



## CHILD PROTECTION POLICY

### Policy

Students will be protected from all forms of abuse through rigorous school based processes and practices which actively reduce risk. These processes and practices will include screening of staff and volunteers, protocols for behaviour of staff and school community, procedures for reporting abuse, and implementation of protective behaviours curriculum K-12. HillSide will work with parents, staff and students to increase awareness of issues, and to standardize appropriate behaviours and protocols. All staff and school will comply with this policy. This includes all teaching staff required to make a mandatory report, and also auxiliary staff who are not required to make a mandatory report. Teachers who have formed a belief of sexual abuse should make a mandatory report (use this policy), and non-teaching staff who receive an allegation or disclosure related to abuse, should make a report to the Principal directly. Reports of complaints, allegations or findings regarding abuse, grooming or neglect should be made and should include specific and extensive detail, be stored securely, and not be destroyed without the permission of the Principal and Director General of Education.

### Rationale

All children need to be protected from harm and schools and teachers owe a 'duty of care' to all students at the school. Schools have a special responsibility to protect children when they are on school premises and also to intervene when they believe the welfare of a child is at risk outside the school.

The issue of child protection should be looked at alongside other school policies such as behaviour management and duty-of-care.

Abusers take all forms. Many select occupations that allow them access to children. Schools or community groups are likely places for potential abusers to target. It is important to remember that the school community not only includes the students and the teachers, but also the groundsman, bus drivers, canteen staff, parents volunteering their services, third parties invited in to run an excursion/incursion.

For background information, see APPENDIX ONE.



## Procedures

### **Step 1A:      *Physical, emotional or psychological abuse, or neglect:***

The teacher's, or other school staff's, observations, or the child's disclosure, should be discussed, in the first instance, with the Principal, or the School Chairman if it is not appropriate to discuss it with the Principal.

It is not the role of the teacher to investigate child abuse or neglect matters. They must report concerns to the Principal. Reports of abuse, grooming or neglect should include specific and extensive detail, be stored securely, and not be destroyed without the permission of the Principal and Director General of Education.

The teacher and Principal may wish to consult with the school psychologist or a member of the Non-Government Schools Psychology Service, the school nurse or the school social worker.

*Note: It is vital to remember that confidentiality is paramount and that disclosure of this information should only be discussed with those in the school who are required to know.*

### **Step 1B:      *Sexual abuse – mandatory reporting***

In cases of suspected sexual abuse, the teacher is the mandated reporter and is required to make a report to the Department for Child Protection through the Mandatory Reporting Service.

If the teacher concerned wishes, they may include the Principal and other relevant staff in discussions with the teacher in relation to a specific child prior to the teacher forming a belief based on reasonable grounds. The school's policy must make it clear that it is the teacher's responsibility to make the report directly to the Mandatory Reporting Service when the teacher forms a reasonable belief that sexual abuse has occurred, or is occurring. The Principal and other relevant staff are there to provide support if required but, the school policy should state that the teacher **may** advise the Principal of the report, but there should be no obligation on the teacher to do so.

*Note: If the Principal knows that a mandatory report has been made in regard to a student at HillSide, DET' Director General is to be notified, as this is deemed as a critical incident. Such a notification only needs to record that a mandatory report has been made to the CPFS and provide the report receipt number.*

[Critical Incident & Emergency Form](#)



## Step 2

If, following a report, a family approaches the school to receive support for their child, it is recommended that any interview be conducted with a minimum of two (2) school members present (the Principal and one other) to provide support.

*Note: It is important to remember that the focus of the meeting should be the welfare of the child*

*In cases of child sexual abuse, the legislation provides protection for the person reporting. Disclosure of the reporter's identity or identifying information to parents or any other party can incur a fine of \$24,000 and two years imprisonment.*

**Please note:** To avoid interfering with any investigative process initiated by CPFS or the Police, the Principal or teacher must seek advice from CPFP or Police prior to informing the parent/carer of a concern of abuse or neglect.

## Step 3

The Principal should arrange ongoing support for the teacher, the student and anyone else affected. The need for ongoing support is often necessary as the teacher will continue in their role with the student and the CPFS's role may continue for an extended period of time.

For NOTIFICATION STEPS (for physical, emotional, psychological abuse and neglect) see APPENDIX 3

## Protective Behaviours' Curriculum

Teachers will undertake training in "Keeping Safe" Protective Behaviours curriculum. The curriculum will be adapted for HillSide Christian College and taught explicitly from K-12. The College will supplement and interpret this curriculum through CSA's "Thriving in Community" framework. Some important guidelines are:

- Children need to be taught appropriate strategies to self-protect and access support where necessary;
- Christian input will be made by staff into the generic curriculum as directed by the Principal;
- Staff will collaboratively plan and implement the curriculum



Staff has access to the “Keeping Safe” website at:

<http://rantraining.e3learning.com.au/GetResource.jsp?resource=resource39>

## References

AISWA – Child Protection Procedures and Guidelines

HillSide – Staff Code of Conduct

HillSide – Duty of Care Policy

Department of Education WA

## Legislative Links

Children and Community Services Act 2004

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

Criminal Code Act (1913)

Criminal Code Amendment (Cyber Predators) Act 2006 (changes to s204B of The Criminal Code)

Working with Children (Criminal Record Checking) Act 2004



## Appendix One

### **Background Information – Provided from AISWA**

All children have a right to be protected from harm and schools and teachers owe a ‘duty of care’ to all students at the school. Schools have a special responsibility to protect children when they are on school premises and also to intervene when they believe the welfare of a child is at risk outside the school.

Recent cases in the High Court have looked at the issue of a school’s liability for civil damages due to the sexual assaults by school teachers on pupils in their care. The majority of judges in the High Court in February 2003 found that failing to have a system in place to minimise the risk to students being abused by teachers did not amount to negligence. However, the majority held that a school could be held ‘vicariously liable’ for the criminal actions of the teacher if a close enough connection between the act and the teacher’s employment could be established.

See: New South Wales v Lepore; Samin v Queensland; Rich v Queensland (2003) HCA 4 (6 February 2003) High Court (Gaudron, McHugh, Gummow, Kirby, Hayne and Callinan JJ).

When forming a school’s policy on child protection, it is important that it is not treated in isolation. The issue of child protection should be looked at alongside other school policies such as bullying and behaviour management.

Abusers take all forms. Many select occupations that allow them access to children. Schools or community groups are likely places for potential abusers to target. It is important to remember that the school community not only includes the students and the teachers, but also the groundsman, bus drivers, canteen staff, parents volunteering their services, third parties invited in to run an excursion/incursion.

Schools need to make sure that all members of the school community are covered by their policies.

### **1. Definition of Child Maltreatment**

#### **Child Abuse and Neglect**

This is maltreatment of a person under the age of 18 years. It is the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child.



The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators.

- Physical
- Sexual
- Emotional
- Psychological
- Neglect

Descriptions of these indicators have been taken from the Department for Child Protection document “*Identifying and responding to child abuse and neglect – A Guide for Professionals*”.

### ***Physical abuse***

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include, but is not limited by injuries such as cuts, bruises, burns and fractures caused by a range or acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline or physical punishment.

### ***Sexual abuse***

Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and developmental level. These behaviours include observation or involvement with inappropriate fondling of a child’s body, making a child touch an adult’s genitalia, showing pornographic material or sexual acts to a child, and sexual penetration of the child. Harm from sexual abuse may include significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

### ***Emotional abuse***

Emotional abuse is a sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.

### ***Psychological abuse***



Psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement. This abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs.

### ***Neglect***

Neglect is the failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic or remedial care and emotional security. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social psychological, educational or physical development and/or physical injury. Neglect should be considered in the context of physical, emotional or psychological abuse.

### **Note:**

*Child abuse and neglect, through the Department for Child Protection, is defined as maltreatment done by a person who has responsibility to care for a child and this document concentrates specifically on that relationship.*

However, it is very important to note that the definitions of child maltreatment described in this section of this document can be used to explain some of the behaviour that can occur in schools by one child to another. While the treatment of such behaviour may be dealt with through other school policies such as Bullying and Behaviour Management, the victim of that 'bullying' may display some of the physical and behavioural indicators as those described in the next section of this document. These events should be treated seriously by the school with the aim to help both parties.

It is also important to note that the child who is 'bullying' may be doing so because they have been subjected to the same inappropriate behaviour and may require assistance through the school's Child Protection policy.

**Note:** *Students aged 18 and over may attend school but are legally considered adults and as such DCP does not have a child protection mandate for them. However, they can be considered potentially vulnerable and in need of specialist services and schools do owe a duty of care towards them. There are many youth-specific agencies available to assist these students. Details of these*



are listed in section 16 of this document. Schools should contact the Police if they are aware of any assault or crime against a young adult.

### **3. Indicators of Child Abuse and Neglect**

The following list of indicators is not exhaustive but contains those that will be of most use to staff. This list has been taken from the Department for Child Protection document “*Identifying and responding to child abuse and neglect – A Guide for Professionals*”.

Students frequently show indicators from more than one category; and the examples listed are not necessarily exclusive to a single category of abuse. Any of these indicators may suggest that a student is being abused, neglected or at risk of harm; however, indicators should be considered in the context of the student’s age, medical and developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families must also be considered.

#### ***Physical abuse***

- broken bones or unexplained bruises, burns, or welts in various stages of healing
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre
- direct admissions from the parents that they are concerned that they might harm their child
- family history of violence
- marked delay between injury and obtaining medical assistance
- parent who shows little concern about the welfare of their child or the treatment and care of the injury
- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse)
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home
- the child or young person reports intentional injury by their parent or carer
- arms and legs are kept covered by inappropriate clothing in warm conditions
- ingestion of poisonous substances including alcohol or drugs
- avoidance of physical contact by the child (particularly with a parent or carer)

#### ***Sexual abuse***

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves)
- knowledge of sexual behaviour inappropriate to their years
- disclosure of abuse either directly or indirectly through drawings, play or writing that describes abuse
- pain or bleeding in the anal or genital area with redness or swelling





- fear of being alone with a particular person
- child or young person implies that he/she is required to keep secrets
- presence of sexually transmitted disease
- sudden unexplained fears
- enuresis and/or encopresis (bed-wetting and bed soiling)

### ***Emotional or Psychological abuse***

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive
- delayed physical, emotional, or intellectual development
- compulsive lying and stealing
- high levels of anxiety
- lack of trust in people
- feelings of worthlessness about life and themselves
- eating hungrily or hardly at all
- uncharacteristic seeking of attention or affection
- reluctance to go home
- rocking, sucking thumbs or self harming behaviour
- fearfulness when approached by a person known to them

### ***Neglect***

- signs of malnutrition, begging, stealing or hoarding food
- poor hygiene: matted hair, dirty skin or severe body odour
- unattended physical or medical problems
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- child or young person appears constantly tired
- frequent lateness to school or absence from school
- inappropriate clothing, especially inadequate clothing in winter
- alcohol and/or drug abuse present in the household
- frequent illness, low grade infections or sores
- hunger

## **4. Myths about Child Abuse and its Prevalence**

An accurate understanding of the dynamics underlying child abuse is important because the impact of any form of abuse on the victim can be life changing. Common outcomes associated with abuse



include drug abuse, suicide, eating disorders, low self-esteem, psychosomatic illness and self-mutilation.

There are many myths about sexual abuse. Some of the common ones are:

- sex between children and adults is not damaging if it is in the context of a loving relationship;
- it is not the abuse which causes the problem, but the effects of the intervention by others;
- those abused turn into abusers;
- children frequently lie about sexual abuse;
- sexual abuse is more common in lower socio-economic areas and families;
- only men sexually abuse children;
- sexual abusers are readily identified by 'normal' people.
- The following myths pertaining to sexual and other forms of abuse relate particularly to schools:
  - there will not be a problem here because all the volunteers/employees are female;
  - there will not be a problem here because the young people come from privileged backgrounds and will complain if there is an issue of abuse;
  - if we get the selection procedures right we will eliminate the possibility of abuse;
  - we use Police Clearances and Working with Children Checks here so we are covered;
  - it is one of the other children's parents/brothers/sisters to whom I am entrusting the child/ren, so it will be OK;
  - we did not need to screen Mr Smith because he is a friend of the teacher, president, etc.;
  - my workers, volunteers and casuals are youth themselves so there is no risk;
  - we are pretty good at identifying people here who are a bit 'odd'.

## **5. The Facts about Child Abuse**

Children or young people are more often abused by a parent or carer. Adults who were abused as children are at greater risk of developing psychological and emotional problems later in life, and repeating the pattern of abuse with their own children.

A child abuser can be a member of the family (father, step-father, mother etc.) or someone close to the family or the child (church member, teacher, community group leader). A child abuser usually spends a lot of time grooming the child with the child being made to feel that they are in some way complicit in the acts, thus making disclosure a difficult process.

On the whole, abusers are the least obvious people in our community. Many child sex abusers, for example, hold positions of trust within the community with easy access to children and their



families. Occupations that some convicted child sex offenders have held include bus driver, entertainer, teacher, scout leader, librarian, principal, church leader, judge.

A recent study carried out by Huddersfield University, UK found that 52% of children were sexually abused in community-based organisations. These included sports and voluntary groups and also private tuition classes.

In Australia, a case of child abuse is reported every 2.5 minutes.

Sexual abuse is more common among girls, other types of abuse are slightly more common among boys (Child Protection, Australia (2010 – 11), Australian Institute of Health and Welfare).

Two-thirds of substantiations for abuse or neglect are for children aged 9 years old and under (Child Protection, Australia (2010 – 11), Australian Institute of Health and Welfare).

## **6. Mandatory Reporting of Child Sexual Abuse**

### ***The new legislation***

Since 1<sup>st</sup> January 2009, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* has been in effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the *Children and Community Services Act 2004*. In Western Australia, the mandatory reporters of child sexual abuse are the following professions in both the government and non-government sectors:

- doctors
- nurses
- midwives
- teachers
- police officers.

### ***Definition of ‘teacher’***

The definition of teacher in section 124A of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 has been changed to read:

- a. *person who is registered under the Teacher Registration Act 2012, or*
- b. *a person who provides instruction in a course that is -*
  - (i) *mentioned in the School Education Act 1999 s11B(1)(a), (b) or (e) and*
  - (ii) *prescribed for the purposes of this definition; or*



- c. A person who instructs or supervises a student who is participating in an activity that is -*  
*(i) part of an educational programme of a school under an arrangement mentioned in the School Education Act 1999 s24(1); and*  
*(ii) prescribed for the purposes of this definition; or*  
*d. A person employed by the chief executive officer as defined in the Young Offenders Act 1994 s3 to teach detainees at a detention centre.*

Only (a) applies to schools. The other subsections relate to other forms of education.

Teacher assistants, school chaplains and school psychologists are examples of people who work with children in schools that are not mandated reporters. However, all people working with children, whether mandatory reporters or not, should continue to report reasonable beliefs about all forms of abuse. These people who work with children also have a great knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Please note that in the independent school sector, once a teacher has formed a belief based on reasonable grounds, they are required to make the report to DCP, not the school principal. Prior to forming a belief, the teacher may, if they wish, consult with colleagues with specialist knowledge, for example, the principal, psychologist, school counsellor.

### ***Definition of sexual abuse***

Sexual abuse is defined by the Act in section 124A as:

*‘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.*

This legislation is not intended to capture all sexual activity involving children and young people. Reference should be made to consent laws in Western Australia.

### ***Definition of child***

The definition of ‘child’ is defined in section 3 of the Act as a person who is under the age of 18 years. In the absence of positive evidence as to age, a child is a person who is apparently under 18 years of age. Young people aged 18 and over are considered to be adults and are not covered by



this legislation. However, schools still owe a duty of care to all students at the school. In these instances, police should be informed of any assault or crime against the young person.

### ***When does a mandatory reporter make a report?***

Mandatory reporters must report a belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring. This means that teachers working outside of the school grounds are also required to report when working in either a paid or unpaid capacity. For example, tutoring, volunteer teacher at youth centre, working as a Sunday school teacher.

Failure to make a report can incur a penalty of up to \$6,000.

A mandatory reporter can form the necessary belief, based on reasonable grounds, by noting the presence of indicators, disclosures, injuries, signs, symptoms and behaviours that heighten concerns about child sexual abuse. Information on the indicators of sexual abuse is covered in Section 3 of this document.

Teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

- Can you describe the reasons why you believe a child has been, or is being sexually abused?
- What has the child said or done to suggest they are being sexual abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?
- What other behaviours have you observed and/or interactions with the child are of concern to you? What is the frequency and severity of the behaviour? How long has it been occurring?

### ***How does a mandatory reporter make a report?***

A centralised Mandatory Reporting Service has been established to receive all reports of child sexual abuse in Western Australia. This service is operational 24 hours a day, 7 days a week.

There are two ways to make a report - verbal or written.

A verbal report is preferred in the first instance, particularly if the teacher has formed a belief that the child is still at risk of being abused, as it allows the Mandatory Reporting Service to respond quickly, ask clarifying questions and gather as much information as possible. However, it must be



followed by a written report as soon as is practicable, usually within 24 hours. To make a verbal report, the Mandatory Reporting Service can be reached on 1800 708 704.

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of \$3,000. A written report form can be downloaded from the mandatory reporting website [www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au).

### [Mandatory Report Form](#)

If you do not have access to a computer, the form can also be mailed out to you. Once you have completed your written report, it can be returned using any of the following methods:

Email to: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Fax to: 1800 610 614

Post to: PO Box 814

Perth BC WA 6849

Once you have lodged a report, you will receive a standardised letter. This letter is proof that you have made a report so it is important that you keep it.

Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child, and determine the need for further child protection assessment and investigation. A copy of the report is sent to the WA Police. The police determine if they need to be involved on a case by case basis.

The mandatory reporter will receive a feedback letter advising them of the DCP District Office it has been referred to, or whether no further action was recommended by the Mandatory Reporting Service.

### ***Confidentiality and Legal Protection***

The identity of the reporter is required to be kept confidential, except in limited circumstances. Section 124F(2) protects a reporter's identity from being disclosed. Disclosure of a reporter's identity carries a maximum fine of \$24,000 and 2 years imprisonment.

There are exceptions where a reporter's identity is permitted. Even where disclosure is allowed, consideration will be given to ensuring the reporter's safety has been taken into account. Examples of when a reporter's identity may be revealed include:



- The Mandatory Reporting Service must send a copy of every written report to the WA Police;
- The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence;
- A Department for Child Protection officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place;
- The reporter may have provided written permission for their identity to be disclosed.

A mandated reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct (eg. Doctor/patient) is protected from a breach to this code if they are making a report in good faith. The legislative requirements of the Act override internal school policies, professional codes or confidentiality requirements.

A mandated reporter is also protected from liability. If a report is made in good faith, they will not incur any civil or criminal liability by making a report.

### ***What do the new Mandatory Reporting requirements mean for the school?***

The new sexual abuse requirements need to be included in the school's existing Child Protection policy so all school personnel understand the new legislation and how this impacts on the school's internal processes.

In order to comply with the new reporting requirements, the school will need to review the internal processes used for reporting. It is important to remember that the notification steps for sexual abuse will differ from the steps used to notify other forms of child abuse as the teacher is the one responsible for notifying the mandatory reporting unit of sexual abuse.

If the teacher concerned wishes, the Principal and other relevant staff may be involved in discussions with the teacher in relation to a specific child, prior to the teacher forming a belief based on reasonable grounds. The school's policy must make it clear that it is the teacher's responsibility to make the report directly to the Mandatory Reporting Service when the teacher forms a reasonable belief that sexual abuse has occurred, or is occurring. The Principal and other relevant staff are there to provide support if required but the school policy should state that the teacher **may** advise the Principal of the report, but there should be no obligation on the teacher to do so.

All parents should be informed of the mandatory requirements for teachers to report. This can be done through a letter to parents or as an inclusion in the school's regular newsletter.



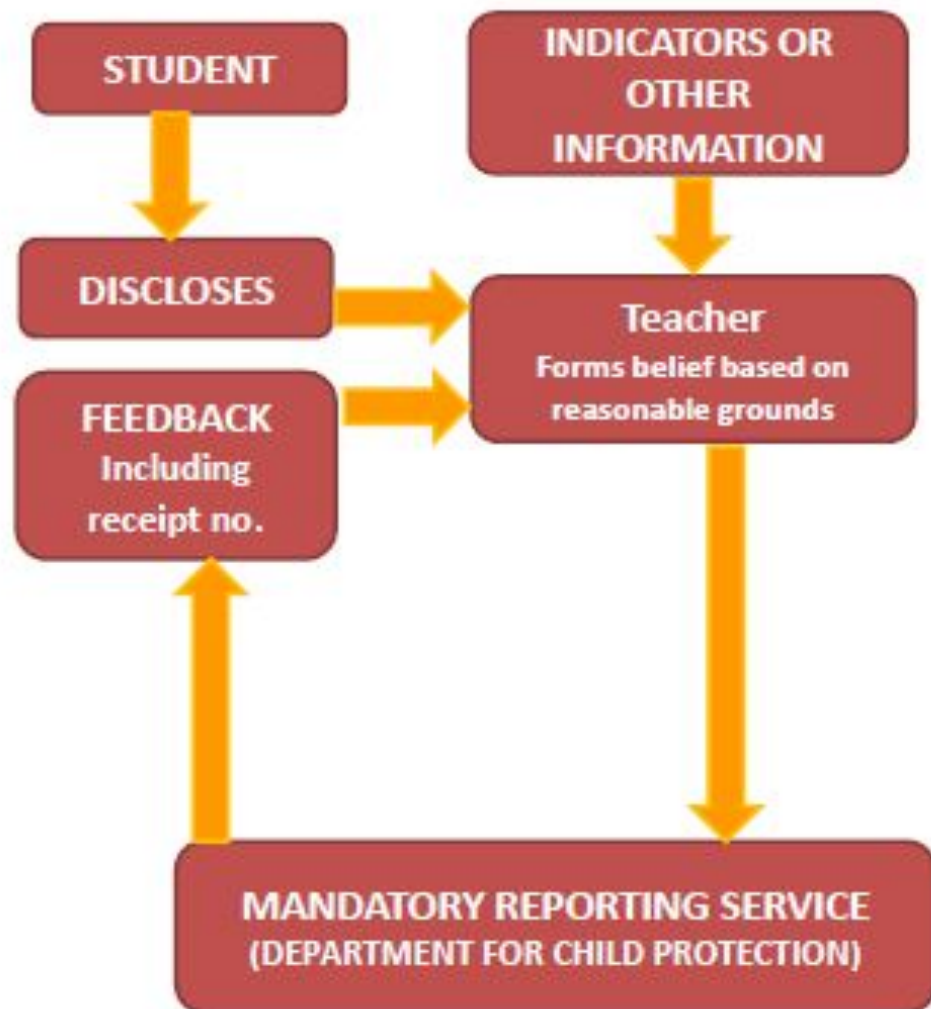


## Appendix Two

### MANDATORY REPORTING PROCEDURE

(for the mandatory reporting of sexual abuse – for TEACHING STAFF)

### MANDATORY REPORTING PROCEDURE





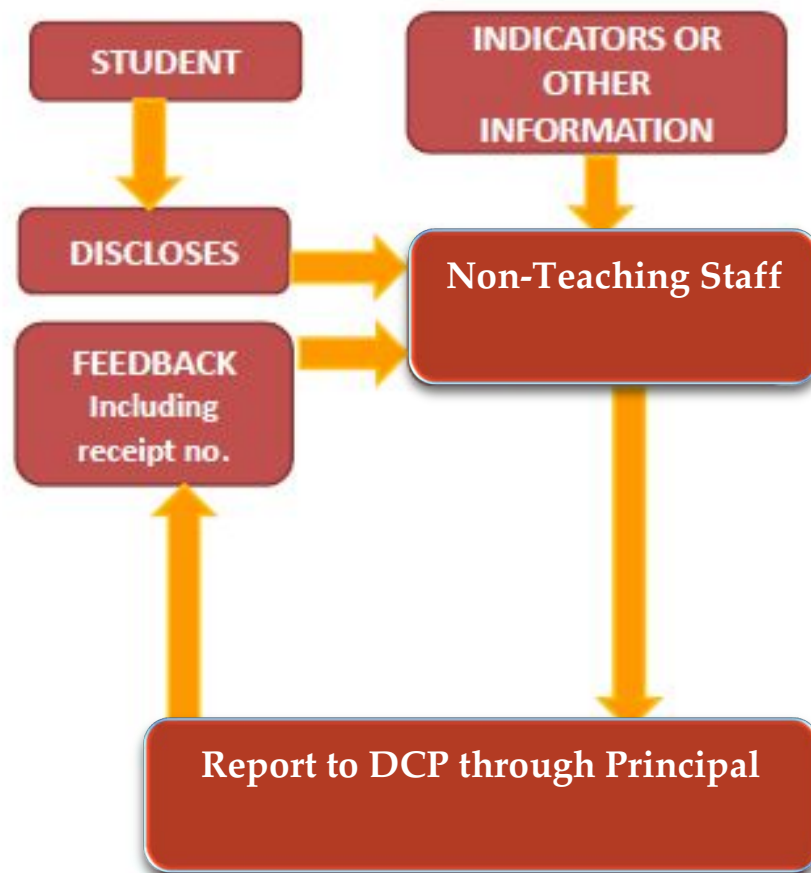


## Appendix Three

### MANDATORY REPORTING PROCEDURE

(for the non-mandatory reporting of sexual abuse – for NON-TEACHING STAFF)

### MANDATORY REPORTING PROCEDURE





## Appendix Four – Policy Update Schedule

### CHILD PROTECTION POLICY - REVISIONS

Date Revised	Changes and notes	Author
February 2016	Adapted from another document	SL + LN
July 2016	Updated some minor details	SL
May 2017	Included some AISWA information. Revised reporting requirements.	SL
January, 2018	No changes. Compliant.	SL
August 2019	Minor formatting changes. Noted Keeping Safe PD.	SL
January, 2020	Minor flow chart adjustments.	SL
October 2020	Board review of policy framework. Textual edits only.	SL + Board
January, 2021	Next review scheduled	