MOERLINA SCHOOL

CHILD PROTECTION
POLICY & PROCEDURES

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CHILD PROTECTION

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1. Policy Statement

All staff employed at Moerlina School are responsible for the care, safety and protection of our students. This responsibility extends to the identification and timely response to concerns regarding the possible sexual, physical, psychological and emotional abuse or neglect of a child. (DET, 2011)

All children have a right to feel safe at school and in the wider community and to be protected from harm. 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.

On the 1st January 2009, the Western Australian government introduced new legislation that requires various occupations, including teachers, to report on child sexual abuse. This legislation is the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 and is an amendment to the Children and Community Services Act 2004. All Moerlina Staff are required to complete training in the Mandatory Reporting of Child Sexual abuse.

Moerlina School staff are vigilant in their care of all students. Screening requirements for adults working in either a renumerated position or in a voluntary capacity at the School are aligned to the State guidelines for Working With Children Checks. Clear guidelines are adhered to in the establishment of parameters for volunteers working with children in the school.

Moerlina staff are also responsible for assisting children to develop protective behaviours so that they have the knowledge and skills to manage their own safety. This is done by:
- establishing a school culture that values the rights of every person to feel safe and secure;
- establishing a school culture that expects every person to be responsible for recognising and respecting the rights of others;
- implementing a whole school approach to the teaching of social and emotional health programs to provide children with the knowledge and skills they need to care for their own wellbeing;
- implementing a whole school protective behaviours program to teach children the knowledge and skills to care for themselves.

All reports of any form of abuse will be taken seriously and will be reported to the Chair of Council and contact will be made with the relevant authorities to ensure correct reporting procedures are adhered to in any case.

Clear guidelines for the response and management of incidents have been established should this occur, to ensure staff and students are supported at such a critical time.

2. Background

At Moerlina the school curriculum covers a comprehensive, realistic and age-appropriate personal safety component enabling students to recognise and report abuse, understand power in relationships, and develop protective strategies, including seeking help.

Child protection is also addressed by other school policies such as anti-bullying and behaviour management, and by the Code of Conduct.

Staff and parents from the school community will have access to the Child Protection Policy and other policies that support the welfare of students.

Moerlina School has effective human resource practices in place to ensure all new employees, volunteers and contractors are screened and supervised.
Procedures for the reporting of Child Sexual Abuse differ from the reporting of other forms of abuse. Procedural guidelines for reporting of abuse form part of this Policy.

3. Mandatory Reporting of Child sexual abuse

Since 1st 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; and police officers.

In the independent school sector, teachers are required to make the report, not the school principal. If the teacher wishes, the school principal may be involved in the discussion, however, the teacher is responsible for completing and submitting the report to the Mandatory Reporting Service.

Suggested notification steps for the mandatory reporting of sexual abuse

**Mandatory Reporting of Child Sexual Abuse**

**Notification Procedure**

- **STUDENT**
  - DISCLOSES
    - **TEACHER**
      - Forms belief based on reasonable grounds
        - **MANDATORY REPORTING SERVICE**
          - (Department for Child Protection)

Note: A teacher may consult with the Principal or other appropriate staff eg. School Psychologist, Nurse, prior to forming a belief that sexual abuse is occurring. Consultation with the Principal prior to making a report is not required.

A Mandatory Reporting Staff Information Sheet can be found at Appendix 1.
4. Non-mandatory Reporting of Child abuse

For other forms of abuse, the Principal will report all disclosures or strong concerns to the DCP 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 DCP will then decide how to proceed. The decision to progress the matter further is the responsibility of the DCP.

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

Suggested notification steps for physical, emotional, psychological abuse and neglect

Child Abuse and Neglect (Non-Mandatory Report)

5. Response to disclosure of abuse or neglect

There may be times when a student makes a disclosure of abuse or neglect. Staff will be made aware of the immediate needs of these students and what to do in these circumstances through training and annual updates at Staff Development meetings held prior to the commencement of the new school year.
Staff at Moerlina will, to the best of their ability, adhere to the following guidelines in the case of a disclosure of abuse or neglect:

- 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; and
  - 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 you believe them, that it is right to tell and do not think that they are to blame or make judgements about what has happened:
- Listen to students in a private location within the school;
- Be supportive and understanding;
- Be empathetic to student feelings;
- Acknowledge that it is difficult to talk about such things;
- Try to identify students’ fears;
- Let students tell the event in their own words;
- 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; and
- 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 mindful they:

- Do not push for details or conduct an investigation. Other agencies have this responsibility;
- Do not express judgement of the student, perpetrator or family;
- Never get angry, upset or show shock;
- Never ask questions that may make the child feel guilty or inadequate;
- Never 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 DCP 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; or
- 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.
Staff must be aware that a disclosure can arouse in them strong feelings of shock, anger and helplessness. It is important to control these feelings; they can be worked through after the disclosure.

6. The role of the Department for Child Protection and WA Police

The Department for Child Protection (DCP) [formerly the Department for Community Development] is the government department with the statutory authority to investigate concerns in Western Australia. It is not the school’s role to investigate child maltreatment issues, including concerns of sexual abuse. That is the DCP’s responsibility. All disclosures or strong concerns of abuse or neglect should be reported to DCP by the Principal or teacher. DCP will then decide on how to proceed.

Details on where to find further information are located at Appendix 2.

7. Following a Disclosure

Where the Principal is made aware of a disclosure of abuse or neglect by a child at the school, AISWA will be contacted following any other relevant authorities (in the case of sexual abuse), to access support for staff where it is required, and to guide the School Council and the Principal in managing the situation.

Any critical incident will be reported to the Department of Education Services.

8. Relevant Legislation and Authority

The relevant sections of the legislation listed below can be viewed on www.slp.wa.gov.au

- 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 1: Mandatory Reporting Staff Information Sheet

**General Information**

**What is a mandatory reporter?**

A mandatory reporter is someone who is required by law to make a report to the Department for Child Protection (DCP) if they form a belief, based on reasonable grounds, in the course of their work that a child sexual abuse has occurred or is occurring.

In WA the legislation covering mandatory reporting of child sexual abuse applies to Teachers, Police Officers, Doctors, Nurses and Midwives. This legislation focuses on child sexual abuse. Other forms of abuse should continue to be reported.

**What is the legislative definition of a child?**

A child is a person who is under 18 years of age. In the absence of positive evidence as to age, a child is a person who is apparently under 18 years of age.

**What is the legislative definition of child sexual abuse?**

Child sexual abuse includes sexual behaviour in circumstances where the child:

- Is the subject of bribery, coercion, a threat, exploitation or violence; or
- Has less power than another person involved in the behaviour; or
- There is a significant disparity in the development function or maturity of the child and another person involved in the behaviour.

**What is the DCP definition of child sexual abuse (from the field worker guidelines)?**

The DCP takes the position that sexual abuse involves the exposure of children and young people to inappropriate sexual activity by either forcing them to be involved in sexual acts (masturbation, fondling, oral or penetrative sex); or witnessing the sexual activity of others, either by reading or viewing pornographic material or through direct observation.

**What happens if a mandatory reporter doesn’t make a report?**

Failure to make a report can result in a fine of up to $6000.

Failure to make a written report after a verbal report can result in a fine of up to $3000.

**If I make a report, do I have any legal protection?**

Mandatory reporters, non-mandatory reporters and others who provide relevant information are protected from liability, if the information is provided in good faith.

The penalty for disclosing a reporter’s identity is up to 2 years imprisonment and a fine of up to $24,000.

There may be cases where the court can give permission for identifying information to be revealed.

*Source: Mandatory Reporting of Child Sexual Abuse: Core Training Workshop, Department for Child Protection*
A belief, based on reasonable grounds, that child sexual abuse is occurring, is all that is necessary for mandatory reporters to be required to make a report to the Department for Child Protection.

It is NOT necessary to prove that child sexual abuse is occurring before making a report.

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.

To help you decide if you have a belief based on reasonable grounds consider the following questions:

- Can you describe the reasons why you believe the child has been, or is being sexually abused?
- What has the child said or done to suggest that 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/interactions with the child are of concern to you? What is the frequency and severity of the behavior? How long has it been occurring?

[Source: Mandatory Reporting of Child Sexual Abuse: Core Training Workshop, Department for Child Protection]

POSSIBLE BEHAVIOURAL SIGNS AND INDICATORS OF SEXUAL ABUSE

- Sexualized behaviours inappropriate to their age (including sexually touching other children and themselves)
- Evidence of sexual knowledge beyond the norms for their age
- 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
- Frequent sleep disturbances, nightmare, enuresis and/or encopresis (bedwetting or bedsoiling), soiling, night fears and refusal to get undressed
- Attempts to avoid contact with the alleged offender
- Unexplained sadness, crankiness or irritability
- Re-enactment of what abuser did, using dolls or other children
- An obsession with ‘rude’ matters in play, conversation and artwork
- Frequent masturbation
- Onset of anxiety symptoms such as thumb sucking, twitching and psychosomatic illness which doctors fail to diagnose
- Social withdrawal and self imposed isolation
- Poor concentration and regression in school work

General Information

How to make a report

Once a mandatory reporter forms a belief that child sexual abuse is occurring, they must make a report to the Department for Child Protection Mandatory Reporting Service on 1800 708 704 or online at www.mandatoryreporting.dcp.wa.gov.au

A verbal report can be made, but this must be followed up by a written report as soon as is practicable, preferably within 24 hours.

The legislation requires that the mandatory reporter make the report. The definition of a teacher relating to independent schools under the mandatory reporting legislation is:

‘A person who, under the Western Australian College of Teaching Act 2004, is registered, provisionally registered or has a limited authority to teach’.

In the Independent School Sector the teacher must make the report, it cannot be passed on to the Principal. The Principal is available to provide support to the teacher, but not to influence their decision. Please check your school’s Child Protection policy and procedures for information on the reporting requirements within your school.

What information should I provide?

There are three tiers of information to be provided:
Information that must be provided under the legislation
Information that must be provided if known
The Mandatory Reporting Service officer may ask mandatory reporters further questions about the child and their circumstances.

Tier 1 – Essential information

- Your name and address
- The child’s name or, if you cannot determine this after making reasonable enquiries, a description of the child
- Why you believe the child has been, or is the subject of sexual abuse

Tier 2 – Information that must be provided if known

- Child’s date of birth
- Where the child lives
- Names of the child’s parents or other responsible persons

Tier 3 – Useful information

- Does the child have a disability or a special need?
- Is the child from a culturally or linguistically diverse background?
- Is the child Aboriginal or Torres Strait Islander?
- Information about the child’s current whereabouts.
You may not know all of the information you are asked to provide. **IT IS IMPORTANT NOT TO INTERVIEW THE CHLD TO OBTAIN INFORMATION.** Just provide the information you have.

**What happens once I make a report?**

- The Mandatory Reporting Service (MRS) will issue you with an acknowledgement receipt number. You must keep this; it is your proof that you made a report.

- The MRS must provide the Police with a copy of every written report.

- The MRS will make enquiries and an assessment, then take the necessary action.

- The Police may undertake a separate investigation.

- The MRS will issue a feedback letter which will indicate to the reporter:
  
  - That a copy of the report has been forwarded to the Child Protection Squad; and
  - Which DCP District Office the report has been referred to; or
  - Whether no further action was recommended by the Mandatory Reporting Service.

(Source: Mandatory Reporting of Child Sexual Abuse: Core Training Workshop, Department for Child Protection)
Appendix 2: Where to go for further information

The Department for Child Protection is the state government department responsible for issues specifically related to the protection of children, including the handling of abuse and neglect cases. This website contains some excellent material for professionals, and parents and friends. Of particular interest is the information on ‘Identifying and responding to child abuse and neglect – a guide for professionals’.


The sexual abuse reports, the Mandatory Reporting Service must be contacted through one of the following means:
Telephone: 1800 708 704
Email: mrs@dcp.wa.gov.au
Fax: 1800 610 614
Post: PO Box 8146
Perth BC WA 6849
This unit is available 24 hours a day, 7 days a week for make a report or to raise concerns.
Details regarding mandatory reporting can be obtained through
www.mandatoryreporting.dcp.wa.gov.au

To contact DCP for assistance with a specific case that does not involve sexual abuse, the school will need to speak to the Duty Officer at the local office, available during office hours. All offices are listed in the White Pages or on the website.

After hours
Child Abuse Services WA
9223 1111/1800 199 008

Crisis Care
9223 1111/1800 199 008 (a 24 hour telephone service for people in crisis and needing urgent help)

WA Police Service Child Abuse Investigation Unit
If the matter is urgent and the safety of a child is at risk, call 000. If you are a victim of child abuse or paedophilia, or if you have information about someone else being abused, you should contact police on 131 444. You can also report child abuse to the Child Protection Squad on 9492 5444 or email them on Child.Abuse.Investigation@police.wa.gov.au, or ring Crime Stoppers on 1800 333 000 or go to your local police station.

WA Police Cyber Predator Team can be contacted on 9492 5444 or complaints can be lodged on the WA Police Website www.police.wa.gov.au

The websites below contain information on cyber predators for both parents, teachers and students to use.
www.acma.gov.au
www.constablecare.org.au
www.cybersmartkids.com.au
www.virtualglobaltaskforce.com
www.netalert.net.au