



Department of  
**Education**

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

Effective date: 1 May 2024

Version: 3.8

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

## Table of contents

<b>1. Policy supported</b>	<b>3</b>
<b>2. Scope</b>	<b>3</b>
<b>3. Procedures</b>	<b>3</b>
3.1 Child protection and abuse prevention professional learning	3
3.2 Child abuse prevention education	4
3.3 Mandatory reporting of child sexual abuse	4
3.4 Report concern of child sexual abuse	7
3.5 Report concern of physical or emotional abuse, family violence or neglect	8
3.6 Report allegation of abuse committed by staff	8
3.7 Report allegation of sexual abuse committed by a student during supervised school activities	9
3.8 Respond when a student is at immediate risk of harm	10
3.9 Students 18 years of age and over subjected to physical or sexual assault	10
3.10 Respond to students in possession of sexually explicit or child exploitation material	11
3.11 Respond to specific child protection issues	12
3.11.1 Female genital mutilation/cutting	12
3.11.2 Forced marriage	12
3.12 Support students affected by abuse	13
3.13 Communicate to parents	13
3.13.1 When a mandatory report or child abuse report has been made	13
3.13.2 When a concern is held but a mandatory report or child abuse report has not yet been made	14
3.14 When a student under the age of consent discloses a sexual relationship	14
3.15 Recordkeeping and documentation	15
3.16 Confidentiality	16
3.17 Protection and support for staff who report child abuse	16
3.18 Documented planning for children in the care of the CEO of the Department of Communities	16
<b>4. Definitions</b>	<b>17</b>
<b>5. Related documents</b>	<b>30</b>
<b>6. Contact information</b>	<b>33</b>
<b>7. History of changes</b>	<b>33</b>
<b>8. Appendices</b>	<b>35</b>
<b>9. More information</b>	<b>35</b>
Procedure review date	35

**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 professional learning 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 Appendix A and 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 believes on reasonable grounds, that a child is or has been the subject of sexual abuse and forms the belief, during the course of paid or unpaid work as a teacher, 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 and documentation of the grounds on which they formed the belief;
- follow procedures in 3.4 if the 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.

Where the principal is the person alleged to have committed the abuse or may be biased towards the person alleged to have committed the abuse 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 the 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)

Students under 13 years of age are deemed under the [Criminal Code](#) as incapable of consenting to a sexual relationship and this should be reported to WA Police and obtain a police record number, if a mandatory report of child sexual abuse is not submitted.

Prior to submission of a report, teachers may seek advice from Department of Communities (MRS) staff on 1800 708 704 and/or the Department of Education's Service Response (Child Protection) 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 the Department of Communities and the Department of Education](#), the Department of Communities 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 believes on reasonable grounds that a child is or has been the subject of sexual abuse and forms the belief, 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. 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 2022 – 31 December 2024 \(staff only\)](#).

Unless a mandatory 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):

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 and Aboriginal and Islander Education Officers (AIEOs) are classified as school counsellors and are mandatory reporters. They follow reporting procedures for school counsellors.

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, for example as a Participation Coordinator, in an Education Regional Office, as a Social Worker or a Youth Transition Coordinator, unless that role is categorised as a mandatory reporter.

If the 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 duty to report. However a report to the Department of Communities can be made voluntarily

TAFE lecturers are mandatory reporters.

In accordance with the Children and Community Services Act 2004, the legal penalties for a mandatory reporter who fails to report the belief 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 the belief 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, they should seek advice and consultation to increase the safety of the student, and 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 should advise the WA Police and/or Department of Communities and contact the relevant Regional Education Office to assist. For further information refer to Ikon: [Support a staff member who has reported child abuse](#) and [Access support after reporting child abuse](#) (staff only).

### 3.4 Report concern of child sexual abuse

If the belief 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
- provide this documentation to the principal.

Teachers must not:

- inform parents that a report has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence
- keep records or documentation
- inform the person alleged to be responsible for the abuse that a child protection concern is held.

#### Guidance

Teachers may consult with the principal, relevant colleagues or the Department of Education's Service Response (Child Protection) staff on 08 9402 6124 or Department of Communities on 1800 708 704.

If the principal forms the belief, 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, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning](#)

Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury.

### 3.5 Report 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
- inform the Director of Education or the Department's Standards and Integrity Directorate (SID) if the principal is the person alleged to have committed the abuse or may be biased towards the person alleged to have committed the abuse.

Teachers must not:

- inform parents that a report has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence
- inform the person alleged to be responsible for the abuse that a child protection concern is held.

#### 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 the Department of Communities as a private citizen.

If teachers have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury.

Refer to Appendix C for more information on completing documentation.

### 3.6 Report allegation of abuse committed by staff

Teachers must:

- document and report all allegations of abuse committed by staff to the principal



- if the principal is the person alleged to have committed the abuse or may be biased towards the staff member alleged to have committed the abuse, inform the Director of Education or the Department's Standards and Integrity Directorate (SID)
- follow reporting procedures in 3.3, 3.4 or 3.5, as applicable.

Teachers must not:

- interview the child
- investigate the allegation
- inform the person alleged to have committed the abuse 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, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.7 Report allegation of 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
- disclose the identity of the person alleged to have committed the abuse to the alleged victim's parent
- disclose the identity of the alleged victim to the parents of the student alleged to have committed the abuse.

### 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, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.8 Respond 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 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. 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 Respond to 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
- 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
- inform the person alleged to have committed the abuse 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 document whether the:

- image is sexually explicit
- identity of the person is known
- 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, they should seek advice and consultation to increase the safety of the student, and 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 Respond to specific child protection issues

### 3.11.1 Female genital mutilation/cutting

Teachers must:

- report to the principal all concerns that a student may be subjected to female genital mutilation/cutting (FGM/C) 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

Department of Communities has advised that employees of state government agencies should report the practice or risk of FGM as a form of physical abuse. FGM/C 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/C. Concerns of FGM/C are reported to WA Police by the principal.

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

## 3.12 Support students affected by abuse

Teachers must:

- support students affected by abuse, including students who are alleged to have committed abuse
- 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 appropriate school and Education Regional Office staff to develop strategies to support the student, whilst maintaining student confidentiality.

Staff should consult with the Sexual Assault Resource Centre resources when supporting students harmed by sexual assault.

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

As appropriate, the student should be provided with the option of who their support person is and involved in decisions that directly affect them and provided with relevant information.

The student and their family may be provided with the option to 'opt out' of support and intervention.

School based strategies and or interventions should not disadvantage the student harmed, for example, the student should not be moved out of their class, unless at the request of the student or family.

If teachers have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.13 Communicate 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
- disclose the identity of the mandatory reporter (if known) or the person alleged to have committed the abuse.

#### **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 the belief or concern of child abuse
- of a concern of family violence
- of an intention to make a report concerning their child to the Department of Communities, the Mandatory Reporting Service (MRS), WA Police and/or the Department's Standards and Integrity Directorate (SID).

#### **Guidance**

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

If a parent makes a disclosure of extra-familial child abuse (where the person alleged to have committed the abuse 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
- follow reporting procedures in 3.3 or 3.4, if applicable.

Teachers must not interview the child or children involved.

### Guidance

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

In Western Australia, the legal age for people to consent to sexual activity is 16 years of age.

Sexual behaviour involving students aged 13 to under 16 years of age may not necessarily constitute sexual abuse. If the belief is formed on reasonable grounds that a child is or has been the subject of sexual abuse, a mandatory report must be submitted as per procedure 3.3. Refer to [Form the 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
- 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
- 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, 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 appropriate school and Education Regional Office staff, as necessary and must at all times maintain confidentiality.

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 the Department of Communities, 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 D 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 the Department of Communities.

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 planning for children in the care of the CEO of the Department of Communities

Teachers must:



- develop a Documented Plan (DP) within 30 working days of being advised that a child is in care
- provide a copy of the completed DP to the principal who will forward it to the Department of Communities child protection worker and other key stakeholders
- review the DP at least twice per year, or if there is a significant change in the students' circumstances.

### Guidance

For further information on the requirement to develop a DP 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).

All plans should be developed in consultation with the student (as appropriate), Department of Communities and relevant other stakeholders.

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

### Allied Professionals

Allied professionals are those staff employed under s235(1)(a),(c) (d) of the School Education Act 1999.

Allied professionals who are not categorised as school counsellors are non-mandatory reporters. When reporting any type of child abuse, including sexual abuse, these allied professionals are required to follow the procedures for allied professionals.

Allied professionals who fall within the category of school counsellor (see definition) are mandatory reporters of child sexual abuse and are required to follow the procedures for school counsellors.

### Belief on reasonable grounds

Believes on reasonable grounds' means that a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming the belief are matters of which you have become aware, and any opinions in relation to those matters.

A mandatory reporter does not have to be able to prove that harm has occurred. Professional judgement and objective observation help to identify warning signs or possible indicators of child sexual abuse and contribute to a reporter forming the belief on reasonable grounds. Knowledge of child development and consultation with colleagues or other professionals can also contribute to reasonable grounds.

Reasonable grounds may include:

- your own observations of a child's behaviour
- your own observations of the behaviour of an adult interacting with the child
- when a child tells you they, or another child, has been harmed
- when you hear about it from someone who is in a position to provide reliable information, for example a relative or friend, neighbour or sibling of a child who is at risk.

Mandatory reporters must specify the grounds on which they formed the belief that a child has been, or is being, sexually abused.

(Mandatory Reporting Guide: Western Australia)

If you are a mandatory reporter and you have not formed the belief that a child has been or is being sexually abused but are sufficiently concerned, it is recommended that you consult with staff with expertise in this area, such as the Department's child protection consultants.

Refer to Ikon: Form the 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
- 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
- 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 plan**

Documented Plan is an umbrella term used to describe a range of ways of catering for the educational needs of individual or smaller groups of students with identified needs. It is primarily a teaching and learning planning document and it identifies short to medium term education outcomes.

Documented Plans take a variety of forms, including: Individual education plans (IEPs); Individual behaviour management plans (IBMPs); Individual transition plans (ITP); Risk management plans (RMP); Risk Assessment and Management Plans (RAMPs) and Documented Education Plans (DEP).

### **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
- (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/cutting**

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

### **Harm**

Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by:

- (a) a single act, omission or circumstance
- (b) a series or combination of acts, omissions or circumstances

Children and Community Services Act 2004.

### **Mandatory reporter**

The legislation covering mandatory reporting of child sexual abuse in Western Australia is the Children and Community Services Act 2004.

Under section 124B of the Children and Community Services Act 2004, a specified person whose duty to report child sexual abuse (a Mandatory Reporter) is a person who is working in their role either paid or in a voluntary capacity as a Department of Communities assessor or a department officer, midwife, nurse, police officer, boarding supervisor, doctor, minister of religion, out of home care worker, teacher, psychologist or school counsellor.

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

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

For the purposes of the legislation, 'psychologist' is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

For the purposes of the legislation, school counsellor' is defined as an adult who is employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer.

Staff who are registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA, and who are not a mandatory reporter of child sexual abuse are required under this policy to report child sexual abuse to the principal.

## **Mandatory reporting legislation**

Section 124B of the Children and Community Services Act 2004.

Duty of certain people to report sexual abuse of children

(1) A person who:

(a) is a person specified in the Table (a **specified person**); and

## **Table**



assessor	boarding supervisor
departmental officer	doctor
midwife	minister of religion
nurse	out-of-home care worker
police officer	teacher
school counsellor	psychologist
Early childhood worker (commencement day 1 November 2024)	Youth Justice Worker (commencement day 1 May 2025)

(b) believes on reasonable grounds that a child:

(i) has been the subject of sexual abuse that occurred on or after commencement day; or

(ii) is the subject of ongoing sexual abuse;

and

(c) forms the belief:

(i) in the course of the person's work (whether paid or unpaid) as a specified person; and

(ii) on or after commencement day.

must report the belief as soon as practicable after forming the belief.

Penalty for this subsection: a fine of \$6,000.

Commencement day is the date on which the person becomes a mandatory reporter under the legislation. The duty to report sexual abuse applies if the reporter forms the belief on or after commencement day. Commencement day varies for different reporter groups.

In a school context, the duty to report sexual abuse applies to a teacher, boarding supervisor, psychologist or school counsellor working in their role either in a paid or voluntary capacity.

If the belief that a child is or has been the subject of sexual abuse is formed when not working in their role, then there is no legal duty to report. However, a report to the Department of Communities can be made voluntarily.

## **Neglect**

Neglect includes failure by a child's parents to provide, arrange, or allow the provision of:

- (a) adequate care for the child; or
- (b) effective medical, therapeutic or remedial treatment for the child.

Children and Community Services Act 2004.

**Omission of care** (from the Department of Communities Neglect policy 2021).

When a child does not receive adequate food or shelter, medical treatment, supervision, care or nurturance to the extent that their development is harmed, or they are injured.

**Cumulative harm** (from the Department of Communities Neglect policy 2021).

Refers to the effects of multiple adverse or harmful circumstances and events in a child's life. The unrelenting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing.

It is possible to have cumulative abuse (multiple events over time) that results in harm that is cumulative in nature (the impact of the events has been cumulative).

## **Non-mandatory reporter**

In a school context, all staff who are not working in the role of a teacher, school psychologist, school counsellor or boarding supervisor are non-mandatory reporters.

When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for allied professionals.

## **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.

### **Psychologist**

A psychologist is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

Psychologists are mandatory reporters. When reporting any type of child abuse, including child sexual abuse, school psychologists are required to follow the procedures for school psychologists.

### **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.

### **School Counsellor**

A school counsellor is defined as an adult who is employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer (Children and Community Services Act 2004).

In the Department of Education, school counsellors are allied professionals and third-party providers with either of the terms 'pastoral care' or 'counselling' listed in their job title, JDF or relevant service agreement. This includes chaplains, wellbeing officers, Aboriginal and Islander Education Officers and some third-party providers.

School counsellors are mandatory reporters of child sexual abuse. When reporting any type of child abuse, including child sexual abuse, school counsellors are required to follow the procedures for school counsellors.

## **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**

Complaints and Notifications

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 2022 – 31 December 2024 (staff only)



## 6. Contact information

**Policy manager:**

Director, Student Engagement and Wellbeing

**Policy contact officer:**

Principal Consultant (Student Engagement and Wellbeing)

T: (08) 9402 6448

## 7. History of changes

<b>Effective date</b>	25 July 2017
<b>Last update date</b> <b>Procedure version no.</b>	3.0
<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>Procedure version no.</b>	3.1
<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>Procedure version no.</b>	3.2

<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>Procedure version no.</b>	3.3
<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>Procedure version no.</b>	3.4
<b>Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	8 July 2022
<b>Procedure version no.</b>	3.5
<b>Notes</b>	Minor updates to terminology, definitions and links as per D22/0519053.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	22 September 2023
<b>Procedure version no.</b>	3.6
<b>Notes</b>	Minor change to update link to MOU D23/1550610
<b>Effective date</b>	13 September 2023
<b>Last update date</b>	6 October 2023
<b>Procedure version no.</b>	3.7

<b>Notes</b>	Minor changes to update contact details D23/1582068
<b>Effective date</b>	1 May 2024
<b>Last update date Procedure version no.</b>	3.8
<b>Notes</b>	Major changes to reflect Children and Community Services Amendment Act 2021 approved by Director General on 11 April 2024.

## 8. Appendices

Appendix A: [Child protection and abuse prevention education professional learning](#) (PDF file - 85kB)

Appendix B: [Protection and support of employees who report child abuse](#) (PDF file - 47.2kB)

Appendix C: [Completing documentation](#) (PDF file - 47.6kB)

Appendix D: [Confidentiality and legal protection](#) (PDF file - 44.7kB)

## 9. More information

### Supporting content

#### Policy

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

#### Procedure review date

25 July 2020