



Department of
Education

Child Protection in Department of Education Sites Policy

Effective date: 1 May 2024

Version: 3.7

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An updated version of this policy is pending.

1. Policy statement

The Department 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.

2. Policy rules

All Department staff will:

- take all actions and make decisions based on the best interests of the child
- apply child safe principles
- report all concerns relating to possible child abuse and neglect
- comply with the procedures relevant to their position:
 - Child Protection in Department of Education Sites Procedures for Principals
 - Child Protection in Department of Education Sites Procedures for Teachers
 - Child Protection in Department of Education Sites Procedures for School Psychologists
 - Child Protection in Department of Education Sites Procedures for School Counsellors
 - Child Protection in Department of Education Sites Procedures for Boarding Supervisors
 - Child Protection in Department of Education Sites Procedures for Allied Professionals
 - Child Protection in Department of Education Sites Procedures for Residential College Managers.

Guidance

The child safe principles that apply to this policy are:

- actions that reduce the likelihood of harm occurring to children and young people
- actions that increase the likelihood of any harm being discovered
- appropriate responses by staff to any disclosures, allegations or suspicions of harm.

For further information on embedding the Child Safe principles in schools, visit the [National Office for Child Safety](#) and [Commissioner for Children and Young People](#) website.

The Department promotes positive and inclusive school communities where all members feel safe and are safe.

Principals should take into account the following determinants when making decisions in the best interest of the child:

- the need to protect the child from harm
- the capacity of the child's parents to protect the child from harm
- the capacity of the child's parents, or of any other person, to provide for the child's needs
- the nature of the child's relationship with the child's parents, siblings and other relatives and with any other people who are significant in the child's life
- the attitude to the child, and to parental responsibility, demonstrated by the child's parents
- any wishes or views expressed by the child, having regard to the child's age and level of understanding in determining the weight to be given to those wishes or views
- the child's age, maturity, sex, sexuality, background and language
- the child's physical, emotional, intellectual, spiritual and developmental needs
- the child's educational needs.

The procedures for teachers apply to staff who are registered with the Teacher Registration Board of Western Australia and are currently working in the role of a teacher.

The procedures for boarding supervisors apply to staff who hold an office or position at a boarding facility; the duties of which include the supervision of children living at the facility while they attend school.

The procedures for school psychologists apply to staff who are registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

The procedures for school counsellors apply to staff who are employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer. According to current JDFs, Aboriginal and Islander Education Officers fall within the definition of school counsellor.

The procedures for allied professionals are for staff employed under s235(1)(a), (c) and (d) of the School Education Act 1999 who are not categorised as school counsellors and are therefore non-mandatory reporters. This may include but is not limited to: *managers corporate services, school officers, education assistants, library officers, laboratory technicians, home economic assistants, participation coordinators, attendance officers, youth support officers, social trainers, school based community liaison officers, home education moderators, public service officers, other officers and wages staff.*

3. Responsibility for implementation and compliance

Implementation of the policy is the responsibility of all staff.

Compliance monitoring is the responsibility of line managers.

4. Scope

This policy applies to all Department staff.

5. Supporting procedures

[Child Protection in Department of Education Sites Procedures for Allied Professionals](#)

[Child Protection in Department of Education Sites Procedures for Teachers](#)

[Child Protection in Department of Education Sites Procedures for Principals](#)

[Child Protection in Department of Education Sites Procedures for Boarding Supervisors](#)

[Child Protection in Department of Education Sites Procedures for School Psychologists](#)

[Child Protection in Department of Education Sites Procedures for Residential College Managers](#)

6. Definitions

Allied Professionals

Allied professionals are those staff employed under s235(1)(a)(c) and (d) of the School Education Act 1999.

Allied professionals who are not categorised as school counsellors are non-mandatory reporters. When reporting any type of child abuse, including sexual abuse, these allied professionals are required to follow the procedures for allied professionals.

Allied professionals who fall within the category of school counsellor (see definition) are mandatory reporters of child sexual abuse and are required to follow the procedures for school counsellors.

Belief on reasonable grounds

Believes on reasonable grounds' means that a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming the belief are matters of which you have become aware, and any opinions in relation to those matters.

A mandatory reporter does not have to be able to prove that harm has occurred. Professional judgement and objective observation help to identify warning signs or possible indicators of child sexual abuse and contribute to a reporter forming the belief on reasonable grounds. Knowledge of child development and consultation with colleagues or other professionals can also contribute to reasonable grounds.

Reasonable grounds may include:

- your own observations of a child's behaviour
- your own observations of the behaviour of an adult interacting with the child
- when a child tells you they, or another child, has been harmed
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

Mandatory reporters must specify the grounds on which they formed the belief that a child has been, or is being, sexually abused.

(Mandatory Reporting Guide: Western Australia)

If you are a mandatory reporter and you have not formed the belief that a child has been or is being sexually abused but are sufficiently concerned, it is recommended that you consult with staff with expertise in this area, such as the Department's child protection consultants.

Refer to Ikon: [Form a belief that a child is or has been the subject of sexual abuse](#) and [Recognise signs of child abuse](#) in [Manage child protection at your school](#) (staff only).

Boarding facility

Means a place used to provide residential accommodation for children while they attend a school as defined in the [School Education Act 1999](#). ([Children and Community Services Act 2004](#) Section 124A).

Boarding supervisor

Means a person who holds an office or position in a boarding facility; the duties of which include the supervision of children living at the facility. (Children and Community Services Act 2004 Section 124A)

Department of Education residential settings commonly use the terms boarding supervisor and residential supervisor to describe a boarding supervisor.

Child

A person who has not reached the age of 18 years of age and, in the absence of positive evidence as to age, means a person who is apparently under 18 years of age. (Children and Community Services Act 2004 Section 124A).

Child abuse

Occurs when a child has been subjected to physical, sexual or emotional abuse and/or neglect which has resulted or is likely to result in significant harm to the child's wellbeing. It may involve ongoing, repeated or persistent abuse, or arise from a single incident.

Child exploitation material

Child exploitation material is (a) child pornography; or (b) material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be, a child (i) in an offensive or demeaning context; or (ii) being subjected to abuse, cruelty or torture (whether or not in a sexual context).

Child pornography is material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be a child (a) engaging in sexual activity; or (b) in a sexual context.

Material includes (a) any object, picture, film, written or printed matter, data or other thing; and (b) anything from which text, pictures, sound or data can be produced or reproduced, with or without the aid of anything else.

(Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010 s216)

Sexting (sex + texting) is the sending and receiving of sexually explicit or sexually suggestive texts or images via phone or internet. (Australian Institute of Family Studies 2018)

Child protection concern

A concern about the wellbeing of a child based on the observation of indicators or information that may lead to a concern for:

- the care of the child
- the physical, emotional, psychological and educational development of the child
- the physical, emotional and psychological health of the child
- the safety of the child. (s3 Children and Community Services Act 2004).

Child safe organisation

The Australian Children's Commissioners and Guardians (ACCG) define a child safe organisation as one that consciously and systematically:

- creates conditions that reduce the likelihood of harm occurring to children and young people
- creates conditions that increase the likelihood of any harm being discovered
- responds appropriately to any disclosures, allegations or suspicions of harm.

Refer to [Manage child protection at your school](#) in Ikon (staff only).

Confidentiality

The protection of personal, private and sensitive information. Professional codes of conduct and the Department's [Staff Conduct and Discipline policy](#) reinforce the importance of protecting an individual's privacy.

Documented education plan

Documented Plan is an umbrella term used to describe a range of ways of catering for the educational needs of individual or smaller groups of students with identified needs. It is primarily a teaching and learning planning document and it identifies short to medium term education outcomes.

Documented Plans take a variety of forms, including: Individual education plans (IEPs); Individual behaviour management plans (IBMPs); Individual transition plans (ITP); Risk management plans (RMP); Risk Assessment and Management Plans (RAMPs); and Documented Education Plans (DEP).

Duty of care

A duty imposed by the law to take care to minimise the foreseeable risk of harm to another.

Emotional abuse

Occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. Emotional abuse includes psychological abuse and being exposed to family violence.

Some examples are: constantly putting a child down; humiliating or shaming a child; not showing care, support or guidance; continually ignoring or rejecting the child; exposing a child to family violence; threatening abuse or bullying a child; threats to harm loved ones, property or pets.

Family violence

Family violence is a reference to:

- (a) violence, or a threat of violence, by a person towards a family member of the person
- (b) any other behaviour by the person that coerces or controls the family member or causes the member to be fearful.

A child is **exposed to** family violence or personal violence if the child sees or hears the violence or otherwise experiences the effects of the violence.

Examples of behaviour that may constitute family violence include (but are not limited to) the following —

- (a) an assault against the family member
- (b) a sexual assault or other sexually abusive behaviour against the family member
- (c) stalking or cyber-stalking the family member
- (d) repeated derogatory remarks against the family member
- (e) damaging or destroying property of the family member
- (f) causing death or injury to an animal that is the property of the family member
- (g) unreasonably denying the family member the financial autonomy that the member would otherwise have had
- (h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or a child of the member, at a time when the member is entirely or predominantly dependent on the person for financial support

- (i) preventing the family member from making or keeping connections with the member's family, friends or culture
- (j) kidnapping, or depriving the liberty of, the family member, or any other person with whom the member has a family relationship
- (k) distributing or publishing, or threatening to distribute or publish, intimate personal images of the family member
- (l) causing any family member who is a child to be exposed to behaviour referred to in this section.

(Restraining Orders Act 1997 s5A and Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016)

Female genital mutilation/cutting

All procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs for non-therapeutic reasons.

Harm

Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by:

- (a) a single act, omission or circumstance; or
- (b) a series or combination of acts, omissions or circumstances;

Children and Community Services Act 2004.

Mandatory reporter

The legislation covering mandatory reporting of child sexual abuse in Western Australia is the Children and Community Services Act 2004.

Under section 124B of the Children and Community Services Act 2004, a specified person whose duty to report child sexual abuse (a Mandatory Reporter) is a person who is working in their role either paid or in a voluntary capacity as a Department of Communities assessor or a department officer, midwife, nurse, police officer, boarding supervisor, doctor, minister of religion, out of home care worker, teacher, psychologist or school counsellor.

For the purposes of the legislation, 'teacher' is defined as any person registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA or with Provisional Registration, or Limited Registration and is working as a teacher.

For the purposes of the legislation, 'boarding supervisor' is defined as 'a person who holds an office or position at a boarding facility the duties of which include the supervision of children living at the (boarding) facility'.

For the purposes of the legislation, 'psychologist' is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

For the purposes of the legislation, 'school counsellor' is defined as an adult who is employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer.

Staff who are registered under the Teacher Registration Act 2012 with the Teacher Registration Board of WA, and who are not a mandatory reporter of child sexual abuse are required under this policy to report child sexual abuse to the principal.

Mandatory reporting legislation

Section 124B of the Children and Community Services Act 2004 requires certain persons in Western Australia to make a mandatory report if:

- they are a person specified to report sexual abuse of children,
- believes on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse
- forms the belief in the course of their work (whether paid or unpaid) as a specified person on or after commencement day.

Commencement day is the date on which the person becomes a mandatory reporter under the legislation. The duty to make a report applies if the reporter forms the belief on or after commencement day (which is the day they became a mandatory reporter), and the belief relates to sexual abuse that occurred on or after the commencement day or is still occurring.

Commencement day varies for the different mandatory reporter groups.

- 1 January 2009 – Teacher
- 1 January 2016 – Boarding Supervisor
- 1 May 2024 – Psychologist and School Counsellor
- 1 November 2024 - Early childhood workers
- 1 May 2025 - Youth Justice Workers.

In a school context, the duty to report sexual abuse applies to a teacher, boarding supervisor, psychologist or school counsellor working in their role either in a paid or voluntary capacity.

If the belief that a child is or has been the subject of sexual abuse when not working in their role, then there is no legal duty to report. However, a report to the Department of Communities, can be made voluntarily.

Neglect

Neglect includes failure by a child's parents to provide, arrange, or allow the provision of:

- (a) adequate care for the child
- (b) effective medical, therapeutic or remedial treatment for the child.

Children and Community Services Act 2004.

Omission of care (from the Department of Communities Neglect policy 2021)

When a child does not receive adequate food or shelter, medical treatment, supervision, care or nurturance to the extent that their development is harmed, or they are injured.

Cumulative harm (from the Department of Communities Neglect policy 2021)

Refers to the effects of multiple adverse or harmful circumstances and events in a child's life. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing.

It is possible to have cumulative abuse (multiple events over time) that results in harm that is cumulative in nature (the impact of the events has been cumulative).

Non-mandatory reporter

In a school context, all staff who are not working in the role of a teacher, school psychologist, school counsellor or boarding supervisor are non-mandatory reporters.

When reporting child sexual abuse, non-mandatory reporters are required to follow the procedures for allied professionals.

Parent

In relation to a child, is a person who at law has responsibility for the long-term care, welfare and development of the child; or the day-to-day care, welfare and development of the child.

Physical abuse

Occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver. It may also be the result of putting a child at risk of being injured. Some examples are: hitting, shaking, punching; burning and scalding; excessive physical punishment or discipline; attempted suffocation; or shaking a baby.

Prevention

Strategies that promote self-management, emotional awareness and interpersonal problem-solving skills that reduce risk factors and promote protective factors to ensure the wellbeing of children and young people.

Protective behaviours

A personal safety program designed to equip children with the knowledge and skills to act in ways that reduce the likelihood of abuse occurring and help them to report abuse and to seek help if abuse occurs.

Psychologist

A psychologist is defined as a person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the psychology profession (other than as a student).

Psychologists are mandatory reporters of child sexual abuse. When reporting any type of child abuse, including child sexual abuse, school psychologists are required to follow the procedures for school psychologists.

Residential college

A place used to provide residential accommodation for children while they attend a school as defined in the [School Education Act 1999](#) section 4.

Also referred to as a boarding facility and does not include private arrangements.

Residential college manager

The residential college manager has the same mandatory reporting responsibilities as a boarding supervisor and is responsible for the line-management of other boarding supervisors and operations in a residential setting. Department of Education residential settings commonly use the terms residential college manager, college manager or head of residence to describe a residential college manager.

Residential setting

A place used to provide residential accommodation and related services for students while they attend, and participate in an educational programme of, a school as defined in the [School Education Act 1999](#) section 4, 213A and 213B. Also referred to as a student residential college or boarding facility and does not include private arrangements.

Residential setting activity

An activity that is organised or managed by a boarding supervisor as part of his or her duties.

School activity

An activity that is organised or managed by a teacher as part of his or her duties.

School counsellor

A school counsellor is defined as an adult who is employed or engaged in a school (as defined in the School Education Act 1999 section 4) to provide counselling or pastoral care to children who attend the school. It does not include adults employed or engaged as a student or volunteer (Children and Community Services Act 2004).

In the Department of Education, school counsellors are allied professionals and third-party providers with either of the terms 'pastoral care' or 'counselling' listed in their job title, JDF or relevant service agreement. This includes chaplains, wellbeing officers, Aboriginal and Islander Education Officers and some third-party providers.

School counsellors are mandatory reporters of child sexual abuse. When reporting any type of child abuse, including child sexual abuse, school counsellors are required to follow the procedures for school counsellors.

Sexual abuse

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
- (b) the child has less power than another person involved in the behaviour
- (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

(s124A Children and Community Services Act 2004)

Some examples are: letting a child watch or read pornography; allowing a child to watch sexual acts; touching a child's genitals; oral sex with a child; sexual assault (including sexual touching or vaginal or anal penetration that is non-consensual); and using the internet to find a child for sexual exploitation.

Sexual harassment

Sexual harassment under the Equal Opportunity Act 1984 (WA) occurs when a person makes an unwelcome sexual advance or request for sexual favours, or engages in other unwelcome conduct of a sexual nature, towards another person and that person is disadvantaged, or has reasonable grounds for believing he or she will be disadvantaged, by taking objection. Sexual harassment is unlawful in the areas of employment, education, and accommodation.

Staff

All employees of the Director General of the Department of Education.

Student residential college

A place used to provide residential accommodation and related services for students while they attend, and participate in an educational programme of, a school as defined in the School Education Act 1999 section 4, 213A and 213B. More commonly known as residential setting.

7. Related documents

Relevant legislation or authority

[Australian Psychological Society Code of Ethics 2007](#)

[Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010](#)

[Children and Community Services Act 2004 \(WA\)](#)

[Corruption and Crime Commission Act 2003 \(WA\)](#)

[Criminal Code \(Acts Amendment: Sexual Offences' Act 1992\) \(WA\)](#)

[Criminal Code Act 1995 \(Commonwealth\)](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Disability Discrimination Amendment \(Education Standards\) Bill 2004 \(Cth\)](#)

[Equal Opportunity Act 1984 \(WA\)](#)

[Freedom of Information Act 1992](#)

[Public Sector Management Act 1994 \(WA\)](#)

[Public Interest Disclosure Act 2003 \(WA\)](#)

[Restraining Orders Act 1997 \(WA\)](#)

[Restraining Orders and Related Legislation Amendment \(Family Violence\) Act 2016\)](#)

[School Education Act 1999 \(WA\)](#)

[School Education Regulations 2000 \(WA\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

[State Records Act 2000 \(WA\)](#)

[Teacher Registration Act 2012 \(WA\)](#)

[Working With Children \(Criminal Record Checking\) Act 2004 \(WA\)](#)

[Working with Children \(Criminal Record Checking\) Regulations 2005 \(WA\)](#)

Related Department policies

[Complaints and Notifications](#)

[Duty of Care for Students for Public Schools](#)

[Enrolment in Public Schools](#)

[Equal Opportunity, Discrimination and Harassment](#)

[Incident Management on Department of Education Sites](#)

[Records Management](#)

[Staff Conduct and Discipline](#)

[Student Attendance in Public Schools](#)

[Student Behaviour in Public Schools](#)

[Visitors and Intruders on Public School Premises](#)

Other documents

[Memorandum of Understanding between the Department of Communities and the Department of Education 2021 \(staff only\)](#)

[MOU between the Department of Education and Child and Adolescent Health Service and WA Country Health Service: 1 January 2022 – 31 December 2024 \(staff only\)](#)

8. Contact information

Policy manager:

Director, Student Engagement and Wellbeing

Policy contact officer:

Principal Consultant

T: (08) 9402 6448

9. History of changes

Effective date	25 July 2017
Last update date Policy version no.	3.0
Notes	The Child Protection policy has undergone a major review. The structure has been recast as an overarching policy with five supporting procedures. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017.
Effective date	25 July 2017
Last update date	25 July 2017
Policy version no.	3.1
Notes	Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017.
Effective date	25 July 2017
Last update date	3 October 2018
Policy version no.	3.2
Notes	Minor changes to title D18/0435848, reference to Public Schools D18/0151652 and updated legislation links D18/0207680.
Effective date	13 August 2019
Last update date Policy version no.	3.3
Notes	Major changes approved by the Director General on 26 July 2019. D19/0349313
Effective date	13 August 2019
Last update date	8 July 2022
Policy version no.	3.4

Notes	Minor updates to terminology, definitions and links as per D22/0519053.
Effective date	13 September 2019
Last update date	22 September 2023
Policy version no.	3.5
Notes	Minor change to update link to MOU D23/1550610
Effective date	13 September 2019
Last update date	6 October 2023
Policy version no.	3.6
Notes	Minor changes to update contact details D23/1582068
Effective date	1 May 2024
Last update date Policy version no.	3.7
Notes	Major changes to reflect Children and Community Services Amendment Act 2021 approved by Director General on 11 April 2024.

10. More information

Supporting content

Procedure

[Child Protection in Department of Education Sites Procedures for Allied Professionals](#)

[Child Protection in Department of Education Sites Procedures for Teachers](#)

[Child Protection in Department of Education Sites Procedures for Principals](#)

[Child Protection in Department of Education Sites Procedures for Boarding Supervisors](#)

[Child Protection in Department of Education Sites Procedures for School Psychologists](#)

[Child Protection in Department of Education Sites Procedures for Residential College Managers](#)

Future policy

[Child Protection in Department of Education Sites Policy and Procedures EFFECTIVE 1 May 2024](#)

Policy review date

25 July 2020
