



PREVENTION OF GROOMING AND CHILD ABUSE

St Mark's Anglican Community School would like to acknowledge information sourced from the Association of Independent Schools of Western Australia (AISWA), the Anglican Schools Commission (ASC) and Department of Education WA as guidelines in the production of this Policy and Procedure.

CONTENTS

1. Aim.....	4
2. Scope	4
3. Child Safe Organisation Keeping Safe: Child Protection Curriculum.....	4
4. Definition of Child Maltreatment	6
5. Indicators of Child Abuse	8
6. Myths about Child Abuse and its Prevalence	11
7. Facts about Child Abuse	12
8. Legislation and Definitions of Mandatory Reporting Child Sexual Abuse ...	13
9. Procedures and Notification Steps – Mandatory Report	17
10. Procedures and Notification Steps – Non-Mandatory Report	22
11. Response to Disclosure of Abuse or Neglect	23
12. Grooming Behaviour and Prevention Strategies.....	26
13. Cyber Predators	28
14. Interagency Reporting of Child Protection Matters	29
15. The Role of the Department for Child Protection and WA Police	30
16. Department of Child Protection and Family Support	31
17. Recruitment and Selection of Staff, Volunteers and Contractors	33
18. Where to go for Further Information	35
19. Relevant Legislation and Authority	37
20. Other Related School Policies	37
21. Compliance	37

1.0 AIM

1.1 Purpose

All children have a right to be protected from harm and schools and teachers owe a 'duty of care' to all students at the school. Schools have a special responsibility to protect children when they are on school premises and to intervene when they believe the welfare of a child is at risk outside the school. St Mark's is committed to being a child safe organisation through the prevention, identification and reporting of child abuse and neglect. This includes the provision of support to children who have been abused or are affected by abuse or neglect. As a School, St Mark's believe that students should know that they are valued as people. This pastoral dimension should influence every aspect of their life.

Staff have a duty of care to students and their families to report outcomes or actions of abuse from which children are in need of protection. These may include; neglect, physical abuse, sexual abuse, emotional abuse, domestic violence and psychological harm. These are all reportable offences. Forming a belief that child sexual abuse may have happened is the basis for a Mandatory Report.

1.2 Scope

This policy applies to everyone who is:

- a) Employed by St Mark's Anglican Community School
- b) In a teaching, administrative, practicum or management position or role at the School

St Mark's Executive group and leaders ensure that all members of the school community are covered by the policies, including employees, students, parents, subcontractors and visitors to the school or school events. This policy focuses on the St Mark's School community preventing the opportunities for all forms of abuse as well as setting out for its members the appropriate responses should abuse occur or be suspected.

2.0 CHILD SAFE ORGANISATION

2.1 St Mark's follows the following 10 National Principles for being a Child Safe Organisation:

- I. A commitment to child safety and wellbeing is embedded in organisational leadership, governance and culture.

- II. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- III. Families and communities are informed and involved in promoting child safety and wellbeing.
- IV. Equity is promoted, and diversity is respected in policy and practice.
- V. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- VI. Processes for complaints and concerns are responsive, understood, accessible and used by children, young people, families, staff and volunteers.
- VII. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- VIII. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- IX. Organisations regularly review and improve implementation of their child safety and wellbeing policies and procedures.
- X. Policies and procedures document how the organisation is safe for children and young people.

2.2 Framework **Keeping Safe: Child Protection Curriculum (KP: CPC)**

The Keeping Safe: Child Protection Curriculum (KS: CPC) is a child safety program for children and young people from age 3 to Year 12 which has been implemented at St Mark's since 2017.

The **aim** of the KS: CPC is to teach all children from a young age, in an age appropriate way, to:

- Recognise abuse and tell a trusted adult about it
- Understand what is appropriate and inappropriate touching
- Understand ways of keeping themselves safe.

The **themes** are:

- We all have the right to be safe
- We can help ourselves to be safe by talking to people we trust

The **focus areas** are:

- The right to be safe
- Relationships
- Recognising and reporting abuse
- Protective strategies

More information can be found at <http://tiny.cc/DECD-KSCPC>

Teachers in the Early Learning and Junior Schools attend a course in implementing the KS: CPC in Health.

Teachers who teach Health and Pastoral Care Tutors undergo training in implementing the KS: CPC over the 2018 school year. A lot of incidental teaching occurs in other learning areas. St Mark's curriculum encourages cross curricular planning and implementation.

I.	Early Learning (K-1)	Health
I.	Junior (2 -5)	Health
II.	Middle (6-8)	Health and Pastoral Care
III.	Senior (9-12)	Health and Pastoral Care

The Commissioner for Children and Young People has published resources regarding Child Safe Organisations in WA. <https://www.ccyp.wa.gov.au/our-work/resources/child-safe-organisations/>

The School is committed to nurturing safe, happy and engaged children.

3.0 DEFINITION OF CHILD MALTREATMENT

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

It may be the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators listed below:

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

Descriptions of these indicators have been taken from the Department for Child Protection document *"Identifying and responding to child abuse and neglect – A Guide for Professionals"*.

3.2 Physical abuse

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include, but is not limited to injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline, physical punishment or other forms.

3.3 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 their 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.

3.4 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.

3.5 Neglect

Neglect is the failure of a parent/caregiver to provide a child with the necessities of life. These include adequate supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic or remedial care and emotional security. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social psychological, educational or physical development and/or physical injury. Neglect should be considered in the context of physical, emotional or psychological abuse.

Note 1:

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

However, it is very important to note that the definitions of child maltreatment mentioned in this section can be used to describe some of the behaviour that can occur in schools by one child to another. While the treatment of such behaviour may be dealt with through other school policies such as Bullying and Behaviour Management, the victim of that 'bullying' may display some of the physical and behavioural indicators as those described in the next section of this document. These events should be treated seriously by the school with the aim to help both parties.

It is also important to note that the child who is 'bullying' may be doing so because they have been subjected to the same inappropriate behaviour and may require assistance through the school's Child Protection policy.

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 St Mark's will continue to owe a duty of care towards them. There are many youth-specific agencies available to assist these students. The School will contact the Police when aware of any assault or crime against a young adult. The Youth Legal Service will be contacted for consultation. <http://youthlegalserviceinc.com.au/contact/>

ph. 08 9202 1688

4.0 INDICATORS OF CHILD ABUSE

The following list of indicators is not exhaustive but contains those that will be of most use to staff. This list has been taken from the Department for Child Protection document *"Identifying and responding to child abuse and neglect – A Guide for Professionals"*.

Students frequently show indicators from more than one category; and the examples listed are not necessarily exclusive to a single category of abuse. Any of these indicators may suggest that a student is being abused, neglected or at risk of harm; however, indicators should be considered in the context of the student's age, medical and developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families must also be considered.

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

4.1 Physical abuse could be represented by:

- broken bones or unexplained bruises, burns, or welts in various stages of healing;
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre;
- direct admissions from the parents that they are concerned that they might harm their child;
- a history of family violence;
- marked delay between injury and obtaining medical assistance;
- a parent who shows little concern about the welfare of their child or the treatment and care of the injury;
- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse);
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home;

- the child or young person reports intentional injury by their parent or carer;
- arms and legs are kept covered by inappropriate clothing in warm conditions;
- ingestion of poisonous substances including alcohol or drugs;
- the avoidance of physical contact by the child (particularly with a parent or carer).

4.2 **Sexual abuse** could be represented by:

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves);
- knowledge of sexual behaviour inappropriate to their years;
- disclosure of abuse either directly or indirectly through drawings, play or writing that describes abuse;
- pain or bleeding in the anal or genital area with redness or swelling;
- fear of being alone with a particular person;
- a child or young person implying that they are required to keep secrets;
- the presence of sexually transmitted disease;
- sudden unexplained fears;
- enuresis and/or encopresis (bed-wetting and bed soiling).

4.3 **Emotional or Psychological abuse** could be when:

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance;
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive;
- delayed physical, emotional, or intellectual development;
- compulsive lying and stealing;
- high levels of anxiety;
- lack of trust in people;
- feelings of worthlessness about life and themselves;
- eating hungrily or hardly at all;

- uncharacteristic seeking of attention or affection;
- reluctance to go home;
- rocking, sucking thumbs or self-harming behaviour;
- fearfulness when approached by a person known to them.

4.4 **Neglect** may be:

- signs of malnutrition, begging, stealing or hoarding food;
- poor hygiene: matted hair, dirty skin or severe body odour;
- unattended physical or medical problems;
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety);
- child or young person appears constantly tired;
- frequent lateness to school or absence from school;
- inappropriate clothing, especially inadequate clothing in winter;
- alcohol and/or drug abuse present in the household;
- frequent illness, low grade infections or sores;
- Hunger.

5.0 **MYTHS ABOUT CHILD ABUSE AND ITS PREVALENCE**

An accurate understanding of the dynamics underlying child abuse is important because the impact of any form of abuse on the victim can be life changing. Common outcomes associated with abuse include drug abuse, suicide, eating disorders, low self-esteem, psychosomatic illness and self-mutilation.

5.1 There are many myths about sexual abuse. Some of the common ones are:

- sex between children and adults is not damaging if it is in the context of a loving relationship;
- it is not the abuse which causes the problem but the effects of the intervention by others;
- those abused turn into abusers;

- children frequently lie about sexual abuse;
- sexual abuse is more common in lower socio-economic areas and families;
- only men sexually abuse children;
- sexual abusers are readily identified by 'normal' people.

5.2 The following myths pertaining to sexual and other forms of abuse relate particularly to schools:

- There will not be a problem here because all the volunteers/employees are female
- There will not be a problem here because the young people come from privileged backgrounds and will complain if there is an issue of abuse
- If we get the selection procedures right we will eliminate the possibility of abuse
- We use Police Clearances and Working with Children Checks here so we are covered
- It is one of the other children's parents/brothers/sisters to whom I am entrusting the child/ren, so it will be OK
- We did not need to screen Mr Smith because he is a friend of the teacher, president etc
- My workers, volunteers and casuals are youths themselves so there is no risk
- We are pretty good at identifying people here who are a bit 'odd'.

6.0 THE FACTS ABOUT CHILD ABUSE

By its very nature, child abuse is a very difficult concept to measure. It is estimated that much of the abuse goes unreported.

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

A child abuser can be a member of the family (father, step-father, mother etc.) or someone close to the family or the child (church member, teacher, community group leader). There is no reliable profile of a child sexual abuser and institutions and communities must be vigilant for those in their care.

A child abuser usually spends sufficient time grooming the child with the child being made to feel that they are in some way complicit in the acts, thus making disclosure a difficult process.

Many child sex abusers hold positions of trust within the community with ready access to children and their families. Occupations that some convicted child sex offenders have held include bus driver, entertainer, teacher, scout leader, librarian, principal, church leader, judge.

7.0 LEGISLATION AND DEFINITIONS FOR MANDATORY REPORTING OF CHILD SEXUAL ABUSE

7.1 The legislation

Since January 1 2009, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* has been in effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the *Children and Community Services Act 2004*. The Act was further amended in 2016, to include boarding supervisors.

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

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

Note: Teachers who are registered with the TRBWA, but not working as a teacher, are **not** Mandatory Reporters. Practicum Teachers are also **not** Mandatory Reporters. However, both still have a responsibility to report any belief of child sexual abuse to a Line Manager or Supervising Teacher.

7.3 Definition of a 'nurse':

Nurse means a person registered under the Health Practitioners Regulation National Law (Western Australia) in the nursing and midwifery profession whose name is entered on the Register of Nurses kept under that Law.

7.4 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) 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*
- (c) 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*
- (d) 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 are 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.

7.5 Role of Non-Mandatory Reporters and Notifiers

Teacher assistants, School Chaplains (unless registered as a teacher with the TRBWA) and school psychologists are examples of people who work with children in schools that are not mandated reporters. However, all people working with children, whether mandatory reporters or not, should continue to report reasonable beliefs and suspicions or concerns about all forms of abuse. These people who work with children

also have a greater knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Reports by those employees who are not mandated are usually made to the Principal or Assistant Principals 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. After speaking to a Mandatory Reporter who forms the belief that sexual abuse is happening, the teacher will make the Mandatory Report.

7.6 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

7.7 Definition of child

The definition of 'child' is defined in section 3 of the Children and Community Services Act as a person who is under the age of 18 years. In the absence of positive evidence as to age, a child is a person who is apparently under 18 years of age. Young people aged 18 and over are 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.6.8 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.

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 Mandatory Reporting Service, 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, Assistant Principals, School Psychologist.

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 4 of this document.

Teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

- Can you describe the reasons why you believe a child has been, or is being sexually abused?
- What has the child said or done to suggest they are being sexually abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?
- What other behaviours have you observed and/or interactions with the child are of concern to you? What is the frequency and severity of the behaviour? How long has it been occurring?

8.0 PROCEDURES AND NOTIFICATION STEPS – MANDATORY REPORT

8.1 How does a mandatory reporter make a report?

A centralised Mandatory Reporting Service (MRS) has been established to receive all reports of child sexual abuse in Western Australia. This service is operational 24 hours a day, 7 days a week.

Section 124C states that a written report may, but need not be in a form, approved by the CEO. However, the same section also specifies what information a report is to contain. <https://mandatoryreporting.dcp.wa.gov.au/Pages/MakeaReport.aspx>

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) or to the extent, known to the reporter —
 - (i) the name of any person alleged to be responsible for the sexual abuse;
 - (ii) the person's contact details;
 - (iii) the person's relationship to the child;
- (f) any other information that is prescribed.

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

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

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

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

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

Email: mrs@dcp.wa.gov.au

Fax: 1800 610 614

Post: PO Box 8146

Perth BC, WA 6849

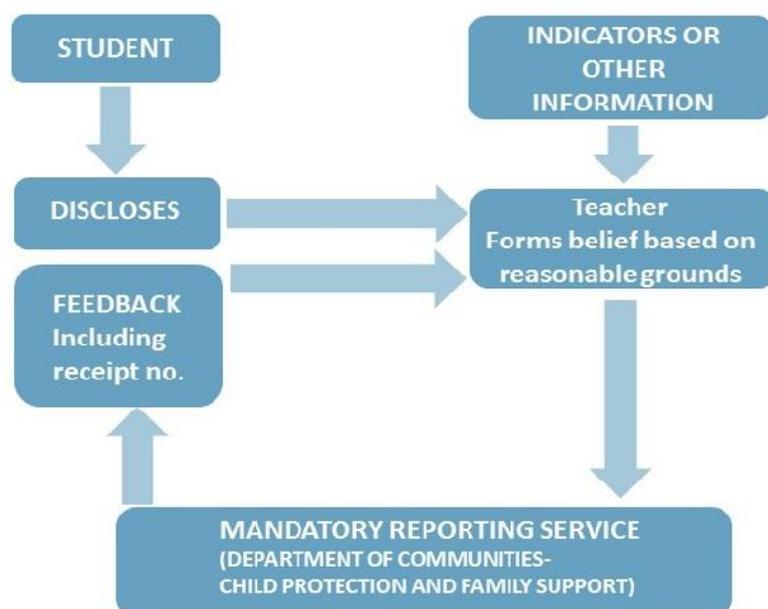
After a report is lodged, the sender will receive a standardised letter. This letter is proof that a report has been made, so it is important that the response is retained and securely stored.

8.2 Process for Mandatory Reporters

The following flow chart outlines the procedure for the mandatory reporting of child sexual abuse for independent schools. Section 9 of this document provides a suggested procedure for other forms of child abuse.

REPORTING CHILD SEXUAL ABUSE

MANDATORY REPORTING PROCEDURE



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

Note: When a teacher or school nurse has lodged a Mandatory Report, they must inform the Principal. Where the Principal knows that a Mandatory Report has been made in regard to a student at the School, the Governing Body and Director General will be notified as this falls within the definition of a Critical Incident. (Refer to Critical and Emergency Incidents Policy and Procedures)

The description of the incident on the form needs only to record that a Mandatory Report has been made to the Department for Communities (Child Protection and Family Support Division), providing the Report Number.

A Critical Incident Report Form must be completed online by the Principal: <http://www.des.wa.gov.au> The Chair of the School Council will also be notified.

8.3 Processing of the Report

Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child and determine the need for further child protection assessment and investigation. A copy of the report is sent to the WA Police. The police determine if they need to be involved on a case by case basis.

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

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

8.4 Confidentiality and Legal Protection

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

There are exceptions where disclosure of a reporter's identity is permitted. In such cases, consideration will be given to ensuring the reporter's safety has been taken into account. Examples of when a reporter's identity may be revealed include:

- The Mandatory Reporting Service must send a copy of every written report to the WA Police
- The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence
- A Department for Child Protection officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place
- The reporter may have provided written permission for their identity to be disclosed.

A mandated reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct (e.g. Doctor/patient) is protected from a breach of this code if they are making a report in good faith. The legislative requirements of the Act override internal school policies, professional codes or confidentiality requirements.

A mandated reporter is also protected from liability. If a report is made in good faith, they will not incur any civil or criminal liability by making a report.

8.5 What do the Mandatory Reporting requirements mean for St Mark's?

The requirements around reporting sexual abuse of children need to be included in the school's existing Child Protection policy so all school personnel understand their obligations under the legislation and how this affects the school's internal processes.

In order to comply with the 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 will differ from the steps used to notify other forms of child abuse.

Where a staff member has concerns for the wellbeing of child, but has not yet formed a belief, it is important that this be discussed with an appropriate person within the school. If the teacher concerned wishes, the Principal and other relevant staff may be involved in discussions with the teacher in relation to a specific child, **prior** to the teacher forming a belief based on reasonable grounds.

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

8.6 Where to go for information and assistance

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

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

9.0 PROCEDURES AND NOTIFICATION STEPS - Non Mandatory Report

9.1 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 Assistant Principal or Principal, or the School Chair, if it is not appropriate to discuss it with the Principal.

It is not the role of the teacher to investigate child abuse or neglect matters. They must report concerns to the Principal.

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

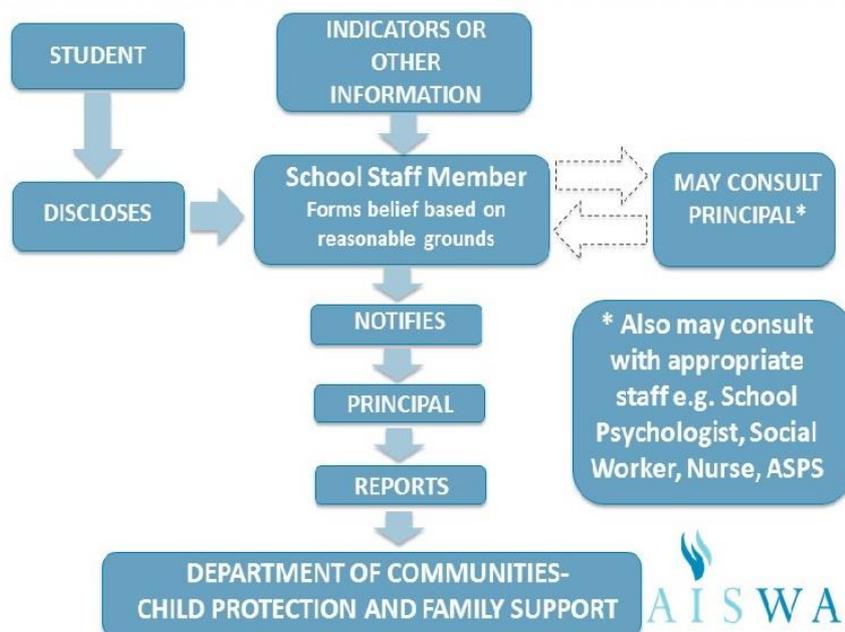
A teacher will respond appropriately to the issues raised above. From a child protection perspective, the best interests of the child must be of paramount concern, therefore, it may be that Child Protection and Family Support be involved; where there is evidence of unprofessional conduct, it may be that the Teachers' Registration Board of WA be involved. For further information, refer to the following website.

<https://www.dcp.wa.gov.au/Pages/Home.aspx>.

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.

Flowchart for notification steps for reporting all forms of abuse other than sexual abuse (i.e. for reporting physical, emotional, psychological abuse and neglect:

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



Note: When a teacher or nurse has lodged a Child Protection Concern Form, they must inform the Principal. Where the Principal knows that a Child Protection and Concern Referral Form has been made concerning a student at the School, the Governing Body and Director General will be notified as this falls within the definition of a Critical Incident. (Refer to Critical and Emergency Incidents Policy and Procedures) The Principal will also notify the Chair of the School Council.

The description of the incident on the form needs only to record that Child Protection Concern Referral Report has been made to the Department for Communities (Child Protection and Family Support Division).

A Critical Incident Report Form must be completed online by the Principal: <http://www.des.wa.gov.au>

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

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, i.e. a free narrative, but staff should not try to direct the child down a path of thought.

The following are suggested elements to help when a student discloses:

- Use 'protective interrupting' if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people
- Acknowledge that you have heard them and stop them from disclosing any further
- Be supportive and gently indicate that they might tell you about it in a more private situation
- Quietly arrange to see them as soon as possible, in a situation away from other students
- Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process
- Put your own feelings aside and listen as if the information is not sensational
- Provide reassurance that the student is believed, that they were right to tell and it was not their fault
- Remain as objective as possible as a staff member and do not make judgements about what has happened
- Listen to students in an appropriate private location within the school, that is a place where the interactions can be observed but not heard by others
- Be supportive and understanding
- Be empathetic to student feelings; the student may be confused because of the relationship with the abuser; e.g.: loving parents shouldn't do abusive things

- Acknowledge that it is difficult to talk about such things
- Try to identify students' immediate fears
- Let students tell the event in their own words; when reporting, do not paraphrase but try to be as accurate as possible
- If you are unable to answer all the questions of the child, it is OK to let them know
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure
- Allow students the option of support during any agency interview and reassure them of the availability of continuing support
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them
- Document the disclosure and subsequent discussion and actions
- Explain what will happen next
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support.

Staff must be careful that they:

- don't push for details or conduct an investigation. Other agencies have this responsibility;
- don't express judgement of the student, perpetrator or family;
- don't get angry, upset or show shock;
- don't ask questions that may make the child feel guilty or inadequate;
- don't ask leading questions, for instance 'Did Daddy hit you?';
- don't put words in students' mouths or interrogate as this could jeopardise the interviewing process of CPFS and Police;
- don't promise not to tell when there are clear limits on confidentiality;
- never make false promises;
- don't give a lecture about right and wrong;

- don't say 'forget it', 'you'll get over it' or other such minimalizing statements;
- don't give excessive pity;
- respect the confidentiality of the disclosure and do not share the information with anyone other than the Principal and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.

Staff must be aware that a disclosure can arouse within themselves strong feelings of shock, anger and helplessness. It is important to try and control these feelings and work through them after the disclosure. Even a hint of disbelief could cause a child to stop disclosing. Staff must seek further support if needed through the Employee Assistance Program. <https://relationships.wa.org.au/en/services/employee-assistance-program> This is a free service for all St Mark's Staff.

11.0 GROOMING BEHAVIOUR

11.1 Definition 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.

11.2 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.

11.3 Preventing or interrupting the Grooming process

All Teaching and non-teaching staff members of St Mark's are accountable to the school code of conduct. (Refer to the Code of Conduct for Staff)

Where an employee is investigated for behaviours considered to be grooming, school authorities are obligated to report this to the ASC, DES and the TRBWA. (Refer to Critical and Emergency Incidents Policy.)

St Mark's adheres to the following guidelines to build a strong child protection-focussed culture that actively prevents grooming behaviours and abuse by ensuring:

- all Teaching and non-teaching Staff attend Professional Learning to be knowledgeable about grooming techniques
- prevention techniques and strategies are clearly communicated to all Staff, students and parents
- adequate and consistent supervision of children
- that the physical environment that include areas that are isolated or difficult to supervise are either supervised or placed out of bounds for children or adults to gather
- a willingness to intervene in potentially inappropriate behaviours
- a clear and formal expectations of behaviour and an application of rules about Staff and student relationships and boundaries (Refer to the Staff Code of Conduct)
- a provision of avenues to report concerns about inappropriate behaviour (Refer to the Dispute and Complaint Resolution Policy)
- Delegated Staff have the authority to investigate allegations
- A consistent and immediate response to concerns raised by Staff members and others

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.

12.0 CYBER PREDATORS

12.1 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.

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

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

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

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

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

12.2 How to Report

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

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

	<p><u>Report online child sexual exploitation</u></p> <p>Report inappropriate sexual behaviour towards a child.</p>
	<p><u>Report inappropriate content</u></p> <p>Report internet content which you believe is prohibited or inappropriate.</p>

	<p style="text-align: center;"><u>Report cybercrime</u></p> <p style="text-align: center;">Report cybercrime to the Australian Cybercrime Online Reporting Network (ACORN).</p>
	<p style="text-align: center;"><u>Report cyberbullying</u></p> <p style="text-align: center;">Report cyberbullying of adults to ACORN or children to the eSafety commissioner.</p>

13.0 INTERAGENCY REPORTING OF CHILD PROTECTION MATTERS

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

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

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

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

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

14.0 THE ROLE OF THE DEPARTMENT FOR CHILD PROTECTION AND WA POLICE

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

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

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

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

Where abuse and neglect has occurred within a family and there is the possibility of criminal charges being laid, the police and the CPFS may undertake a joint

investigation to reduce the trauma of the interviewing process to the child or young person.

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

15.0 DEPARTMENT OF CHILD PROTECTION AND FAMILY SUPPORT (CPFS)

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

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

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

The Principal's or Principal delegate'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 their name and position.

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

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

Apprehension of children in need of care and protection (without warrant)

Interviewing the child: CPFS has the authority to interview the child at school before contact is made with the parent/caregiver. Before doing so, the principal or 'person in charge' at the school must be notified. The child should have the option of having support at the interview from a staff member of their choosing.

Removal of children from the school: CPFS officers may remove a child from the school if they have the permission of the parent/caregiver or if they have apprehended the child. The Principal should satisfy themselves that all conditions have been met before this occurs and document all conversations.

Medical examination: CPFS may require that a medical examination occur as soon as possible so that bruising, marking and other symptoms can be recorded for future reference. This would normally take place at either 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).

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.

Children in Care of the Department for Child Protection and Family Support (CPFS)

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

16.0 RECRUITMENT AND SELECTION OF STAFF, VOLUNTEERS AND CONTRACTORS

Teachers are required, through the Teachers Registration Board (TRB), to have a police clearance. The Working with Children (WWC) legislation requires them to have a WWC Check.

Non-teaching staff, which includes Old Scholars, are also required to have a WWC check if their usual duties involve contact with children (see details below). School policy can be used to require these staff to have a police clearance.

Volunteers who are not parents who have contact with children are also required to have a WWC Check. The Guide to the Registration Standards and other Requirements (p.21) states that volunteers who are not parents are required to have a WWC Check.

Volunteers who are parents are exempt from getting a WWC Check, unless on an overnight camp. Similarly parent volunteers who undertake a professional role (either paid or unpaid) at the school are also to be in possession of a current WWC Card (WWCC). See the <https://workingwithchildren.wa.gov.au/about/categories-of-child-related-work> for more information on exemptions, as well as the School's 'Duty of Care' Policy and Procedures Guideline. *NB: The WWCC may have been obtained for another purpose.*

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 of the 19 categories of work** listed under the Act. A "child" is a person under the age of 18 years.

The School will sight, record and verify the Working with Children Check Card of volunteers and self-employed people used by the school before the commencement of duties.

TRB Registered Teachers

TRB registered teachers are required as part of their TRB registration to have 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.

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. St Mark's requires all staff to have a criminal check/police clearance.

17.0 WHERE TO GO FOR FURTHER INFORMATION

17.1 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>.

17.2 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

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.

17.3 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. To access The Department for Child Protection website go to this link:

<https://www.dcp.wa.gov.au/Pages/Home.aspx>.

17.4 Child Abuse Services WA After Hours

Telephone: 9223 1111 / 1800 199 008

17.5 Crisis Care

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

17.6 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.

17.7 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 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

17.8 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.

18.0 RELEVANT LEGISLATION AND AUTHORITY

- *Children and Community Services Act 2004*
- *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008*
- *Criminal Code Act (1913)*
- *Criminal Code Amendment (Cyber Predators) Act 2006 (changes to s204B of The Criminal Code)*
- *Working with Children (Criminal Record Checking) Act 2004.*
- 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.

19.0 OTHER RELATED SCHOOL POLICIES

- Student Behaviour Management
- Bullying Prevention
- Critical and Emergency Incidents
- Child Abduction and Response Plan
- Dispute and Complaint Resolution

- Duty of Care
- Staff Code of Conduct
- Student Wellbeing Framework

20.0 COMPLIANCE

Standards for Non-Government Schools determined by the Minister for Education and Training in accordance with Section 159 of the School Education Act 1999

Standard 12: Preventing and Responding to Child Abuse
Sections 12.1, 12.2, 12.3