

# Mandatory Reporting of Children at Significant Harm Sexual Abuse Policy and Procedures – New South Wales Western Australia

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## 1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures document in line with the requirements of the Children and Young Persons (Care and Protection) Act 1998, Community Services Amendment (Reporting Sexual Abuse) Act 2008 which forms part of the Children and Community Services Act 2004. Its aim is to assist Principals, teachers and other school staff to deal appropriately with the mandatory reporting of children at significant harm sexual abuse. All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

This policy is designed to be read in conjunction with the Child Safe Protection Policy – Western Australia New South Wales and the Reporting of Allegations of Reportable Conduct Abuse and Neglect Policy and Procedures – New South Wales Western Australia.

## 2. Definitions

### 2.1 What is mandatory reporting?

Mandatory reporting legislation in Western Australia New South Wales requires specific people or professionals to report, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description of the child and the grounds for suspecting that the child is at risk of significant harm. ~~suspected child sexual abuse to the Department for Child Protection and Family Support if they form a belief, based on reasonable grounds, in the course of their paid or unpaid work, that a child has been sexually abused, or is the subject of ongoing sexual abuse.~~

In addition, while not mandatory, the ASC considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person. ~~Other forms of abuse (physical, emotional, psychological and neglect) should also be reported, but there is no penalty if the report doesn't occur (see Reporting of Abuse and Neglect Policy – Western Australia).~~

### 2.2 Who are Mandatory Reporters?

Under the Care and Protection Act persons who:

- a. in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- b. hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential service, to children, are mandatory reporters.

All teachers are mandatory reporters. Other school employees may also be mandatory reporters based on the definition above.

- ~~• Doctors~~
- ~~• Nurses and midwives~~
- ~~• Teachers~~
- ~~• Police Officers~~
- ~~• Boarding supervisors~~

~~A teacher is defined as someone who is registered under the Teacher Registration Act 2012 and covers the following categories: full registration, provisional registration, limited registration, and non-practising registration.~~

### 2.3 Who is a 'child'?

~~A child is defined as a person who is under the age of 16~~8~~ years. While the Care and Protection Act does not include young people aged 16 and 17 in this definition, the ASC considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person, or, in the absence of positive evidence of age, as a person who is apparently under 18 years of age.~~

### 2.4 Is a student aged 18 and over a 'child'?

~~Students aged 18 and over may attend school but are legally considered adults and as such the Department for Child Protection and Family Support (CPFS) Community Services does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. A list of these services may be found on the CPFS website [www.dcp.wa.gov.au](http://www.dcp.wa.gov.au). Schools should contact the WA Police when aware of any assault or crime against a young adult.~~

### 2.5 What are 'reasonable grounds'?

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- a. first hand observations of the child, young person or family
- b. what the child, young person, parent or another person has disclosed
- c. what can reasonably be inferred based on professional training and / or experience?

'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

### 2.6 What is 'significant harm'?

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- a. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- c. in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- d. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,

- e. the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- f. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- g. the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

## 2.7 What is Child Abuse and Neglect?

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

2.7.1 **Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

2.7.2 **Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

2.7.3 Serious **psychological harm** can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious **emotional deprivation or trauma**.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

2.7.4 **Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

A list of possible indicators is provided in Section 3.

## 2.5 What is Sexual Abuse?

~~Sexual abuse is when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. Examples include sexual penetration, inappropriate touching, exposure to sexual acts or pornographic materials.~~

~~The Children and Community Services Act 2004 defines it 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.*~~

## 2.6.8 What is grooming?

In ~~Western Australia~~New South Wales, grooming has not been defined in legislation. However, in general terms grooming is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or children.

Grooming will occur when a child is identified and targeted, establishing communication and a relationship with a child, and the immediate community, in order to commit a sexual offence. The grooming process is calculated to gain a child's trust, creating a vulnerability that can then be exploited.

Examples of behaviours indicative of grooming behaviours include:

- inappropriate personal communication
- inappropriate extending a relationship outside of school hours
- testing professional boundaries (e.g. talking about sex with students)
- developing a 'special relationship' with a student and attempting to keep it a secret.

### ~~2.7~~ Cyber predators

~~The Criminal Code Amendment (Cyber Predators) Act 2006 protects children under the age of 16 years from an adult who uses electronic communication with intent to procure the child to engage in sexual activity or to expose the child to any indecent matter.~~

~~There are many resources and websites available for schools to use to provide information to students on keeping safe on the internet.~~

### **3. Indicators of Sexual Abuse**

The following list of indicators is not exhaustive but is a list of possible indicators as provided by Community Services CPFS.

A single indicator may not always provide conclusive evidence, however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused. Professional judgment should also be used when considering whether teachers believe that a child has been abused.

#### **Neglect**

##### **Signs in children and young people**

- Low weight for age and/or failure to thrive and develop
- Untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay
- Poor standards of hygiene i.e. child or young person consistently unwashed
- Poor complexion and hair texture
- Child not adequately supervised for their age
- Scavenging or stealing food and focus on basic survival
- Extended stays at school, public places, other homes
- Longs for or indiscriminately seeks adult affection
- Rocking, sucking, head-banging
- Poor school attendance

##### **Signs in parents or caregivers**

- Unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe

home conditions

- Leaving the child without appropriate supervision
- Abandons the child or young person
- Withholding physical contact or stimulation for prolonged periods
- Unable or unwilling to provide psychological nurturing
- Has limited understanding of the child or young person's needs
- Has unrealistic expectations of the child or young person

**Physical abuse****Signs in children**

- Bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, hand print
- Lacerations and welts
- Drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- Adult bit marks and scratches
- Fractures of bones, especially in children under three years old
- Dislocations, sprains, twisting
- Burns and scalds (including cigarette burns)
- Multiple injuries or bruises
- Explanation of injury offered by the child or young person is not consistent with their injury
- Abdominal pain caused by ruptured internal organs, without a history of major trauma
- Swallowing of poisonous substances, alcohol or other harmful drugs
- General indicators of female genital mutilation e.g. having a 'special operation'

**Signs in parents or caregivers**

- Frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- Explanation of injury offered by the parent is not consistent with the injury
- Family history of violence
- History of their own maltreatment as a child
- Fears injuring the child or young person in their care
- Uses excessive discipline

**Sexual****Signs in children or young people**

- Bruising or bleeding in the genital area
- Sexually transmitted diseases
- Bruising to breasts, buttocks, lower abdomen or thighs
- Child or young person or their friend telling you about it, directly or indirectly
- Describing sexual acts
- Sexual knowledge or behaviour inappropriate for the child's age
- Going to bed fully clothed
- Regressive behaviour e.g. sudden return to bed-wetting or soiling
- Self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- Child being in contact with a known or suspected paedophile
- Anorexia or over-eating
- Adolescent pregnancy
- Unexplained accumulation of money and gifts
- Persistent running away from home

- Risk taking behaviours – self harm, suicide attempts

### **Signs in parents or caregivers**

- Exposing the child or young person to prostitution or pornography or using a child for pornographic purposes
- Intentional exposure of a child to sexual behaviour of others
- Previous conviction or suspicion of child sexual abuse
- Coercing a child or young person to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Denial of adolescent's pregnancy by family

### **Emotional abuse**

#### **Signs in children**

- Constant feelings of worthlessness about life and themselves
- Unable to value others
- Lack of trust in people
- Lack of people skills necessary for daily functioning
- Extreme attention-seeking behaviour
- Is obsessively eager to please or obey adults
- Takes extreme risks, is markedly disruptive, bullying or aggressive
- Is highly self-critical, depressed or anxious
- Suicide threats or attempts
- Persistent running away from home

#### **Signs in parents or caregivers**

- Constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention
- Excessive or unreasonable demands
- Persistent hostility and severe verbal abuse, rejection and scapegoating
- Belief that a particular child or young person in their care is bad or 'evil'
- Using inappropriate physical or social isolation as punishment
- Domestic violence
- ~~Inappropriate sexual behaviour for their age and developmental level (such as sexually touching other children and themselves)~~
- ~~Inappropriate knowledge about sex for their age~~
- ~~Disclosure of abuse either directly, or indirectly through drawings, play or writing~~
- ~~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 they have to keep secrets~~
- ~~Presence of sexually transmitted infection~~
- ~~Sudden unexplained fears~~
- ~~Bed wetting and soiling.~~

## **4. Reporting Procedures for Mandatory Reporters**

- 4.1 ~~Teachers~~ Mandatory reporters have an obligation to take the necessary action to ensure a child is protected from further harm and are. ~~Teachers are the~~ key figures in the identification of child ~~sexual~~ abuse or neglect through personal observation or disclosure by the student concerned or a friend.
- 4.2 Once a teacher mandatory reporter has formed a belief, based on reasonable grounds, that a child is at risk of significant harm ~~or has been sexually abuse~~, they are legally required to

report to ~~Community Services. the Mandatory Reporting Service at the Department for Child Protection and Family Support (CPFS)~~ Reporting to Community Services and, where necessary, the police, is generally undertaken by the Principal.

**Phone:** ~~1800 708 704~~ **132 111**

**Website:** ~~www.mandatoryreporting.dcp.wa.gov.au~~ **www.community.nsw.gov.au**

**Email:** ~~mrs@dcp.wa.gov.au~~

If the mandatory reporter needs to make an immediate report about suspected risk of significant harm, he/she should contact the Child Protection Hotline using the most direct means possible. In some instances, the mandatory reporter will also need to arrange medical care and/or inform Police.

The ~~Child Protection Hotline Mandatory Reporting Service~~ operates 24 hours a day, 7 days a week.

~~Failure to make a report can incur a maximum penalty of \$6,000. Failure to make a written report once a verbal report has been made can result in a fine of up to \$3,000.~~

The mandatory reporter is protected by confidentiality legislation, except in limited circumstances. He/she is also protected from civil or criminal liability as long as the report was made in good faith.

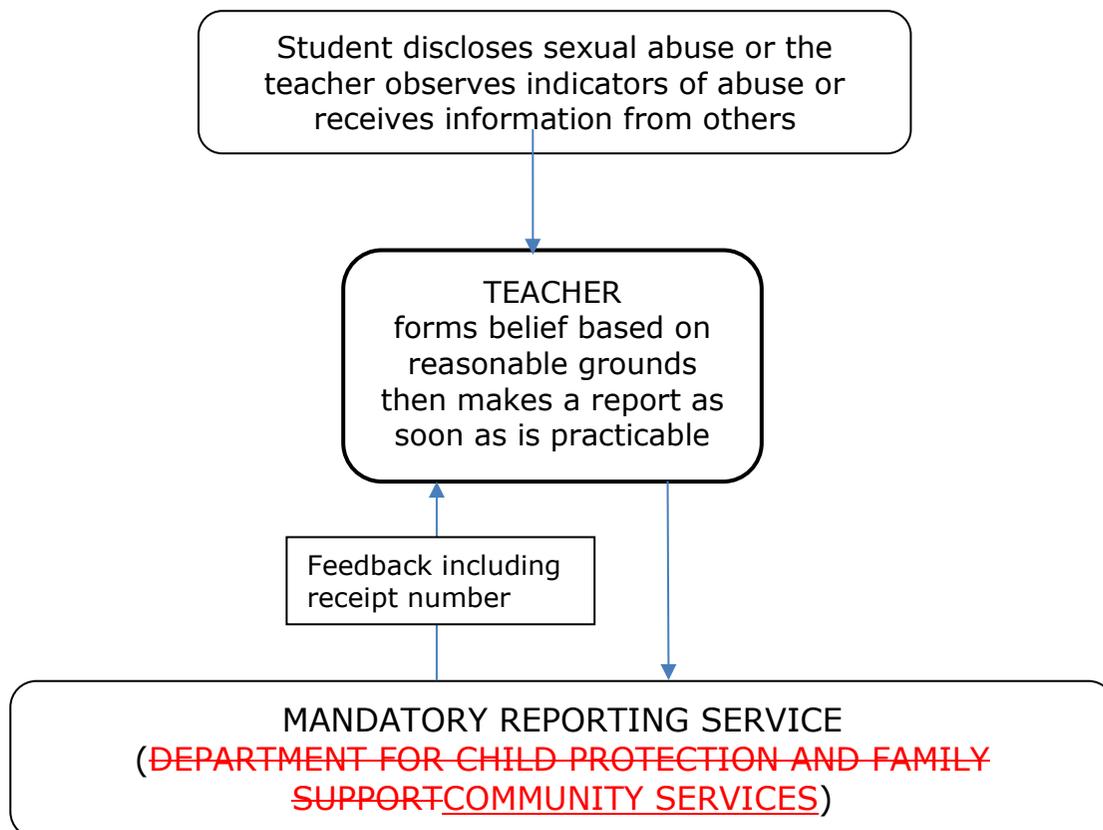
The mandatory reporter is required to deal with the matter confidentially and only disclose it to the Principal or as required to comply with the mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose the mandatory reporter to potential civil proceedings for defamation.

~~Disclosure of a reporter's identity carries a maximum fine of \$24,000 and two years imprisonment.~~

- 4.3 It is **not** the ~~mandatory reporter's~~ teacher's role to conduct any investigation or to confront the suspected perpetrator or to intervene with the child's family. ~~Mandatory reporters~~ Teachers do not have to have proof or prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.
- 4.4 ~~Mandatory reporters~~ Teachers who have concerns that child or young person is at risk of significant harm sexual abuse is occurring or has occurred are welcome to may consult with the Principal and other specialists, including the School Nurse, Pastoral Dean, School Chaplain, School Psychologist or School Counsellor on an as needs basis. The mandatory reporter should consult with the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.
- 4.5 ~~Mandatory reporters~~ Teachers are advised to keep brief, written, dated notes of their suspicions or observations to assist them in completing a mandatory report. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings. When and if appropriate they may give a copy of any notes to the Principal, who will store these confidential notes in a secure place.
- 4.6 ~~The Mandatory Reporting Service and the Duty Officer at the local CPFS office~~ Community Services will provide advice if the ~~mandatory reporter~~ teacher is unsure of what action to take.

- 4.7 If a ~~child or young person~~student starts to disclose in class or any other public area, the ~~mandatory reporter~~teacher should use the strategy of protective interrupting (see Appendix B for further information).
- 4.8 If a student discloses to a ~~teacher~~mandatory reporter in private and tries to elicit a promise that the ~~mandatory reporter~~teacher will not tell anyone, it is important for the ~~mandatory reporter~~teacher to explain that he/she has concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This may include discussing it with the Principal. (For detailed information about dealing with a disclosure, see the *Child Safe Protection Policy - NSW*.)
- 4.9 ~~School staff~~Teachers must not engage in general staffroom discussion about a disclosure.
- 4.10 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.11 Advice must be sought from ~~Community Services~~the CPFS or the Police prior to informing the parent/guardian of the concerns regarding the child.
- 4.12 Should allegations of any kind of abuse be made against the Principal, the ~~mandatory reporter~~teacher should not discuss this with the Principal but must go directly to the Chair of the School Council.

### **Notification Steps for completing a mandatory report of child ~~ren at significant harm~~ ~~sexual abuse~~**



## 5. Reporting Procedures for Non-Teaching Staff (non-mandatory reporters)

- 5.1 ~~Only certain staff at the school~~ Non-teaching staff are ~~not mandatory reporters of sexual abuse.~~ Only teachers, doctors, nurses, midwives, police officers and boarding supervisors are mandatory reporters.
- 5.2 Non-teaching staff must report concerns that involve the safety of children and young people to the Principal.
- 5.3 Should the concern involve an allegation made against the Principal, the staff member should not discuss this with the Principal but must report directly to the Chair of the School Council and CEO of ASC.

## 6. Roles and Responsibilities of other parties in relation to child sexual abuse

**Note:** the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the *Child ProtectionSafe Policy - NSW* and must be read in conjunction with this policy.

### 6.1 The Anglican Schools Commission

6.1.1 If a Principal is aware that a mandatory report has been made to ~~the Department for Child Protection and Family Support (CPFS)Community Services,~~ the Principal should inform the CEO of the ~~Anglican Schools Commission~~ASC as the official representative of the School Authority, and as part of the school's critical incident procedures.

6.1.2 The Anglican Schools Commission Office will:

- Assist Principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
- Assist Principals in arranging professional development for designated staff in a protective behaviours curriculum.
- If necessary, assist the Principal or her/his delegate when a case of child sexual abuse is disclosed, ~~or~~ where there ~~are is belief, on~~ reasonable grounds to suspect that a child is at risk of significant harm, or where there has been a report of allegations of reportable conduct made, to follow the procedures on notification of abuse to Community Services and/or the Ombudsman.~~that sexual abuse has occurred, to follow the procedures on notification of abuse to the appropriate child protection authority or service.~~
- Assist the Principal in ensuring that members of staff of the school making the referral are offered appropriate support to adjust to any consequences of the referral.
- Provide any other assistance to the Principal or his/her delegate to ensure other aspects of the Child Protection Policy – NSW are met.

### 6.2 The Principal

6.2.1 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect and the role of Head of Agency for reports of allegations of reportable conduct.~~assisting the teacher, child and relevant specialist authorities, if requested.~~

6.2.2 Sections 3 – 6 of the Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales lists all detailed responsibilities for the Principal in his/her capacity as Head of Agency.

- ~~6.2.26.2.3~~ The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child sexual abuse and protective behaviours.
- ~~6.2.4~~ The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child sexual abuse. Further information on the detection and reporting of child abuse is provided in the policies listed in Section 3.
- ~~6.2.5~~ The Principal must ensure that all employees and volunteers are fit and proper persons to work with children via Working with Children Checks and Federal Police Clearances (if required). The Principal must, access the Working with Children website to verify the employee or volunteer's details online. A record of the verification details must be kept. Further advice on recruitment of staff and volunteers is provided in Appendix B. Details on the Working with Children Checks is provided in Appendix C.
- ~~6.2.6~~ A mandatory report to Community Services and, where necessary, the police, will be undertaken by the Principal.
- ~~6.2.7~~ If a mandatory reporter has a concern that a child or young person is at risk of significant harm, he/she must inform the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.
- ~~6.2.8~~ The Principal should nominate another senior staff member as the contact point for staff in case he/she is not available.
- ~~6.2.9~~ If the Principal or nominated senior staff member is not available and there is immediate danger to the child or young person, the mandatory reporter will contact the Police and/or Child Protection Hotline directly and advise the Principal as soon as possible.
- ~~6.2.10~~ The Principal's role is **not** to investigate any disclosure or strong concern about the well-being of a student, but he/she **must** report the matter to Community Services, and to the CEO of the ASC.
- ~~6.2.36.2.11~~ Where a mandatory report has been made, ~~the Principal/teacher who is required to make the~~ **must** report to ~~Community Services~~ the CPFS when a case of child abuse or neglect is disclosed, or where there are reasonable grounds to suspect that a child is at risk of significant harm.
- ~~6.2.4~~ Any staff member who is a mandatory reporter may advise the Principal in regard to any report they make to the CPFS as soon as is practicable to do so. However, a staff member who is a mandatory reporter does not have to inform the Principal or anyone else that a report has been made.
- ~~6.2.56.2.12~~ Advice must be sought from the ~~CPFS Ombudsman, Community Services~~ or the Police prior to in regard to providing any information to others, including the parents/guardians, about the report or the child concerned.
- ~~6.2.66.2.13~~ Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of ~~Sydney~~ Perth and to the CEO of the ASC. The Principal must also report to the Ombudsman. See Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales for further information. The identity of the reporter must be protected at all times, in line with the relevant legislations. ~~Children and Community Services Act 2004.~~
- ~~6.2.76.2.14~~ The Principal must retain records of all communication with Community

~~Services~~the CPFS, the Police, the PSU and the CEO of the ASC and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

~~6.2-86.2.15~~ The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the teacher, the student, the PSOA and anyone else affected by this process or its outcomes, as required.

~~6.2-96.2.16~~ The Principal must inform parents and guardians about the school's Child ProtectionSafe Policy, the protective behaviours curriculum, the Staff and Volunteer Code of Conduct, and when, how and who to tell if they have concerns about grooming or child abuse or neglect. This could be done by including the information in the Parent Handbook, thereby ensuring that all new parents are kept informed.

### 6.3 ~~The Department for Child Protection and Family Support~~Community Services

6.3.1 ~~Community Services is a division of the Department of Family and Community Services. Community Services' main focus is on a supporting vulnerable families and keeping children and young people safe from abuse and neglect. The CPFS is the government department with the statutory authority to investigate concerns relating to child sexual abuse in WA.~~

6.3.2 In the case of a mandatory reportersexual abuse, **the mandatory reporter**~~teacher~~ must provide a ~~written~~ report to the Child Protection Hotline of Community ServicesMandatory Reporting Service of the CPFS.

6.3.3 ~~The CPFS~~Community Services has the responsibility of deciding how to proceed with reports and will supply ~~a~~ feedback letter to the reporter.

6.3.4 The ~~Mandatory Reporting Service~~Child Protection Hotline and the Duty Officer at the local Community ServicesCPFS office can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.

6.3.5 Community Services ~~The CPFS~~ has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by Community ServicesCPFS before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of Community ServicesCPFS.

6.3.6 ~~CPFS~~Community Services officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

### 6.4 The ~~Western Australia~~New South Wales Police

6.4.1 The ~~WA~~New South Wales Police may play a role in responding to allegations of child ~~sexual~~ abuse and neglect when informed by Community Services~~the CPFS~~, or when referring information to Community Services, or when referred by the Ombudsman.

6.4.2 In the case of ~~sexual~~ abuse a mandatory report, Community Services~~the CPFS~~ will forward all reports that have a criminal element and require police response to the

~~New South Wales to the WA Police Service.~~

~~6.4.3 The WA Police Service Child Abuse Investigation Team will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.~~

6.5 The Professional Standards Unit of the Diocese of ~~Perth~~Sydney

6.5.1 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.

6.5.2 School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the ~~Children and Community Services Act 2004~~relevant legislation.

6.5.3 The PSU will investigate the matter and make a recommendation to the school.

## APPENDIX A

### Questions and Concerns

#### Must I keep written records?

As a teacher you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

#### Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the Anglican Schools Commission Office.

#### Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse (including sexual abuse) and neglect should be reported, irrespective of when they may have occurred. The **mandatory reporting** of sexual abuse applies to abuse which happened on or after 1 January 2009. The decision about whether to proceed with prosecution will be made by the appropriate external agency.

#### How soon after having reasonable grounds to suspect that a child is at risk of significant harm sexual abuse am I expected to make a notification?

Mandatory Reporters are required to report directly to the CPFS Community Services as soon as is practicable. The mandatory reporter possible and if appropriate, any staff member who is a teacher should advise - must inform the Principal as soon as it is practicable to do so to establish reporting requirement. A staff member who is a mandatory reporter does not have to inform the Principal or anyone else that a report has been made.

#### Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

#### What will happen if I have to go to court? What legal support will the Anglican Schools Commission provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The Anglican Schools Commission office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

**Am I expected to report abuse if the perpetrator is a colleague or someone I know?**

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

**Does the offender have to be told who notified?**

It is the policy of ~~the Department for Child Protection and Family Support~~Community Services and the ~~New South Wales~~WA Police not to reveal the identity of persons notifying child abuse and neglect except in certain circumstances. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the Anglican Schools Commission.

**It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the Anglican Schools Commission and ~~the Department for Child Protection and Family Support~~Community Services. No action will be taken which may jeopardise the safety of the child.**

## APPENDIX B

### Dealing with a disclosure

A student who discloses abuse or neglect will often do so with great hesitation and with feelings of fear and guilt. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing.

A disclosure can often arouse strong feelings in the person to whom the disclosure is being made. Such reactions may include shock, anger and helplessness. It is important to be aware and in control of these feelings and that they be dealt with following the disclosure. Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), may be of assistance in this regard.

It is not easy for students to disclose abuse or neglect as they may previously have been coerced, bribed or threatened into secrecy. They may need repeated reassurance that you believe them and that it was right to tell.

### Public disclosure

It is possible that a student may start to disclose in class or with a group of other students. If disclosure does begin in a public area it is important for the teacher to use the strategy of **protective interrupting**, namely:

- Acknowledge that you have heard the student and stop him/her disclosing any further;
- Be supportive and gently indicate that she/he may want to talk to you about it in a more private situation; and
- Quietly arrange to see the student as soon as possible, such as after the lesson, away from the other students.

### Private disclosure

The teacher's role is to listen actively to what the student may say but not push for details, or conduct an investigation:

- Remain calm and try not to express panic, shock or disbelief;
- Acknowledge that it can be difficult to talk about such things;
- Reassure the student that it is right to tell and emphasise your belief in her/him;
- Emphasise that the student is not to blame;
- Assure the student that they have the right to feel safe;
- Accept what is said by the student (only **minimum information** is required for action);
- Do not ask questions as this could contaminate any future evidence;
- Do not to express a judgement about the alleged perpetrator;
- Use appropriate vocabulary when speaking with the student;
- Do not promise not to tell;
- Tell the student that the matter will be reported to the appropriate authority;
- Allow the student the option of having your support during the initial agency interview; and
- Reassure the student that support will continue at school.