



POLICY ON CHILD SEXUAL ABUSE

POLICY STATEMENT

The Department for Child Protection and Family Support (the Department) has a statutory role to assess and respond to child sexual abuse, including safety planning, which is best achieved through a multi-agency approach that promotes the coordination of support, medical and investigative responses.

This policy applies to intra-familial¹ and extra-familial² child sexual abuse reported to the Department by mandatory reporters, other professionals and community members. The Department may have a role in extra-familial child sexual abuse where the alleged perpetrator has a caregiving role and may pose a risk to child/ren. Actions taken by the Department are guided by the assessed needs of the child victim and family.

Perpetrators of child sexual abuse must be held accountable for their behaviour. Support from the non-abusing parent plays a crucial role in addressing the emotional consequences for the child victim, as well as playing a critical role in the protection of the child.

DEPARTMENT'S OPERATIONAL DESCRIPTION OF CHILD SEXUAL ABUSE

Sexual abuse occurs 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, using the internet for grooming and soliciting children for sexual exploitation.

PURPOSE OF THE POLICY ON CHILD SEXUAL ABUSE

The purpose of this policy is to promote a consistent child centred approach to assessing and responding to concerns of intra-familial and extra-familial child sexual abuse, in line with the Department's role.

BACKGROUND

The mandatory reporting of child sexual abuse by doctors, nurses, midwives, teachers and police, became operational in Western Australia from 1 January 2009. The *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* requires reporters (doctors, nurses, midwives, teachers and police) to make a report to the Department if they form a belief on reasonable grounds, in the course of their work, that a child has been or is subject to ongoing sexual abuse.

Harm to the child which may result from sexual abuse includes significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

Consideration is given by the Department to contextual elements in determining if a situation is abusive, such as parental behaviours that enable child sexual abuse to occur or the role of coercion or unequal power in a relationship. This is particularly important in relation to sexual behaviour between children, where the children's respective ages, developmental level and the nature of the

¹ Abuse that is perpetrated by a person who is a relative of the child or has a kinship relationship with a child.

² Abuse that is perpetrated by a person who is not a relative of the child or by a person outside the child's or young person's kinship system.

relationship are significant assessment considerations. Sexual activities between young people are not considered as sexual abuse unless:

- it is non-consensual or there are concerns about the young person's capacity to give consent; or
- there are factors such as bribery, coercion, threats, exploitation or violence; the child has less power than the other person or there is significant disparity in the developmental function or maturity.

Early identification and reporting of child sexual abuse to the Department is critical to keeping children and young people safe. The Department has a number of protocols with other government agencies including Western Australia Police, WA Health and Department of Education to manage allegations of abuse and neglect.

LEGISLATIVE MANDATE

The *Children and Community Services Act 2004* is the legislative basis that underpins the Department's mandate to safeguard or promote the wellbeing of children, individuals, families and communities, and to provide for the protection and care of children in circumstances where their parents have not provided, or are unlikely or unable to provide, that protection and care. Specific provisions relating to child sexual abuse are: s.28(1) (when a child is in need of protection) and s.101 (failing to protect child from harm).

Section 124A defines '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.*

PRACTICE PRINCIPLES FOR STAFF ASSESSING AND RESPONDING TO ALLEGATIONS OF CHILD SEXUAL ABUSE

- Every child has the right to be safe and protected from child sexual abuse.
- Children are not responsible for child sexual abuse.
- Children are unlikely to make false disclosures and are more likely to never disclose child sexual abuse.
- When a child discloses sexual abuse they must be listened to, taken seriously and acted upon.

THE DEPARTMENT'S ROLE

The Department's role in assessing and responding to child sexual abuse is to:

- assess the wellbeing (safety, protective and support needs) of the child;
- assess protective issues by ascertaining whether parental factors:
 - have contributed to the sexual abuse;
 - may lead to placing their children at risk of being sexually abused; and/or
 - may contribute to their inability to provide adequate support or protection to the child.
- refer the allegations to the Western Australia Police and childFIRST as appropriate;
- undertake Child Assessment Interviews in relation to an allegations of child sexual abuse where a criminal offence may have occurred and an assessment is being undertaken to determine if harm has occurred and whether the child is in need of protection;
- provide protection and care for children in circumstances where parents have not protected or are unlikely or unable to protect their child from harm or further harm;
- assess the safety of specific children who have contact with a person convicted by the Courts, or assessed by the Department to have harmed a child;
- assess and respond to Sexually Transmitted Infections (STIs) in children under 14 years of age;

- joint investigation with the Western Australia Police in communities experiencing multiple reports of child sexual abuse; and
- provide or arrange for the provision of support and counseling services to the child and family as required.

The Department also has a role in responding to concerns about children being forcibly engaged or married to older men.

Child sexual abuse of a criminal nature falls outside of the Department's mandate unless there are indicators that the parent/caregiver may not have been protective. In these cases a safety and wellbeing assessment should be undertaken.

OTHER RELEVANT LEGISLATION

There are a number of offences under the *Criminal Code 1913* relating to the sexual assault of a child. Section 106H, 106HA and 106HB of the *Evidence Act 1906* allow the visual recording of a child's interview (Specialist Child Interview) in relation to sexual abuse of children to be introduced as evidence in criminal and protection proceedings.

WORKING WITH OTHER AGENCIES

The Department and the Western Australia Police have the legislative mandate to assess and/or investigate child sexual abuse. However, all government and non-government agencies have a responsibility to identify, report and provide relevant services to children and their families affected by child sexual abuse.

A collaborative and holistic service model involving the police, medical practitioners, health and child protection professionals and the criminal justice system is essential to meet the needs of children and their families affected by child sexual abuse.

RELATED POLICIES AND DOCUMENTS

This policy should be read in conjunction with:

- *The Signs of Safety Child Protection Practice Framework (September 2011 2nd Edition)*
- Casework Practice Manual Chapter 4.9 - Assessing and Responding to Child Sexual Abuse.

EFFECTIVE DATE

2013

REVIEW DATE

2016

OWNER

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