



Rockingham Montessori School
Incorporated
ABN: 68 115 270 695

POLICY TITLE: Child Protection Policy

BOARD APPROVAL DATE: May 2020

SIGNED BY CHAIR:

BOARD REVIEW DATE: May 2023

BACKGROUND

All children have a right to be protected from harm. Rockingham Montessori School and its teachers owe a duty of care to all children at the school. The School 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.

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*.

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 including psychological
- Neglect
- Family & 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".

A. 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 act including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline or physical punishment.

B. 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.

C. 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.

D. 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 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 the Appropriate Behaviour Policy, 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 will 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 2:

Students aged 18 and over may attend school but are legally considered adults and as such CPFS does not have a child protection mandate for them. However, they can be considered potentially vulnerable and in need of specialist services and schools continue to 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 17 of this document. Schools should contact the Police if they are aware of any assault or crime against a young adult.

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*".

Children 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 child is being abused, neglected or at risk of harm; however, indicators should be considered in the context of the child'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

- 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

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, 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.

MANDATORY REPORTING OF CHILD SEXUAL ABUSE

The Legislation

From the 1st January 2009, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* came into 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:

- doctors
- nurses
- midwives
- teachers
- boarding supervisors
- police officers

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.*

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.

Below is an explanation of who is included under the definition of teacher.

- a) provisionally registered is someone who is still pending conditions eg. Finish qualifications for new graduates; limited authority to teach includes a teacher who can teach at one school but not any other eg. Aboriginal elder is teaching an Aboriginal language at the school.
- b) 236(2) of School Education Act relates to those teaching in a community kindergarten.
- c) Section 118 of School Education Act relates to compulsory education of children and the decision by the Minister to exempt a child.
- d) Section 24(1) of the School Education Act relates to arrangements alternative to attendance and alternative education programs for children that don't attend school.

- e) Relates to those teaching detainees in a detention centre.

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 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, teachers are required to make mandatory reports not the Principal. While the Principal may be involved in the discussion, the teacher is responsible for completing and submitting the report to the Mandatory Reporting Service.

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 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:

- (i) has been the subject of sexual abuse that occurred on or after commencement day;
- (ii) is the subject of ongoing sexual abuse; and forms the belief;
- (i) 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 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 (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.

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

A verbal report is preferred in the first instance as it allows the Mandatory Reporting Service to 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 make a report can incur the maximum penalty of \$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.

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 the following methods:

Email to: mrs@dcp.wa.gov.au

Fax to: 1800 610 614

Post to: 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.

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.

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 will then decide whether 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 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;
- 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 Rockingham Montessori 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.

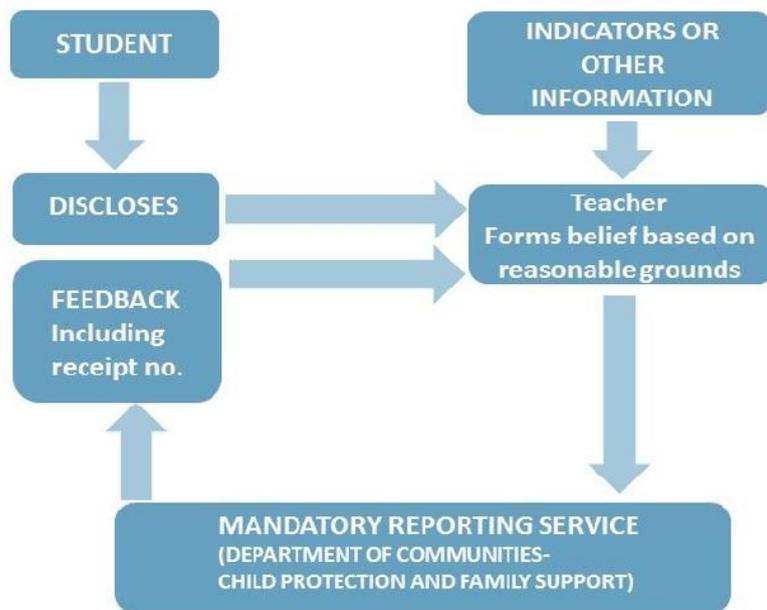
In order to comply with the new reporting requirements, the school will need to review the internal processes used for reporting. It is important to remember that the notification steps for sexual abuse may differ from the steps used to notify other forms of child abuse as the teacher is the one responsible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

While the Principal and other relevant staff may be involved in discussions with the teacher in relation to a specific child, it is the teachers 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 following page outlines the notification steps for child sexual abuse.

- Staff should be aware that they can not agree to a student's demands for confidentiality or requests that parents, police or other agencies not be informed when the welfare or safety of the student or other students maybe threatened. Restrictions and reasons for breaches of confidentiality need to be overtly stated within the school;
- All strong concerns for the welfare of children believed maltreated by parents/caregivers are discussed with the Department for Child Protection and Family Support or the Police Child Abuse Investigation Unit before advising parents/caregivers. These agencies will then decide on the provision of advice to parents/caregivers and any further action. Police and the CPFS are available to provide advice on chid abuse concerns and maybe contacted anonymously if needed;

REPORTING CHILD SEXUAL ABUSE MANDATORY REPORTING PROCEDURE



Reporting Child Sexual Abuse

PROCEDURES

Step 1

The individual teacher makes observations and keeps note of concerns that exist that have led them to the belief that a report may be necessary.

OR

A child discloses abuse or neglect of the types listed below:

- Disclosure of abuse or neglect from someone with a responsibility to care for the student;
- Alleges sexual contact by staff;
- Shows indication of abuse or neglect;
- Sexual contact by another student.

Note: It may assist teachers to think in terms of reporting behaviour or a series of behaviours and concern/s rather than reporting an individual family.

Step 2: For 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 Board 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 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 3: For Sexual Abuse:

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

The teacher may wish to discuss their observations or the child's disclosure with a member of the Schools Psychology Service or the Principal. In cases of other forms of child abuse and neglect, the Principal may be the appropriate person who will then decide the appropriate actions to take and who should be contacted.

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.

- 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 feedback 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 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.

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 PMH 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).

- Police

Strong concerns and disclosures of abuse and neglect from a person who is not the parent/caregiver should be advised to the police. Principals should also notify the CPFS as they can offer support to the student and family, and risk assess other children in the community.

The Police are also notified by the Mandatory Reporting Service of CPFS of all reports of child sexual abuse.

- 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.

Step 4 If following a report, a family approaches the school, 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.

Step 5 The Principal should undertake ongoing support for the teacher, the student and anyone else affected. The need for ongoing support could be necessary as the teacher continues in their role with the student and the CPFS role may continue for a while.

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.

There may be times when a student makes a disclosure of abuse or neglect. Staff should be aware of the immediate needs of these students and what to do in these circumstances.

- 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, that is a place where the interaction can be observed but not heard by others
- 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; 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; 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 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; 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 and Family Support or the Police. This includes not engaging in general staff room 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. Even a hint of disbelief could cause a child to stop disclosing.

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 the CPFS and explain it is an emergency. After hours, the Crisis Care Line, also operated by the CPFS, is to be contacted.

RECRUITMENT AND SELECTION OF STAFF, VOLUNTEERS AND CONTRACTORS

Rockingham Montessori School is responsible for ensuring that all new employees, volunteers and contractors are adequately screened, trained and supervised.

Working with Children Check

To strengthen the protection of children in WA, the State Government introduced legislation, the *Working with Children {Criminal Record Checking} Act 2004* (the Act), that requires people who start or continue in "child-related work" to have a national criminal record check called a Working with Children Check (WWC Check).

Work is "child-related work" if the *usual duties* of the work involve, or are likely to involve, contact with a child *in connection with at least one the 19 categories of work* listed under the Act. A "child" is a person under the age of 18 years. Detailed information on this legislation and its application to the Education Sector is contained in the 'Duty of Care' document in AISWA's Policy and Procedures Manual.

It is vital that schools sight the Working with Children Card of volunteers and self-employed people used by the school. Rockingham Montessori School will take a copy of any volunteers WWC card and keep this on record. Police have raised concerns with the number of people working with children saying they have a valid WWC card, who on further inspection either do not have a card or have been issued with a Negative Notice. Volunteers who are parents are exempt from getting a WWC Check, unless at an overnight camp.

Police Clearances

TRB Registered teachers

Teachers registered with the Teachers Registration Board (TRB) are required as part of their TRB registration to have both WWC Checks and a Criminal Record Check. This check is part of the TRB assessment process to determine whether a person is suitable for registration as a teacher. Information completed on the form will be forwarded to the CrimTrac Agency, other Australian police services or other law enforcement agencies for checking.

The teacher will be asked to disclose whether they are the subject of any criminal charges still pending before the Court, or whether they have been the subject of any convictions or findings of guilt before a Court.

Under Western Australian legislation (Spent Convictions Act 1988 (WA)), spent convictions are not disclosed as part of the criminal history checks. However, TRB has received an exemption that allows them to receive information on ALL criminal convictions or findings of guilt, including spent convictions in WA. Spent convictions in other states will only be released if the State based legislation in that state allows them to release it.

The Working with Children Legislation also requires teachers to have a WWC Check.

Other School Staff

Other school staff are also required to have a WWC Check if their usual duties involve, or are likely to involve contact with a child. The Australian Federal Police administer the National Police Certificate through the CrimTrac Agency.

A National Police Certificate is a list of your disclosable Court outcomes and pending charges sourced from the databases of all Australian Police Jurisdictions. Certain convictions may not be disclosed on a NPC in accordance with the legislation and policies of various police jurisdictions (eg Spent Convictions and most traffic and juvenile convictions). National Police Certificates are commonly used for employment or licensing purposes. To obtain a National Police Certificate, collect a form from a participating Post Office [Bank@post Australia post outlet](mailto:Bank@post.Australia.post.outlet)

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 s204 B of The Criminal Code)*

- Working with Children (Criminal Record Checking) Act 2004.

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.

Under the section 129 of the *Children's and Community Services Act 2004*, people who give information, in good faith, to the Department of 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.

Details of the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* are covered in section 6 of this document.

WHERE TO GO FOR FURTHER INFORMATION

Should any of the following links not be correct, please simply conduct an online search and the current contact details should readily appear, if the service is still provided.

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. Their website contains some excellent material for professionals, parents and friends. Of particular interest is the information on 'identifying and responding to child abuse and neglect – a guide for professionals'. To access The Department for Child Protection website click on this link: <https://www.dcp.wa.gov.au/Pages/Home.aspx>.

For 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 CPFS 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

Telephone: 9223 1111 / 1800 199 008

Crisis Care

Telephone: 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**, email them on Child.Abuse.Investigation@police.wa.gov.au, or you can 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 that for both parents, teachers and students may find informative:

www.esafety.gov.au

www.thinkuknow.org.au

www.acma.gov.au

www.constablecare.org.au

www.virtualglobaltaskforce.com

www.netalert.net.au

The National Association of the Prevention of Child Abuse and Neglect (NAPCAN)

NAPCAN is an Australian organisation that seeks to resource and network child welfare professionals and practitioners working to prevent child abuse and neglect from happening before it starts, through the provision of parenting brochures, training, support networks and information. To visit their website use this link: www.napcan.org.au.

CHILDSAFE ORGANISATIONS WA:

<https://www.ccyp.wa.gov.au/our-work/resources/child-safe-organisations/>

Protective Behaviours WA (Inc) is a preventative life skills program that assists people of all ages to develop the skills to help them deal with difficult or hostile situations. The program has a voluntary committee made up of representatives from government and non-government agencies as well as interested members of the community.

Protective Behaviours can be contacted on (08) 9356 0514 or by email: pbwainc@hotmail.com.

The following support service is available for staff at schools who may experience personal issues resulting from making a report:

Prime Corporate Psychology Services

Offers an employee assistance program including counselling, management and referrals.

Telephone: 9492 8900 / 1800 674 188

Each school may already have an assistance program available to their staff to provide help in overcoming problems that may cause difficulties in their work or personal lives.

The following services and organisations can provide help, advice and support to the school, parents or children who are affected by the effects of abuse and to prevent abuse from recurring:

Department for Child Protection and Family Support (see previous page for details).
Parenting Line

Telephone: 9272 1466 / 1800 654 432

Family Helpline is a free confidential telephone counselling and information service for families with relationship difficulties.

Telephone: 9223 1100 / 1800 643 000

Men's Domestic Violence Helpline provides a free telephone, referral and counselling service for men to help them change their violent behaviour toward female partners.

Telephone: 9223 1199 / 1800 000 599

Women's Domestic Violence Helpline provides a free 24 hour telephone support and counselling service for women experiencing family and domestic violence.

Telephone: 9223 1188 / 1800 007 339

Child Health and Community Health Services

Refer to the White Pages for contact details of local Child Health Centres.

Child and Adolescent Mental Health Services

Telephone: 1800 220 400 – 24 hour mental health advice line

Princess Margaret Hospital for Children

Telephone: 9340 8222

Note that responsibility will transfer to the Perth Children's Hospital some time in 2017:
[www.newchildrenshospitalproject.health.wa.gov.au]

State Child Development Centre

Telephone: 9481 2203

Disability Services Commission

Telephone: 9426 9200 / 1800 998 214

Kids Helpline is a free and confidential telephone counselling service for 5 to 25 year olds in Australia available 24 hours a day, 7 days a week.

Telephone: 1800 551 800

Sexual Assault Resource Centre Counselling Line offers a free, 24 hour emergency service for people aged 13 or over who have been sexually assaulted or sexually abused recently (within the last two weeks).

Telephone: 9340 1828 / 1800 199 888

Lifeline Australia offers a service 24 hours a day, 7 days a week and can provide information about other support services, if required. To contact Lifeline Australia call 13 11 14.

The following sites can provide a wide range of background information on child abuse for schools that are interested.

Australian Institute of Family Studies <https://aifs.gov.au/>

This site lists recent publications relating to information on child abuse that have been updated on the web site of the National Child Protection Clearinghouse.

<http://www.aic.gov.au/publications>

This is the Australian Institute of Criminology site and has links to the criminal aspect of child abuse.

APPENDICES:

1. FLOW CHART: Procedure for Managing Sexual Abuse.
2. FLOW CHART: Procedure for Managing Physical, Emotional or Psychological Abuse, or Neglect.
3. CyberSafety Links

RELATED AND SOURCE DOCUMENTS:

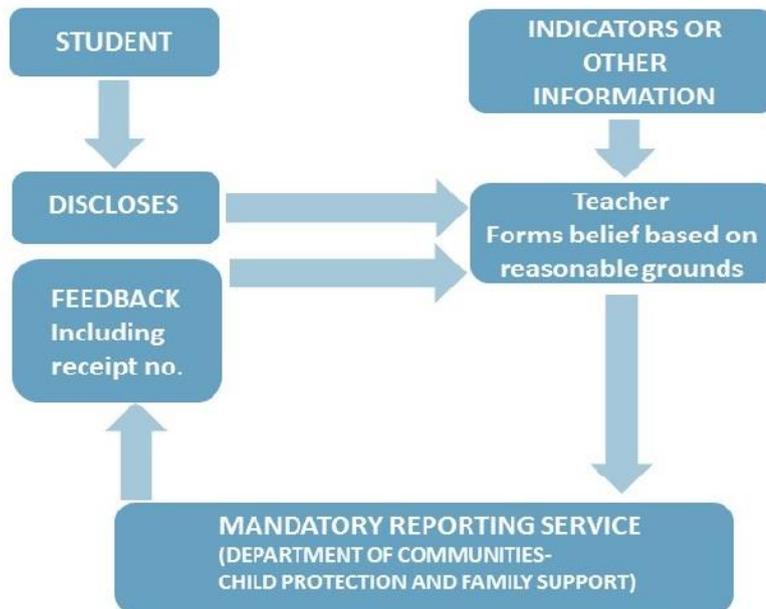
1. RMS Appropriate Behaviour Policy
2. RMS Staff Handbook
3. AISWA Child Protection Policy
4. RMS Duty of Care Policy

REPORTING CHILD ABUSE

Appendix 1.

Flowchart for notification steps for reporting child sexual abuse:

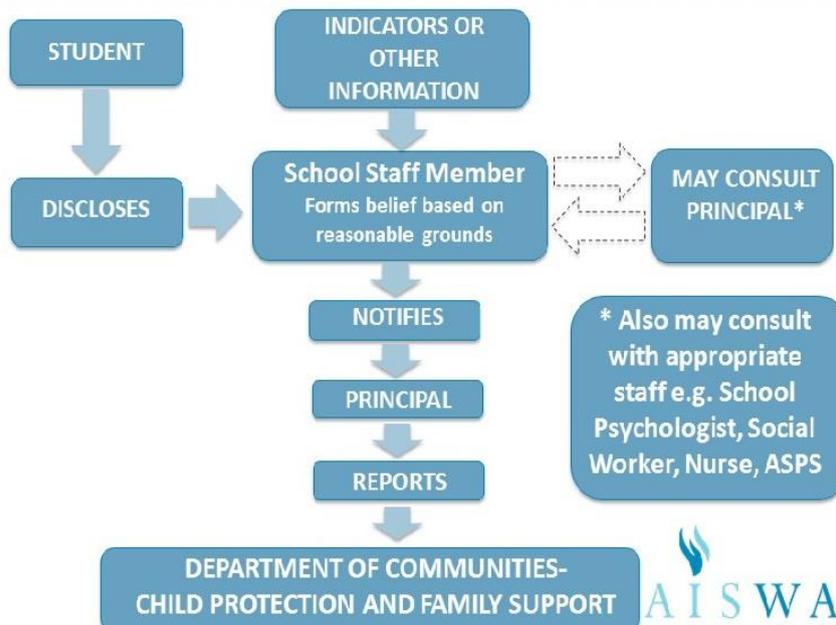
MANDATORY REPORTING PROCEDURE



Appendix 2.

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

NOTIFICATION PROCEDURE – CHILD ABUSE AND NEGLECT (NON-MANDATORY REPORT)



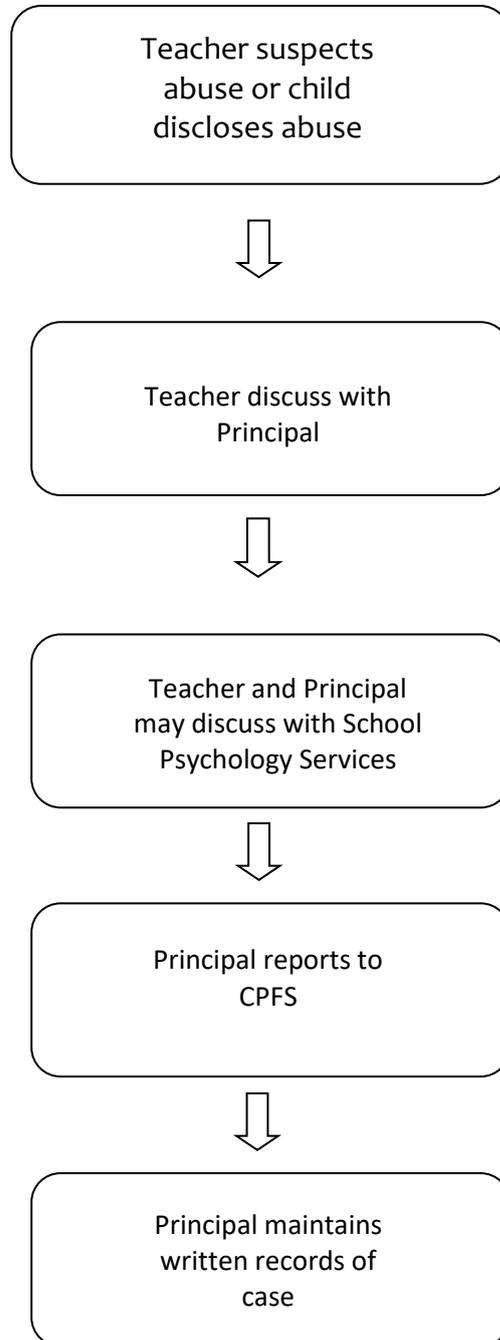
Appendix 3.

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](#).

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

APPENDIX 1

Procedure for Managing Physical, Emotional or Psychological Abuse or Neglect



APPENDIX 2

Procedure for Managing Sexual Abuse

