Please refer to the relevant service on 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 from the [Children and Community Services Act 2004 \(s124A\)](#):

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

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

(s124A Children and Community Services Act 2004)

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

Prior to submission of a report, teachers may seek advice from MRS staff on 1800 708 704 and/or Department support staff on (08) 9402 6124.

Following submission of a report, the mandatory reporter may contact the MRS to request information on the progress or current status of a report.

Under the [Memorandum of Understanding between CPFS and the Department](#), CPFS are obliged to share relevant information with the principal relating to the wellbeing of a child.

The teacher is not required to make their own mandatory report if a report has already been made by a principal or another teacher for a belief based on the same reasonable grounds and the MR receipt number has been provided to the principal as proof.

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

If the teacher or principal 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.

School nurses are mandatory reporters and are required to follow reporting procedures in accordance with

Department of Health guidelines. They should also inform the principal of the circumstances when they make a notification relating to a school student to the Department of Communities, Child Protection and Family Support. They are not required to provide the MR receipt number to the principal. For further information, please refer to the [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).

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

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

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

School chaplains are not mandatory reporters and should follow reporting procedures for non-teaching staff.

Mandatory reporting requirements apply when working in the role of a teacher, whether at their own school or another school, in either a paid or unpaid capacity. Mandatory reporting requirements do not apply to a registered teacher who is working in another role such as when employed as a school psychologist or counsellor.

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 teacher, either paid or voluntary, there is no legal requirement to report. However, the Department strongly recommends a report be made voluntarily to CPFS.

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

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 2009 there was no legal requirement for teachers to report child abuse in Western Australia.

If teachers 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 concern for the safety of a mandatory reporter, the principal may contact the relevant Regional Education Office, WA Police and/or CPFS office to assist. For further information refer to [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, teachers must:

- report to the principal;
- document all observations, relevant information and concerns; and
- provide this documentation to the principal.

### **Guidance**

Teachers may discuss concerns with the principal, colleagues or Department support staff.

If the principal 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 teacher providing the information has not formed the same belief.

If teachers 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**

Teachers must:

- document and report all child protection concerns relating to physical abuse, emotional abuse, family violence or neglect to the principal; and
- inform the Director of Education or the Department's Standards and Integrity Directorate (SID) if the principal is the alleged perpetrator or may be biased towards the alleged perpetrator.

Teachers must not:

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

### **Guidance**

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

If a teacher holds a child protection concern involving a child or children enrolled at another school or college, they may report their concern to [CPFS](#) as a private citizen.

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

Refer to Appendix B for more information on completing documentation.

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

Teachers must:

- report all allegations of abuse perpetrated by staff to the principal;
- if the principal is the alleged perpetrator or may be biased towards the staff member alleged to be responsible, inform the Director of Education or the Department's Standards and Integrity Directorate (SID); and
- follow reporting procedures in 3.3, 3.4 or 3.5, as applicable.

Teachers must not:

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

#### Guidance

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

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

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

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

If teachers 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 school activities

Teachers must:

- report all incidents of sexual abuse committed by a student during supervised school activities to the principal; and
- follow reporting procedures in 3.3.

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

#### Guidance

Sexual abuse of a child by another child is any sexual behaviour that involves the use of bribery, coercion, a threat, exploitation or violence **or** when 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.

Behaviour outside of the normal developmental range may be an indicator of child sexual abuse. Sexual behaviour that is within the normal range is not usually an indicator of child sexual abuse. For more information refer to Ikon: [Respond to sexual behaviour in students](#) (staff only).

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

### 3.8 Responding when a student is at immediate risk of harm

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

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

Teachers must inform the principal 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 may advise and assist the student who has been subjected to physical or sexual assault to make a 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 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 reported to the Department's Standards and Integrity Directorate (SID). For further information refer to [Report staff misconduct](#) in Ikon (staff only).

## 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 has been distributed to others, teachers must:

- secure the electronic device (if circumstances permit);
- report to the principal; and
- follow reporting procedures in 3.3 or 3.4, as applicable.

Teachers must not:

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

### Guidance

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

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

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

- image is sexually explicit;
- identity of the person is known; 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.

If teachers 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](#).

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

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](#).

## 3.11 Responding to specific child protection issues

### 3.11.1 Female genital mutilation

Teachers must:

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

Teachers must not inform the parent of the concern or the report.

#### Guidance

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

For further information refer to Section 306 of the [Criminal Code](#) and [Report female genital mutilation of a](#)

student in Ikon (staff only).

### 3.11.2 Forced marriage

Teachers must:

- report to the principal any concerns for a student under 18 years of age who is being forced or deceived into a marriage, or is in an existing marriage; and
- follow reporting procedures in 3.3 or 3.4.

Teachers 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).

## 3.12 Supporting students affected by abuse

Teachers must:

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

#### Guidance

Staff involved in a supportive role should take into account factors such as culture, religion, age, disability and level of maturity of the student. Refer to [Support a student affected by abuse or neglect](#) in Ikon (staff only).

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

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

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

If teachers 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

Teachers must not:

- inform parents unless instructed by the principal; or
- disclose the identity of the mandatory reporter (if known) or the alleged perpetrator.

#### **Guidance**

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

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

Teachers must not inform parents:

- that physical or behavioural indicators have been observed in their child which have led to a belief or concern of child abuse;
- of a concern of family violence; or
- of an intention to make a report concerning their child to the Department of Communities, Child Protection and Family Support (CPFS), the Mandatory Reporting Service (MRS), WA Police and/or the Department's Standards and Integrity Directorate (SID).

#### **Guidance**

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

If a parent makes a disclosure of extrafamilial child abuse (where the alleged perpetrator is not a family or kinship member), teachers should discuss this with the principal.

Observations can be discussed with parents in order to seek further information without alerting them to concerns of child abuse.

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

Teachers must:

- inform the principal; and
- follow reporting procedures in 3.3 or 3.4, if applicable.

## Guidance

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

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

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

The principal will inform parents about a child under the age of consent being in a sexual relationship, unless:

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

## 3.15 Recordkeeping and documentation

Teachers must:

- document all incidents of possible physical or behavioural indicators and concerns of child abuse;
- provide copies to the principal; and
- securely store all confidential records and information separately from the student's school records.

## 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.

Documentation kept by staff, excluding mandatory reports, may be required by the Department of Communities, Child Protection and Family Support (CPFS), WA Police and/or the Department's Standards and Integrity Directorate (SID) in their investigations. For further information refer to [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.

## 3.16 Confidentiality

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

When a student discloses abuse or family violence, teachers must not promise confidentiality.

### **Guidance**

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

All staff are protected by the Children and Community Services Act 2004 from civil, criminal and disciplinary liability by providing information in good faith to CPFS, WA Police or SID.

The identity of the person making the report is protected. However, in prescribed circumstance 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 year's' 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 C and [Share confidential child protection information](#) in Ikon (staff only).

## **3.17 Protection and support for staff who report child abuse**

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

### **Guidance**

Where there is concern for the safety of the teacher following a report, the principal may consult with the regional education office to implement a risk management plan. This may include informing WA Police and CPFS.

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

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

## **3.18 Documented education planning for children in the care of the CEO of the Department of Communities, Child Protection and Family Support (CPFS)**

Teachers must:

- develop a Documented Education Plan (DEP) within 30 working days of being advised that a child is in care;

- provide a copy of the completed DEP to principal who forwards it to the CPFS child protection worker and other key stakeholders; and
- review the DEP at least twice per year.

### **Guidance**

For further information on the requirement to develop a DEP refer to the [Memorandum of Understanding between the Department of Communities and the Department of Education 2021](#) (staff only), Section 30 of the [Children and Community Services Act 2004](#) and the [Support education planning for children in care service in Ikon](#) (staff only).

Teachers and school administrators can use [ABLEWA](#) to support the teaching and learning of students with disability and additional learning needs.

Reporting to Parents Special Education Needs (RTP SEN) framework supports teachers and school administrators in creating education plans for students with special education needs.

## **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 by a child or parent/carer;
- disclosure of child sexual abuse or information provided by a third party; and/or
- possible physical and/or behavioural indicators.

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

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

### **Boarding facility**



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

### **Boarding supervisor**

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

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

### **Child**

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

### **Child abuse**

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

### **Child exploitation material**

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

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

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

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

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

### **Child protection concern**

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

- the care of the child;
- the physical, emotional, psychological and educational development of the child;
- the physical, emotional and psychological health of the child; and
- the safety of the child. (s3 Children and Community Services Act 2004).

### **Child safe organisation**

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

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

Refer to Manage child protection at your school in Ikon (staff only).

### **Confidentiality**

The protection of personal, private and sensitive information. Professional codes of conduct and the Department's Staff Conduct and Discipline policy reinforce the importance of protecting an individual's privacy.

### **Documented education plan**

A support document for schools and teachers as they plan, monitor, assess and evaluate teaching and learning programs that address individual needs such as individual education plans and individual behaviour plans.

### **Duty of care**

A duty imposed by law to take care to minimise the foreseeable risk of harm to another.

### **Emotional abuse**

Occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. Emotional abuse includes psychological abuse and being exposed to family violence.

Some examples are: constantly putting a child down; humiliating or shaming a child; not showing care, support or guidance; continually ignoring or rejecting the child; exposing a child to family violence; threatening abuse or bullying a child; threats to harm loved ones, property or pets.

### **Family violence**

**Family violence** is a reference to:

- (a) violence, or a threat of violence, by a person towards a family member of the person; or
- (b) any other behaviour by the person that coerces or controls the family member or causes the member to be fearful.

A child is **exposed to** family violence or personal violence if the child sees or hears the violence or otherwise experiences the effects of the violence.

Examples of behaviour that may constitute family violence include (but are not limited to) the following —

- (a) an assault against the family member;
- (b) a sexual assault or other sexually abusive behaviour against the family member;
- (c) stalking or cyber-stalking the family member;
- (d) repeated derogatory remarks against the family member;
- (e) damaging or destroying property of the family member;
- (f) causing death or injury to an animal that is the property of the family member;
- (g) unreasonably denying the family member the financial autonomy that the member would otherwise have had;
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or a child of the member, at a time when the member is entirely or predominantly dependent on the person for financial support;
- (i) preventing the family member from making or keeping connections with the member's family, friends or culture;
- (j) kidnapping, or depriving the liberty of, the family member, or any other person with whom the member has a family relationship;
- (k) distributing or publishing, or threatening to distribute or publish, intimate personal images of the family member;
- (l) causing any family member who is a child to be exposed to behaviour referred to in this section.

(Restraining Orders Act 1997 s5A & Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016)

## **Female genital mutilation**

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

## **Mandatory reporter**

In Western Australia, all teachers, doctors, nurses, midwives, police officers and boarding supervisors who form a belief that a child is or has been the subject of sexual abuse during the course of their work, either voluntary or paid, are mandatory reporters.

For the purposes of the legislation, 'teacher' is defined as any person registered under the Teacher Registration Act 2012 with the Teacher Registration Board of Western Australia or with Provisional Registration or Limited Registration and is working as a teacher.

For the purposes of the legislation, 'boarding supervisor' is defined as 'a person who holds an office or position at a boarding facility the duties of which include the supervision of children living at the (boarding) facility'.

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

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

## **Mandatory reporting legislation**

Legislation requiring teachers, doctors, nurses, midwives, WA Police officers and boarding supervisors to report a belief that a child is or has been the subject of sexual abuse to the Mandatory Reporting Service of the Department of Communities, Child Protection and Family Support Division (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 Department of Communities, Child Protection and Family Support Division (CPFS) Central Intake Team (Perth metropolitan area) or the local CPFS office (country areas) can be made voluntarily.

## **Neglect**

### **Omission of care**

When a child is not provided with adequate food or shelter; effective medical, therapeutic or remedial treatment; and/or care, nurturance or supervision to a severe and/or persistent extent where the health or development of the child is significantly impaired or placed at serious risk.

### **Cumulative harm**

The term 'cumulative harm' refers to the effects of patterns of circumstances and events in a child's life. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance or event, or by multiple circumstances or events.

### **Non-mandatory reporter**

All staff who are not working in the role of a teacher or boarding supervisor, including school support staff and school psychologists.

Even if the staff member is registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA, if the staff member is not working in the role of a teacher, they are not a mandatory reporter. When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for non-teaching staff or school psychologists.

## **Parent**

In relation to a child, is a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

## **Physical abuse**

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured.

Some examples are: hitting, shaking, punching; burning and scalding; excessive physical punishment or discipline; attempted suffocation; or shaking a baby.

## **Prevention**

Strategies that promote self-management, emotional awareness and interpersonal problem-solving skills that reduce risk factors and promote protective factors to ensure the wellbeing of children and young people.

## **Protective behaviours**

A personal safety program designed to equip children with the knowledge and skills to act in ways that reduce the likelihood of abuse occurring and help them to report abuse and to seek help if abuse occurs.

## **Residential college**

A place used to provide residential accommodation for children while they attend a school as defined in the School Education Act 1999 section 4.

Also referred to as a boarding facility and does not include private arrangements.

### **Residential college manager**

The residential college manager has the same mandatory reporting responsibilities as a boarding supervisor and is responsible for the line-management of other boarding supervisors and operations in a residential setting. Department of Education residential settings commonly use the terms residential college manager, college manager or head of residence to describe a residential college manager.

### **Residential setting**

A place used to provide residential accommodation and related services for students while they attend, and participate in an educational programme of, a school as defined in the School Education Act 1999 section 4, 213A and 213B. Also referred to as a student residential college or boarding facility and does not include private arrangements.

### **Residential setting activity**

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

### **School activity**

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

### **Sexual abuse**



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

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

(s124A Children and Community Services Act 2004)

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

### **Sexual harassment**

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

### **Staff**

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

### **Student residential college**

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

## **5. Related documents**

## **Relevant legislation or authority**

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

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

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

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

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

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

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

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

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

[Freedom of Information Act 1992](#)

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

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

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

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

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

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

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

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

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

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

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

## **Related Department policies**

Disputes and Complaints

Duty of Care for Students for Public Schools

Enrolment in Public Schools

Equal Opportunity, Discrimination and Harassment

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

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

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

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

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

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

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## 8. Appendices

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

Appendix B: [Completing documentation](#) (PDF file - 43.4kB)

Appendix C: [Confidentiality and legal protection](#) (PDF file - 45.3kB)

## 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