

Child Protection Policy



REVISION REQUIREMENTS

- Annual Revision - next due July 2023
- Responsibility - School Board
- Amendments to this version are annotated by the inclusion of a solid black line in the left margin

INTERPRETATION

Within this document:

- words denoting a gender or genders include each other gender;
- words in the singular number include the plural and words in the plural number include the singular; and
- the word parent is taken to include parents, guardians, step-parents, grandparents, extended family, babysitters and any others while involved in activities or communication related to Quintilian School.

RESPONSIBILITIES FOR IMPLEMENTING THIS POLICY

The School Board is responsible for endorsing this Policy, maintaining its currency and relevance.

The Principal is responsible for ensuring all parents, staff, volunteers, and visitors, as are applicable, are aware of this policy.

OTHER POLICIES THAT APPLY TO THE CHILD PROTECTION POLICY

- Quintilian School Constitution
- Complaints Procedure Policy
- Student Behavioural Policy
- Parent Code of Conduct
- Board Code of Conduct
- Staff Code of Conduct

BACKGROUND

A central premise of the ethos of the Quintilian School is that all children have a right to be protected from harm. The School also believes that all students have a right to feel safe both at school and/or when participating in school authorised activities.

The School recognises that it has 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.

Our Child Protection Policy has been developed to ensure that procedures are in place to prevent abuse, decrease risks and allow individuals in the school the means to have concerns about abuse and risk raised and addressed. It has been adopted by the School Board and reviewed by all current staff.

This policy is underpinned by the National Principles for Child Safe Organisations developed by the Australian Human Rights Commission out of the findings of Royal Commission into Institutional Responses to Child Sexual Abuse.

In its planning, decision-making and operations the School will:

- Take a preventative, proactive and participatory approach to child safety;
- Value and empower children and young people to participate in decisions which affect their lives;
- Respect diversity in cultures and child rearing practices while keeping child safety paramount;
- engage only the most suitable people to work with children and young people, and have high quality staff and volunteer supervision and professional development;
- provide written guidance on appropriate conduct and behaviour towards children and young people;
- foster a culture of openness that supports all persons to safely disclose risks of harm to children and young people;
- ensure children and young people know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues;
- report suspected abuse, neglect or mistreatment promptly to the appropriate authorities;
- share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk; and
- value the input of and communicate regularly with families and carers.

PRACTICES AND PROCEDURES

In order to achieve these objectives a number of specific practices and procedures will be implemented:

1. Staff will be in-serviced on a regular basis on issues related to child protection. In addition, written procedures and training will be provided to **all** staff on the following:
 - Definition of child maltreatment - including emotional, physical and sexual abuse; as well as neglect.
 - Indicators of child abuse and neglect.
 - Beliefs and myths about child abuse and its prevalence.
 - Steps to take if abuse is suspected - either as a result of a disclosure or observed indicators
 - How to respond appropriately to a disclosure.
 - Appropriate professional behaviour in relation to the children to whom they have a *Duty of Care*, and
 - The provision of *Protective Behaviours* training – with an indicated expectation that the students in the school will be given the opportunity to become familiar with the *Protective Behaviours* themes and strategies and encouraged to use them.
2. All staff employed at the school, whether it be on a permanent, temporary or casual basis, are appropriately screened, trained and supervised. The employment process requires:
 - written applications addressing specific selection criteria
 - an interview with an appropriate selection panel
 - full referee checks; including 2 referees and 2 previous employers
 - police screening, and
 - confirmation that the applicant is neither on the national register or has left his or her previous place of employment with unresolved allegations of misconduct.
 - Teachers are required, through the Teachers Registration Board (TRB), to have a police clearance. The Working with Children (WWC) legislation requires them to have a WWC Check.
 - Non teaching staff are also required to have a WWC check if their usual duties involve contact with children (see details below). School policy can be used to require these staff to have a police clearance.
 - Volunteers who are not parents who have contact with children are also required to have a WWC Check.
 - Volunteers who are parents are exempt from getting a WWC Check, unless on an overnight camp.
3. The school's commitment to the protection of students is made clear at all stages of the recruitment and selection process.
4. As the School actively encourages the participation and involvement of parents in classroom activities, excursions and camps specific guidelines have been put in place.
 - A confidential declaration (to be completed at the time of enrolment) indicating whether or not they have any convictions or whether or not they have any circumstances or reasons that might preclude them from working with or near children.
 - Clear guidelines are to be provided by staff outlining parental role and level of responsibility when acting in a supervisory capacity.
 - These guidelines should include strategies that reduce inherent risk both for the volunteers (ie they are not being asked to operate in such a way that they themselves are vulnerable) and for the students.
5. The school recognises that as many perpetrators of child abuse are never identified and therefore charged, screening in itself does not result in children being protected from potential abuse. Teaching and supervision practices will be monitored to ensure that the level of risk is managed effectively.
6. The School recognises that teachers are in a unique position to observe children and note any changes in their behaviour and as such will be supported in bringing forward any concerns as a result of their observations.
7. The School's Child Protection Policy will be available to all staff, parents and students, who will, as a result, know how to raise any concerns they may have. The school will be committed to responding to all

concerns in a professional manner.

8. The School philosophy encourages a child centred approach and promotes respect for all members of the school community. Student disciplinary procedures are proportionate, responsible, documented and followed and any abusive behaviour by any member of the school community towards any other member is viewed as serious (see *School Behaviour Policy*). Staff are required to treat students with respect at all times (see *Staff Code of Conduct*).
9. Any employee who is under investigation (internally or by the police) for committing sexual abuse will be automatically suspended from work and/or other duties.
10. Any employee who is found guilty of committing sexual abuse (either by an internal investigation or by court) will have their employment automatically terminated.

DEFINITION OF CHILD MALTREATMENT

Child maltreatment refers to any non-accidental behaviour by adults or children that is outside the norms of conduct and entails a substantial risk of harm to a child or young person. The behaviours may be intentional or unintentional. (AIFS-What is child abuse and neglect).

It may be 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 listed below:

- Physical
- Sexual
- Emotional including psychological
- Neglect
- Family and domestic violence.

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 to injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline, physical punishment or other forms.

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.

Included under emotional abuse is psychological abuse. 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 1:

Child abuse and neglect, through the Department for Child Protection and Family Support, is defined as maltreatment done by a person who has responsibility to care for a child.

However, it is very important to note that the definitions of child maltreatment mentioned in this section can be used to describe 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.

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.

The single most helpful item for staff to consider is the deviation from normal or baseline behaviour of a child. A child who has been abused experiences mixed emotional and physical responses to abuse and may well be confused by the disconnect between respect/love for the abuser and abhorrence or ambivalence to the abuse itself.

Physical abuse could be represented by:

- 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;
- a history of family violence;
- marked delay between injury and obtaining medical assistance;
- a 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;
- the avoidance of physical contact by the child (particularly with a parent or carer).

Sexual abuse could be represented by:

- 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;
- a child or young person implying that he/she is required to keep secrets;
- the presence of sexually transmitted disease;
- sudden unexplained fears;
- enuresis and/or encopresis (bed-wetting and bed soiling).

Emotional or Psychological abuse could be when:

- 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 may be:

- 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.

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'.

THE FACTS ABOUT CHILD ABUSE

By its very nature, child abuse is a very difficult concept to measure. It is estimated that much of the abuse goes unreported. Statistics used, are often based on incarceration figures of those found guilty of abuse beyond reasonable doubt, a legally nuanced term.

Most cases of child abuse do not meet the legal criteria of beyond reasonable doubt, but do present sufficient evidence to involve child protection authorities, where the criteria is based on the balance of probabilities. Those figures demonstrate an increased number of children who have been abused. Additionally, when studies involve cohorts reporting experiences of abuse, the figures increase substantially again and provide a different prevalence and typology of abusers.

Children or young people are at significant risk of developing psychological and emotional problems later in life, and at risk of repeating the pattern of abuse with their own children, through an inter-generational mechanism.

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). There is no reliable profile of a child sexual abuser and institutions and communities must be vigilant for those in their care.

A child abuser usually spends sufficient 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.

Many child sex abusers hold positions of trust within the community with ready 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.

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).

MANDATORY REPORTING OF CHILD SEXUAL ABUSE

The legislation

Since 1 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*. The Act was further amended in 2016, to include boarding supervisors.

In Western Australia, the mandatory reporters of child sexual abuse are the following professions in both the government and non-government sectors:

- teachers;
- boarding supervisors;
- nurses;
- doctors;
- police officers; and
- midwives.

Definition of 'teacher':

The definition of teacher in section 124A of the Children and Community Services Act 2004 has been changed to read:

- (a) *person who is registered under the Teacher Registration Act 2012, or*
- (b) *[deleted];*
- (c) *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*
- (d) *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*
- (e) *A person employed by the chief executive officer as defined in the Young Offenders Act 1994 s3 to teach detainees at a detention centre as defined in that section.*

Role of Non Mandatory Reporters and Notifiers

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 and suspicions or concerns about all forms of abuse. These people who work with children also have a greater knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Reports by those employees who are not mandated are usually made to the Principal of the school. In the case where it is believed the Principal may somehow be complicit or obstructionist, the report should be made to Chair of the Governing body.

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, The Criminal Code Act Compilation Act 1913 s. 320-322

Definition of child

The definition of ‘child’ is defined in section 3 of the Children and Community Services 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.

Duty to report sexual abuse of children Section 124B of the CCS Act 2004 states, in part, a person who... believes on reasonable grounds that a child:

- (a) has been the subject of sexual abuse that occurred on or after commencement day;
- (b) is the subject of ongoing sexual abuse; and forms the belief;
- (c) in the course of the person’s work (whether paid or unpaid)... must report the belief as soon as practicable after forming the belief.

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.

Please note that within an Independent School, once a teacher has formed a belief based on reasonable grounds, in the course of their work, that individual teacher is required to make a written report to CPFS, not the school principal. Prior to forming a belief, the teacher may, if they wish, consult with appropriate colleagues with specialist knowledge, for example, the principal, psychologist, school counsellor.

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 sexually 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 (MRS) 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.

Section 124C states that a written report may, but need not be in a form, approved by the CEO. However, the same section also specifies what information a report is to contain.

A report is to contain:

- (a) the name and contact details of the reporter;
- (b) the name of the child or, if the child's name cannot be obtained after reasonable inquiries, a description of the child;
- (c) if, or to the extent, known to the reporter —
 - i. the child's date of birth;
 - ii. information about where the child lives;
 - iii. the names of the child's parents or other appropriate persons as defined in section 41(1);
- (d) the grounds for the reporter's belief that the child has been the subject of sexual abuse or is the subject of ongoing sexual abuse;
- (e) (ea) if, or to the extent, known to the reporter —
 - i. the name of any person alleged to be responsible for the sexual abuse;
 - ii. the person's contact details;
 - iii. the person's relationship to the child;
- (f) any other information that is prescribed.

Mandatory reporters are required to submit a written report to the MRS as soon as practicable. A report may be oral or written, but in the case of an oral report the reporter must make a written report as soon as practicable after the oral report has been made.

Where a teacher has formed a belief that the child is at imminent risk of being abused, they should consider calling the Western Australian Police first, whether through the 000 or the 131444 numbers. This does not fulfil the legal obligation to report a child sexual abuse belief and the individual who has formed the belief should then make an Mandatory Report (MR), which can be completed at <https://mandatoryreporting.dcp.wa.gov.au/Pages/MakeaReport.aspx>

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

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of \$3,000. Reporters may report beliefs to CPFS on a web based form which can be accessed at the mandatory reporting website www.mandatoryreporting.dcp.wa.gov.au. Please note that this is a timed form for security reasons and cannot be saved on a local device.

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

Email: mrs@dcp.wa.gov.au Phone: 1800 708 704

Fax: 92231190

Post: PO Box 8146

Perth BC, WA 6849

After a report is lodged, the sender will receive a standardised letter. This letter is proof that a report has been made, so it is important that the response is retained and securely stored.

Processing of the Report

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 CPFS District Office to which the report has been referred. It is important to note that all reports are actioned by CPFS, but it may not be the response that the reporter expects. Principals may discuss ongoing concerns with CPFS and are encouraged to maintain clear lines of communication with the District Office.

If new information becomes available to the reporter, this information should be submitted to CPFS. If a new concern or belief is formed, a new MR should be submitted.

Confidentiality and Legal Protection

The identity of the reporter is required to be kept confidential, except in limited and very specific circumstances. Section 124F(2) protects a reporter's identity from being disclosed. This includes information where a reporter's identity could be deduced. (s124A) Disclosure of a reporter's identity carries a maximum fine of \$24,000 and 2 years' imprisonment.

There are exceptions where disclosure of a reporter's identity is permitted. In such cases, 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 of 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 Mandatory Reporting requirements mean for Quintilian School?

Where a staff member has concerns for the wellbeing of a child, but has not yet formed a belief, it is important that this be discussed with an appropriate person within the school. 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.

It is the teacher's responsibility to make the report directly to the Mandatory Reporting Service. The Principal and

other relevant staff are there to provide support if required and the teacher **may** advise the Principal of the report, but there is no obligation on the teacher to do so. In the course of such a discussion, should the principal or other staff member, themselves then form a belief, the person forming the belief would be obliged to make a Mandatory Report.

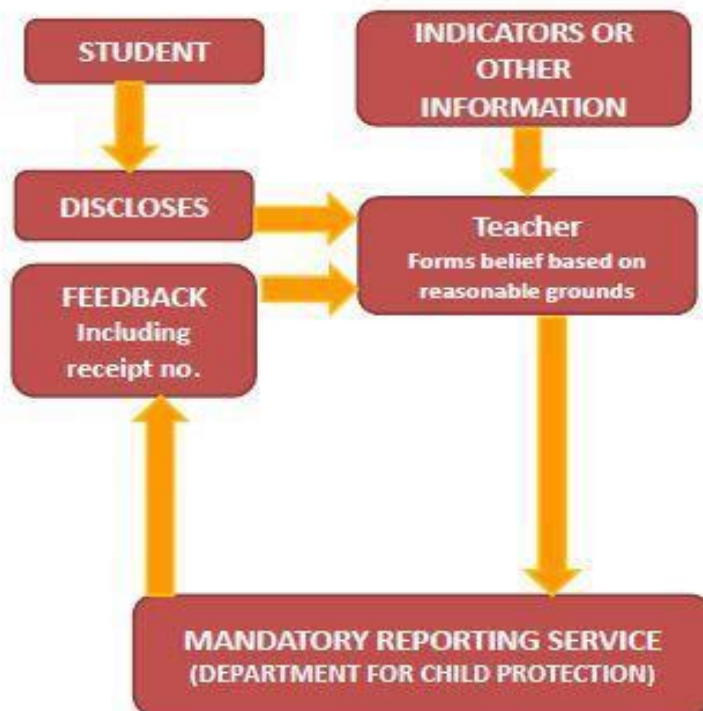
Any such discussions or documentation must remain highly confidential and the protection of the identity of the reporter as discussed above must be kept. However, throughout the process, the wellbeing of the child must be of paramount concern.

The school will not inform parents until they have sought advice from CPFS or WA Police, so as not to hinder / impede a possible investigation.

The following flow chart outlines the procedure for the mandatory reporting of child sexual abuse for Quintilian School. Other sections of this document provide a suggested procedure for other forms of child abuse.

REPORTING CHILD SEXUAL ABUSE

MANDATORY REPORTING PROCEDURE



Once a teacher has formed a belief based on reasonable grounds, they are required to make the report to the Mandatory Reporting Service of CPFS.

Where to go for information and assistance

The Department for Child Protection is the agency responsible for administering the Children and Community Services Act, which is the legislation dealing with the mandatory reporting of child sexual abuse. The Mandatory Reporting Service has been established by the Department to receive and investigate reports of sexual abuse.

The Department has established a website: www.mandatoryreporting.dcp.wa.gov.au, which provides information around Mandatory Reporting and is the portal for making an online written report, but includes a downloadable copy.

The Mandatory Reporting Service can also be contacted through the following ways: Telephone: 1800 708 704

Email: mrs@dcp.wa.gov.au Fax: 92231190

Post: PO Box 8146

Perth BC, WA 6849

GROOMING BEHAVIOUR

Grooming in a child protection context refers to deliberate actions undertaken to engage in sexual activity with a child. It differs from sexual abuse in that it is primarily a preparatory activity occurring before abuse occurs, but is continued during and after the abuse to ensure the safety of the groomer.

Grooming is a subtle, gradual, and escalating process of building trust with a child and those around the child, both children and adults, with the express purpose of the sexual gratification of the perpetrator and generally involves engaging in sexual activity with the child. It is deliberate and purposeful and occurs both before and after the abuse. Abusers may groom children and supporting adults for weeks, months, or even years before any sexual abuse actually takes place. The grooming may occur in person or via cyber media.

In the early stage, a committed offender will employ grooming behaviour and because it is so subtle and gradual the child may not be aware of the actual abuse when it occurs and that it is wrong or harmful. The grooming occurs not only with the child but also with those supporting networks around the child which might act as a deterrent or protective element. The perpetrator will invest significant energy and patience to minimise the risk of detection and exposure.

The groomer will employ manipulation, guilt, shame, bribery, coercion or exploit low self-esteem to psychologically manipulate the child and as a result the child becomes increasingly dependent on the groomer and increasingly alienated from protective elements including possible sources to disclose to. Plausible deniability is part of the strategy that the groomer employs to ensure that staff don't take seriously the possible disclosures of a child. This is a deliberate strategy employed to maintain the secrecy of the abuse, so that the abuse is concealed and to ensure the silence of the child.

The groomer will exploit vulnerabilities of the protective elements around the child, including parents and family circumstances, organizational and systemic weaknesses.

Groomers are very adept at identifying anomalies, boundary ambiguities, and the lack of systemic awareness; at deflecting attention from their own actions and intentions.

While distinguishing between appropriate intent and inappropriate intent is very difficult, particularly for a child, it is essential that schools have very clear expectations and boundaries around behaviours so that there can be rigorous accountability when dealing with children.

Organisations must invest in increasing understanding around providing a safe environment for children and adults to challenge existing practice, to be able to raise concerns around unprofessional behaviour and to have a shared understanding of what a safe school is.

Grooming behaviour with children may include, but is not limited to:

- selecting, befriending a child and gaining his or her trust, exploiting the child's vulnerabilities;
- testing a child's boundaries through telling inappropriate jokes, roughhousing, backrubs, tickling, or sexual games;
- moving from non-sexual touching to "accidental" sexual touching. This typically happens during play so the child may not even identify it as purposeful, inappropriate touching. It is often done slowly so the child is gradually desensitized to the touch;
- manipulating the child to not tell anyone about what is happening. The abuser may use a child's fear, embarrassment, or guilt about what has happened. Sometimes, the abuser uses bribery, threats, or

coercion;

- causing the child to feel responsible for the abuse. Children may not notice or may become confused as the contact becomes increasingly intimate and sexual.

Grooming behaviour with adolescents may include additional strategies, such as:

- identifying with the adolescent. The abuser may appear to be the only one who understands him/her;
- displaying common interests in sports, music, movies, video games, television shows, etc;
- recognizing and filling the adolescent's need for affection and attention;
- giving gifts or special privileges to the adolescent;
- allowing or encouraging the adolescent to break rules (e.g., smoking, drinking, using drugs, viewing pornography);
- communicating with the adolescent outside of the person's role (e.g., teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. Some of these strategies may include where the perpetrator:

- promotes self and creates a reputation as caring, child-loving, competent, available, trustworthy, truthful;
- raises doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations;
- fosters dependency as someone the family can rely on; and
- positively represents child to others so as to be perceived as someone who would never harm the child.

Preventing or interrupting the Grooming process

Organisations unfortunately provide a vast array of opportunities for groomers to enact the grooming process. Some abusers have a particular preference for children within particular age bands and some studies have shown that groomers will take child focussed employment primarily to get access to a particular cohort of children.

Within an organisational context, holding all staff members accountable to the school code of conduct and challenging boundary crossings and violations is one of the most accessible strategies to combat grooming behaviour.

Employees, other professionals and volunteers, and others, must have very clear understandings of the expectations around interactions with students and processes for reporting concerning behaviours. Where an employee is investigated for behaviours considered to be grooming, school authorities are obligated to report this to both the Director General of DES and the TRBWA.(Standard 9).

CYBER PREDATORS

The internet is one of the main sources of communication for young people today. The popularity of various social media as well as chat rooms, applications, discussion groups and interactive games makes them a very attractive place for predators as they can remain virtually anonymous whilst participating in a range of paedophilic activity. There are significant concerns in this area, and schools, parents and students need to be informed consumers of this space.

These quotes come from the NetAlert website:

"...paedophiles can socialise together, trawl for inappropriate content (such as child pornography) and easily make collections of this and distribute to others.

They can pretend to be people other than themselves and they find a sense of security by operating from the confines

of their own homes.

Grooming children online with the intention to meet them in real life is an activity many undertake.

They often set up bogus email accounts and handles (a nickname for a person who uses the Internet) which protect their identity online.

*Children need to think carefully about a handle they choose. Handles such as *Angel- Babe*, *Sweet-Sixteen* and *SexyKid* appear harmless on the outset, however can attract the wrong attention. Paedophiles are often attracted to people with these types of names.*

Paedophiles can also erase the history of what they have done online from their personal computers, making it a lengthy and difficult task for authorities to charge them with an offence.

Paedophiles conduct numerous activities online, including:

- *swapping child pornographic pictures in chat rooms or through email or P2P networks;*
- *swapping children's personal information;*
- *participating in online communities with the intention to groom children for personal sexual gratification or to meet them in person;*
- *forming networks with other paedophiles;*
- *trading techniques on how to avoid the authorities."*

The *Criminal Code Amendment (Cyber Predators) Act 2006* is the legislation in Western Australia that protects children under the age of 16, or that the offender believes is under the age of 16, from an adult who uses electronic communications with the intent to procure the child to engage in sexual activity; or to expose the child to any indecent matter.

The Office of the Children's e-safety Commissioner (esafety.gov.au) is an excellent starting point for schools in promoting safety awareness for all.

Schools should seek advice from: <https://www.thinkuknow.org.au/>

Australian Federal Police: <https://www.afp.gov.au/>. Also on the AFP site is the Child ID App for missing or abducted children, a useful tool to consider.





The following is available on the <http://www.thinkuknow.org.au> website:

HOW TO REPORT

If you think a child is in immediate danger, call Triple Zero (000).

This section provides information and facilities to help you report inappropriate, harmful or criminal activities that **occur online or via a mobile device.**

This information is for people who live in **Australia only**. For advice on reporting these issues from another country, please visit the [Virtual Global Taskforce website](#).

| | |
|---|---|
|  | <u>Report online child sexual exploitation</u> Report inappropriate sexual behaviour towards a child. |
|  | <u>Report inappropriate content</u> Report internet content which you believe is prohibited or inappropriate. |
|  | <u>Report cybercrime</u> Report cybercrime to the Australian Cybercrime Online Reporting Network (ACORN). |
|  | <u>Report cyberbullying</u> Report cyberbullying of adults to ACORN or children to the eSafety commissioner. |

INTERAGENCY REPORTING OF CHILD PROTECTION MATTERS

Section 28A of the Children and Community Services Act, provides for the disclosure of relevant information between prescribed authorities and authorised entities. An authorised entity is defined as the governing body of a registered school (s. 28B) and section 28C provides for the delegation of the power to the principal, with the stipulation that this delegation be done in writing. Relevant information is defined as *information that is, or is likely to be, relevant to 1) the wellbeing of a child or class or group of children; or 2) the safety of a person who has been subjected to, or exposed to, one or more acts of family and domestic violence; OR C) other information of a kind prescribed by the regulations.*

Where information is disclosed in good faith, no civil or criminal liability is incurred; the disclosure will not be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and the disclosure will not be regarded as a breach of professional ethics or standards or any principles of conduct applicable to a persons employment or regarded as unprofessional conduct.

In addition, a Memorandum of Understanding (MOU) exists between the Department for Child Protection and Family Support and the Association of Independent Schools of Western Australia. This MOU provides an overarching framework for the schedule that guides the provision of collaborative child protection and education services for children in the CEO’s care and children who have been, or are, at risk of abuse and/or neglect.

The MOU deals with two elements, firstly around abuse where it outlines the responsibilities of Independent Schools, CPFS and joint responsibilities in information sharing. In obtaining access to children at school, mandatory reporting, responsibilities of principals in relation to reporting child abuse and neglect.

Secondly in relation to supporting children who are in the care of CEO of CPFS including enrolment, education assessment and planning, supporting children with high needs, managing child behaviour and attendance, consent for publications, photographs and school activities.

THE ROLE OF THE DEPARTMENT FOR CHILD PROTECTION AND WA POLICE

Teachers are required by law to make reports when they have a reasonable belief that sexual abuse is occurring or has occurred. For other forms of child abuse mandatory reporting is not a requirement, however, schools have a duty of care and a moral obligation to follow the recommended procedures in cases of suspected child abuse.

The *Department for Child Protection and Family Support (CPFS)* is the government department with the statutory authority to investigate child protection concerns in Western Australia.

It is not the school's role to investigate child maltreatment issues, including concerns of sexual abuse. That responsibility lies with the CPFS and WA Police. All disclosures or strong concerns of abuse or neglect should be **reported** to CPFS by the Principal or teacher. CPFS will then decide on how to proceed. See sections 6 and 13 of this document for detailed information on reporting procedures.

The *Western Australian Police* also have a role in responding to allegations of child abuse and neglect. The WA Police Service Child Abuse Investigation Unit (CAIT) intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid. In the case of a report of child sexual abuse, CPFS will forward all reports to the WA Police.

Where abuse and neglect has occurred within a family and there is the possibility of criminal charges being laid, the police and the CPFS may undertake a joint investigation to reduce the trauma of the interviewing process to the child or young person.

Under section 129 of the *Children's and Community Services Act 2004*, people who give information, in good faith, to the Department for Child Protection are protected from incurring any civil or criminal liability, from having breached any confidentiality imposed by law, or from having breached any professional ethics or standards.

DEPARTMENT OF CHILD PROTECTION AND FAMILY SUPPORT (CPFS)

In cases of child sexual abuse the teacher will provide a written report to the Mandatory Reporting Service of CPFS. The Mandatory Reporting Service will provide a standardised letter to the reporter outlining which CPFS local office is involved, and what action has been taken. The Mandatory Reporting Service is required to forward all reports on to the WA Police.

For other forms of abuse, the Principal should report all disclosures or strong concerns to the CPFS of abuse or neglect arising from the actions or inactions of parents/caregivers and maintain a written record of this communication and subsequent actions. The CPFS will then decide how to proceed. The decision to progress the matter further is the responsibility of the CPFS.

The CPFS is required to provide feedback to people making reports on child abuse. The Principal should seek undertakings from the CPFS that they will be kept informed within the bounds of confidentiality.

The Principal's initial contact with the CPFS will be through the Duty Officer at the Local District Office closest to where the child lives (all offices are listed in the White Pages). All calls from school concerning students are taken very seriously and it may be appropriate if the emergency occurs after hours to explain to the switchboard operator that it is an emergency so they can speak to the Duty Officer promptly. When reporting to the Duty Officer, note his/her name and position.

Note: The Mandatory Reporting Service and the Duty Officer at the local CPFS office can also be used initially in a consultative role if either the Principal or the teacher is unsure of what action to take.

The school should be aware that the powers of the CPFS under the *Children and Community Services Act 2004* includes:

- **Apprehension of children in need of care and protection** (without warrant)
- **Interviewing the child:** CPFS has the authority to interview the child at school before contact is made with

the parent/caregiver. Before doing so, the principal or 'person in charge' at the school must be notified. The child should have the option of having support at the interview from a staff member of their choosing.

- **Removal of children from the school:** CPFS officers may remove a child from the school if they have the permission of the parent/caregiver or if they have apprehended the child. The Principal should satisfy themselves that all conditions have been met before this occurs and document all conversations.
- **Medical examination:** CPFS may require that a medical examination occur as soon as possible so that bruising, marking and other symptoms can be recorded for future reference. This would normally take place at either PCH or the Community Child Health Services Centres. This examination can only take place if permission has been obtained from the parent/caregiver or the child has been apprehended (when parent/carer permission is not obtained).

Parents/Caregivers

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

REASONS FOR HAVING A CHILD PROTECTION POLICY

In addition to the duty of care owed to all students by the school, the Department of Education Services also requires all non-government schools to have a Child Protection policy under the levels of care for students provisions listed for renewal of registration purposes.

The school's policy must include the mandatory reporting requirements for teachers of child sexual abuse. The *Children and Community Services Act* is the legislation that covers this requirement for schools. Detailed information on this is covered in this document.

Note: Students may disclose abuse to a teacher and the school must respond appropriately and in the best interests of the child.

CHILDREN IN CARE OF THE DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT (CPFS)

For those students who are identified to the school they are in care, the school must produce a documented education plan (DEP) based on the child's educational goals. CPFS will consult with the school to determine if DEP meeting or review meeting is required. The meeting may consist of relevant stakeholders (e.g. teacher, carer, child protection worker or school psychologist).

QUINTILIAN SCHOOL PROCEDURES AND NOTIFICATION STEPS

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

The teacher's observations or the child's disclosure should be discussed, in the first instance, with the Principal, or the School Chair, 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.

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

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: **Child 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 and Family Support 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. If either of those parties are mandated reporters and then personally form a belief, they are then legally obliged to make a report to the MRS.

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 2 school members present (eg. 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.

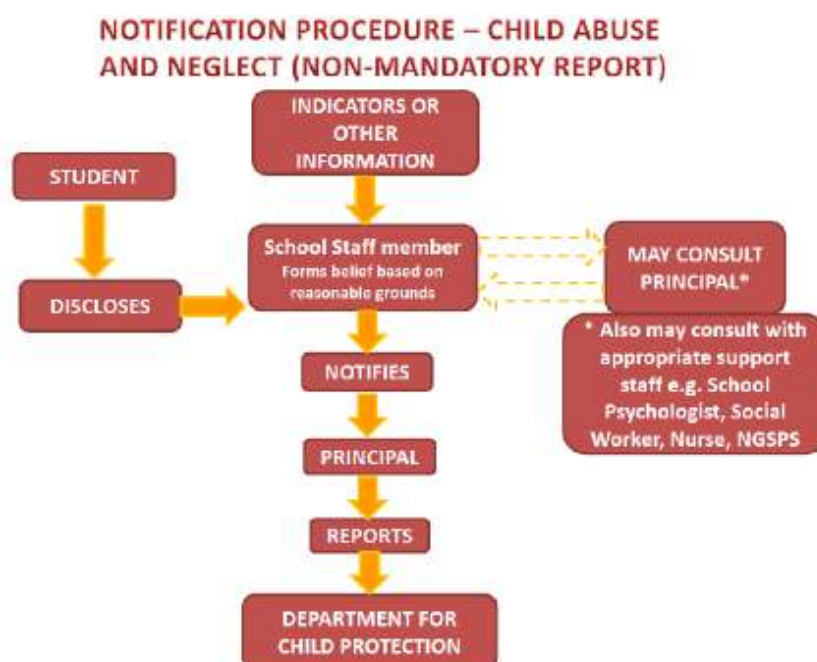
Very important! To avoid interfering with any investigative process initiated by CPFS or the Police, the Principal or teacher must seek advice from CPFS or Police prior to informing the parent/carer of a concern of abuse or neglect.

Step 3

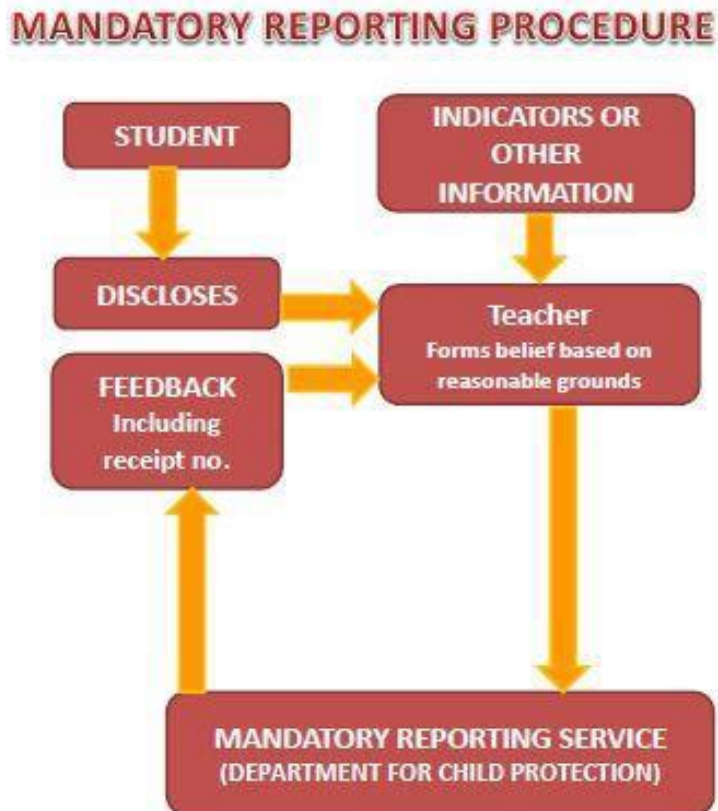
The Principal should arrange ongoing support for the teacher, the student and anyone else affected. The need for ongoing support is often necessary as the teacher will continue in their role with the student and the CPFS’s role may continue for an extended period of time.

In the event that the Principal decides that the nature of the observations or the disclosure warrants external agency involvement, the Board Chair will be informed that such action is being taken.

- (a) Flowchart for notification steps for reporting all forms of abuse other than sexual abuse ie for reporting physical, emotional, psychological abuse and neglect:



(b) Flowchart for notification steps for reporting child sexual abuse:



APPENDIX A: RESPONSE TO DISCLOSURE OF ABUSE OR NEGLECT

If a student makes a disclosure of abuse or neglect staff should be aware of the immediate needs of the student and know what to do in these circumstances. Children will rarely use adult language or specific terms when disclosing abuse, the language used will be at the developmental level of the child, so staff may not initially pick up the nuances of the disclosure.

Most disclosures are accidental, that is the child did not intend to disclose, and it is likely that the disclosure will only be partial. Staff should not attempt to elicit a full disclosure, or ask direct questions. The child should be encouraged to speak freely, ie a free narrative, but staff should not try to direct the child down a particular path of thought.

The following are suggested ideas for staff to consider using:

- Use ‘protective interrupting’ if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people
- Acknowledge that you have heard them and stop them from disclosing any further
- Be supportive and gently indicate that they might tell you about it in a more private situation
- Quietly arrange to see them as soon as possible, in a situation away from other students
- Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process
- Put your own feelings aside and listen as if the information is not sensational
- Provide reassurance that the student is believed, that they were right to tell and it was not their fault
- remain as objective as possible as a staff member and do not make judgements about what has happened

- Listen to students in an appropriate private location within the school, that is a place where the interactions can be observed but not heard by others
- Be supportive and understanding
- Be empathetic to student feelings; the student may be confused because of the relationship with the abuser; eg: loving parents shouldn't do abusive things
- Acknowledge that it is difficult to talk about such things
- Try to identify students' immediate fears
- Let students tell the event in their own words; when reporting, do not paraphrase but try to be as accurate as possible
- If you are unable to answer all the questions of the child, it is OK to let them know
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure
- Allow students the option of support during any agency interview and reassure them of the availability of continuing support
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them
- Document the disclosure and subsequent discussion and actions
- Explain what will happen next
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support.

Staff must be careful that they:

- don't push for details or conduct an investigation. Other agencies have this responsibility;
- don't express judgement of the student, perpetrator or family;
- don't get angry, upset or show shock;
- don't ask questions that may make the child feel guilty or inadequate;
- don't ask leading questions, for instance 'Did Daddy hit you?';
- don't put words in students' mouths or interrogate as this could jeopardise the interviewing process of CPFS and Police;
- don't promise not to tell when there are clear limits on confidentiality;
- never make false promises;
- don't give a lecture about right and wrong;
- don't say 'forget it', 'you'll get over it' or other such minimalising statements;
- don't give excessive pity;
- respect the confidentiality of the disclosure and do not share the information with anyone other than the Principal and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.

Note: Staff must be aware that a disclosure can arouse within themselves strong feelings of shock, anger and helplessness. It is important to try and control these feelings and work through them after the disclosure. Even a hint of disbelief could cause a child to stop disclosing.

APPENDIX B: CHILDREN LEFT AT SCHOOL

It is imperative that the school exhausts all avenues in attempting to contact the child's family and emergency contacts.

In some cases, the Principal may decide to drive the child home to establish contact with the family. It would be wise in some circumstances to ask a staff member to accompany the Principal. For example, a male Principal taking home a young child should ask a female staff member to accompany them.

If the school is unable to make any contact with the child's family, the Principal should contact the Local District Office of CPFS and explain it is an emergency. After hours, the Crisis Care Line, also operated by CPFS, is to be contacted.

APPENDIX C: PROTECTIVE BEHAVIOURS

Summary of Protective Behaviours Themes and Strategies

The Protective Behaviours Program is designed to meet a range of social and emotional needs:

PREVENTATIVE

- A program for all children/ young people, to prevent abuse.
- Reaches potential victims as well as perpetrators with messages of rights & options

DESIGNED TO DEVELOP LIVING & SOCIAL SKILLS

- Communication skills
- Problem solving skills
- Increases self esteem

TEACHES PROBLEM SOLVING SKILLS

- Through supporting children and young people to identify ways to deal difficult, stressful and (potentially) abusive situations

PROVIDES STRATEGIES TO FIND HELP & BE SAFE

- Assists children and young people deal with difficult situations
- Gives strategies to find the right sort of help & to feel & be safe again

NETWORKS

- Assists children and young people to develop a network of trusted adults.
- Instils concept that anything difficult or awful can be talked about with a trusted adult

RIGHT TO FEEL SAFE

- Teaches children and young people that they have the right to be safe and feel safe at all times.

RIGHTS HAVE RESPONSIBILITIES

- Teaches children that they also have responsibilities to other people, ie: with the right to feel safe comes the responsibility to ensure that other people also feel safe

EMPOWERING

- Provides children and young people with positive steps to improve their own safety and self care

THEME ONE

"We all have the right to feel safe at all times".

- How does "safe" feel for the children you work with?
- Other people have the right to feel safe too.
- What does this mean for everyone at Quintilian?

THEME TWO

“Nothing is so awful we can’t talk with someone about it”

CORE CONCEPTS

There are three core concepts within the Protective Behaviours Program. These are;

- SAFETY
- EARLY WARNING SIGNS
- NETWORKS

Feeling safe will always involve choice

- This concept is used to assist children and young people to identify the difference between situations where they are choosing to take a risk and those in which they have no choice

Adventurous behaviour, like safety, depends on choice and control

SAFETY = CHOICE AND CONTROL

Potentially Unsafe or Stressful Situations

- Inappropriate comments
- Aggression
- Harassment
- Being alone in difficult environments
- Travelling in a car when the driver is being unsafe
- Not being picked up from school

EARLY WARNING SIGNS ARE THE PHYSICAL SENSATIONS WHICH WE EXPERIENCE IN OUR BODIES WHEN WE DO NOT FEEL SAFE, OR WHEN WE ARE IN AN EXCITING OR CHALLENGING SITUATION.

BE AWARE OF WHAT YOU CAN DO TO INCREASE YOUR SAFETY AND SELF CARE WHEN YOU GET YOUR EARLY WARNING SIGNS

- Children are taught that they need to do enough to make the early warning sign go away.
- This may involve trying a number of different strategies and being persistent.

MESSAGE: If I get an Early Warning Sign I should STOP & THINK

CREATE A NETWORK OF SUPPORT

- Children and young people are encouraged to seek out trusted adults on their network until they feel safe and their EWS’s have gone.

A NETWORK IS A GROUP OF PEOPLE WHOM YOU TRUST & HAVE QUALITIES WHICH YOU KNOW ARE NECESSARY TO SUPPORT YOU WHEN YOU ARE FEELING UNSAFE AND CAN ASSIST YOU IN TAKING ACTION IF NECESSARY.

- Theme reinforcement
- One-step removed problem solving
- Network review
- Protective interruption
- Persistence expectation

The below table outlines any changes or updates to this document.

| Revised By | Date | Comments | Version |
|-------------------------------|--------------|--------------------------------------|---------|
| Dean Roberts/Tamra Lindsey | 31 July 2022 | Fax and telephone number for DCP WA. | 1.2 |
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