



Department of  
**Education**

# **Child Protection in Department of Education Sites Procedures for Boarding Supervisors**

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These procedures must be read in conjunction with the Child Protection in Department of Education Sites Policy.

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**These procedures must be read in conjunction with the Child Protection in Department of Education Sites Policy.**

## 1. Policy supported

Child Protection in Department of Education Sites Policy

## 2. Scope

These procedures apply to boarding supervisors in residential settings.

### Guidance

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

## 3. Procedures

### 3.1 Child protection and abuse prevention professional learning

Boarding supervisors must:

- complete the online Child Protection and Abuse Prevention professional learning program within six months of enrolment in the online course; and
- repeat the online Child Protection and Abuse Prevention professional learning every three years from the date of completion.

### Guidance

Enrolment occurs automatically for staff who have an E number.

Note that any reference to staff includes casual and relief staff.

A certificate of completion is provided on satisfactory completion of the course.

Compliance is monitored by the residential college manager/principal and Statewide Services.

Alternative professional learning formats are available for staff who cannot access the online professional learning due to a disability or special circumstances

Refer to: [Access child protection and abuse prevention online professional learning](#) (staff only) for further information.

## 3.2 Child abuse prevention education

Boarding supervisors in residential settings must implement protective behaviours education for all students.

### Guidance

For further information, refer to [Access protective behaviours resources](#) and [Request child protection and abuse prevention training](#) in Ikon (staff only).

## 3.3 Mandatory reporting of child sexual abuse

If a boarding supervisor believes on reasonable grounds, that a child is or has been the subject of sexual abuse, and forms the belief during the course of paid or unpaid work as a boarding supervisor, and where the residential college manager/principal is not the alleged perpetrator, boarding supervisors must:

- choose one of the following reporting processes:
  - make an online mandatory report at [Mandatory Reporting Service \(MRS\)](#);
  - make a written mandatory report and forward it to the MRS; or
  - make a verbal report to the MRS which must be followed up with an online or written mandatory report and documentation of the grounds on which they formed the belief
- inform the residential college manager/principal that a mandatory report has been lodged and provide the receipt number of the report
- inform the residential college manager/principal of the advice contained in the feedback letter received from MRS following the mandatory report
- if there is the belief or concern that a child was sexually abused before 1 January 2016 and the abuse is not ongoing, follow procedures in 3.4
- if a decision to make a mandatory report has not been made but a concern is held, follow procedures in 3.4.

If the residential college manager/principal is the person alleged to have committed the abuse or may be biased towards the person alleged to have committed the abuse, boarding supervisors must:

- make a report to the Manager Residential Colleges or in the case of Agricultural Colleges, to the Director of Education who will advise the Department's Standards and Integrity Directorate (SID)
- make an online mandatory report
- make a verbal report to the MRS which must be followed up with an online or written mandatory report.

Boarding supervisors must not provide a copy of their mandatory report to the residential college manager/principal for storage or store their own copy of the report in Department of Education files (refer to procedures 3.14).

Boarding supervisors must not:

- inform parents that a referral has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence.

### Guidance

Refer to the relevant services in Ikon including [Form the belief that a child is or has been the subject of sexual abuse](#) and [Make a mandatory report of child sexual abuse](#) in [Manage child protection at your school](#) (staff only).

The definition of sexual abuse from the [Children and Community Services Act 2004 \(s124A\)](#):

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.

Children under 13 years of age are deemed to be incapable of consenting to sexual activity.

Prior to lodging a mandatory report, the boarding supervisor may consult with their residential college manager/principal, local Department of Communities office or the MRS duty officer or the Department of Education's Service Response (Child Protection) staff on (08) 9402 6124.

Where there are concerns for the immediate safety of the child, inform the residential college manager or principal and contact the MRS before making the mandatory report (1800 708 704).

The boarding supervisor is not required to make their own mandatory report if a report has already been

made by a boarding supervisor or residential college manager for the belief based on the same reasonable grounds and the mandatory report receipt number has been provided to the residential college manager as proof.

A child can be subject to a number of mandatory reports by different mandatory reporters.

Unless a boarding supervisor or residential college manager has proof that a report has been submitted regarding child sexual abuse, mandatory reporting requirements apply. For further explanation, please refer to the Children and Community Services Act 2004 s124B(3):

(3) In a prosecution for an offence under subsection (1) it is a defence for the person charged to prove that he or she honestly and reasonably believed that:

- (a) all of the reasonable grounds for his or her belief were the subject of a report made by another person
- (b) the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing
- (c) the CEO had taken, or was taking, action under section 32 in respect of the child's wellbeing.

Mandatory reporting requirements apply when working in the role of a boarding supervisor, whether at their own residential setting or another residential setting, in either a paid or unpaid capacity. Mandatory reporting requirements do not apply to a boarding supervisor who is working in another role such as when employed as a cleaner or cook.

If the belief is formed when not working in their role as a boarding supervisor, there is no legal requirement to report. However, the Department of Education strongly recommends a report be made to the Department of Communities

The legal penalties in accordance with the Children and Community Services Act (2004) for a mandatory reporter who fails to report the belief that a child is or has been the subject of sexual abuse can be a fine of up to \$6,000. A person can be prosecuted within three years after failing to make a report. Failure to report the belief formed on reasonable grounds that a child is or has been the subject of sexual abuse may also be considered a breach of the Department's [Staff Conduct and Discipline policy](#). Failure to follow up a verbal report of child sexual abuse with a written report could result in a fine of \$3,000.

A mandatory report cannot be made anonymously.

The boarding supervisor can add information to the mandatory report by quoting the receipt number or the child's name to MRS.

There is no requirement to provide proof of child sexual abuse.

Mandatory reporting does not apply to students who are over 18 years of age. Refer to section 3.9.

Prior to 1 January 2016 there was no legal requirement for boarding supervisors to report child sexual abuse in Western Australia.

A boarding supervisor may consult with the Manager Residential Colleges or in the case of agricultural colleges, the Director of Education or SID, if the alleged child sexual abuse concerns a residential college manager/principal.

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith to the Department of Communities, WA Police or SID.

When there is a concern for the safety of a mandatory reporter, the residential college manager/principal may contact the relevant Regional Education Office, Manager Residential Colleges, WA Police and/or the Department of Communities to assist. For further information refer to Ikon: [Support a staff member who has reported child abuse](#) and [Access support after reporting child abuse](#) (staff only).

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.4 Report concern of child sexual abuse

If the belief that a child is or has been the subject of sexual abuse is **not** formed, but a child protection concern of child sexual abuse is held, boarding supervisors must:

- report concerns that a child may be subject to sexual abuse to the residential college manager/principal
- document all observations and consultations and provide these to the residential college manager/principal.

Boarding supervisors must not:

- inform parents that a report has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence
- keep records or documentation
- inform the person alleged to be responsible for the abuse that a child protection concern is held.

#### Guidance

If the residential college manager forms the belief that a child is or has been the subject of sexual abuse, mandatory reporting requirements apply even if the staff member providing the information has not formed the same belief.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.5 Report concern of physical or emotional abuse, family violence or neglect

Boarding supervisors must:

- document and report all child protection concerns relating to physical abuse, emotional abuse, family and domestic violence or neglect to the residential college manager/principal
- inform the Manager Residential Colleges or, in the case of agricultural colleges, the Director of Education if the residential college manager/principal is the alleged perpetrator.

Boarding supervisors must not:

- inform parents that a report has been made
- interview the child or children involved
- investigate the concern
- collect photographic evidence.

#### Guidance

Being exposed to family violence is considered to be emotional abuse and may also be physical abuse.

If a boarding supervisor holds a child protection concern involving a child or children, outside of their work role, boarding supervisors may report their concern to the Department of Communities as a private citizen.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

Refer to Appendix C for more information on completing documentation.

### 3.6 Report an allegation of physical, emotional or sexual abuse committed by staff

Boarding supervisors must:

- report all allegations of abuse perpetrated by staff to the residential college manager/principal
- if the residential college manager/principal is the person alleged to have committed the



abuse or may be biased towards the staff member alleged to have committed the abuse, make a referral to the Manager Residential Colleges or, in the case of agricultural schools, the Director of Education

- follow the mandatory reporting procedures 3.3 if the belief is formed that a child is or has been the subject of sexual abuse.

Boarding supervisors must not:

- interview the child
- investigate the allegation
- inform the person alleged to have committed the abuse that an allegation has been made.

### Guidance

An allegation may concern behaviour of a staff member towards a child who does or does not reside in the residential setting.

The Department's Standards and Integrity Directorate may be consulted prior to reporting.

The allegation may concern the behaviour of a staff member towards a child during or outside of school or residential setting hours.

The content of electronic communication between a staff member and student may also constitute child sexual abuse.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Standards and Integrity Directorate.

Certain behaviour towards students, while not illegal, may not be within appropriate professional boundaries. Refer to the [Code of Conduct](#) and [Standards](#) (staff only).

Sexual harassment is dealt with in the [Equal Opportunity, Discrimination and Harassment policy](#). In some cases sexual harassment of students may also be child sexual abuse. Refer to the definition of child sexual abuse in Section 4 of these procedures.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.7 Report an allegation of sexual abuse committed by a student during supervised residential setting activities

Boarding supervisors must:

- report all incidents of sexual abuse committed by a student during supervised college

activities to the residential college manager/principal

- make a mandatory report if appropriate, following procedures in 3.3.

Boarding supervisors must not:

- interview the students involved
- disclose the identity of the person alleged to have committed the abuse to the alleged victim's parent
- disclose the identity of the alleged victim to the parents of the student alleged to have committed the abuse.

### Guidance

Sexual abuse of a child by another child is any sexual behaviour that involves the use of bribery, coercion, a threat, exploitation or violence or when one child has less power than the other or when there is significant disparity in the developmental function or maturity of the children involved.

Examples are: unwanted touching, unwanted kissing, exposure to sexual acts, exposure to pornographic materials and sexual penetration of the genitals or mouth.

Sexual behaviour that is outside of the normal developmental range may be an indicator that child sexual abuse has occurred. Sexual behaviour that is within the normal developmental range is not usually child sexual abuse. For more information refer to Ikon: [Respond to sexual behaviour in students](#) (staff only)

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

## 3.8 Respond when a student is at immediate risk of harm

Where there is a concern that the student will be exposed to the immediate risk of harm during or outside of residential setting hours, boarding supervisors must inform the residential college manager/principal as a matter of priority.

## 3.9 Students 18 years of age and over subjected to physical or sexual assault

Boarding supervisors must inform the residential college manager or principal of a concern for a student 18 years or over who discloses physical or sexual assault.

### Guidance

Students 18 years of age or older are adults and the Department of Communities do not have a role.

The residential college manager/principal may advise and assist the student who has been subjected to physical or sexual assault to make a WA Police report.

Students over 18 years who have an intellectual disability are viewed under [Section 330](#) of the [Criminal Code](#) as being an 'incapable person'. The residential college manager/principal may make a WA Police report themselves when the student is incapable of doing so.

Any concerns regarding an inappropriate relationship between a staff member and a student should be referred to the Department's Standards and Integrity Directorate (SID). For further information refer to [Report staff misconduct](#) in Ikon (staff only).

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.10 Respond to students in possession of sexually explicit or child protection material

When sexually explicit or child exploitation material has been located on a student's mobile phone or other electronic device or if sexually explicit or child exploitation material has been distributed to others, boarding supervisors must:

- secure the device (if circumstances permit)
- report the incident to the residential college manager/principal
- follow reporting procedures in 3.3 or 3.4 as applicable.

Boarding supervisors must not:

- investigate the allegation
- search through a student's portable electronic device for evidence
- download, transmit or distribute the images or text
- delete images or text
- inform the person alleged to have committed the abuse that an allegation has been made.

#### Guidance

Please refer to the definition of 'Child Exploitation Material' in Section 4 of these procedures.

The process for the confiscation of mobile devices should be stated in the residential setting's policy for the management of mobile phones and other electronic devices on residential setting grounds.

A boarding supervisor may view an image to determine if it is reportable and should consider and document whether the:

- image is sexually explicit
- identity of the person is known
- image appears to be of a person under 18 years old.

Once the device is secured, it is recommended that it is switched to flight mode (where possible).

If known, document the distributor and recipient/s of the images and inform the manager/principal.

The WA Police will identify whether or not a child has been exploited and may interview the students, boarding supervisors, teachers, parents and any other parties involved.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

Further information and resources can be found on the website of the [Office of the eSafety Commissioner](#) and in [Ikon](#) (staff only).

For information related to Western Australia's Intimate Image laws (Chapter XXVA of the [Criminal Code Act](#)) which came into effect on 15 April 2019, please refer to the [Frequently Asked Questions](#).

## 3.11 Respond to specific child protection issues

### 3.11.1 Female genital mutilation/cutting

Boarding supervisors must:

- report to the residential college manager/principal all concerns that a student may be subjected to female genital mutilation/cutting (FGM/C) or arrangements are being made to carry out the procedure
- follow reporting procedures in 3.5.

Boarding supervisors must not inform the parent of the concern or the report.

#### Guidance

The Department of Communities has advised that employees of state government agencies should report the practice or risk of FGM/C as a form of physical abuse. FGM/C is also reported to WA Police as the practice is a criminal offence in Western Australia, as is taking the child from the state with the intention of having the child subjected to FGM/C. Concerns of FGM/C are reported to WA Police by the residential college manager/principal.

For further information refer to Section 306 of the [Criminal Code](#) and [Report female genital mutilation/cutting of a student](#) in Ikon (staff only).

### 3.11.2 Forced marriage

Boarding supervisors must:

- report to the residential college manager/principal any concerns for a child under 18 years of age who has been forced or coerced into a marriage or is in an existing marriage
- follow reporting procedures in 3.3.

Boarding supervisors must not inform the parent of the concern or report.

#### Guidance

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

For further information refer to sections 270.7A and 270.7B of the [Commonwealth Criminal Code Act \(1995\)](#) and to [Report forced marriage of a student](#) (staff only).

### 3.12 Support children affected by abuse

Boarding supervisors must:

- support children affected by abuse, including children who are alleged to have committed the abuse
- document and inform the principal of any further information or observations.

#### Guidance

Staff involved in a supportive role should take into account factors such as culture, religion, age, disability and level of maturity of the student. Refer to [Support a student affected by abuse or neglect](#) in Ikon (staff only).

Staff should consult with appropriate school and Education Regional Office staff to develop strategies to support the student, whilst maintaining student confidentiality.

Staff should consult with the Sexual Assault Resource Centre resources when supporting students harmed by sexual assault.

As appropriate, the student should be provided with the option of who their support person is and involved in decisions that directly affect them and provided with relevant information.

The student and their family may be provided with the option to 'opt out' of support and intervention.

School based strategies and or interventions should not disadvantage the student harmed, for example, the student should not be moved out of their class, unless at the request of the student or family.

In circumstances where the student alleged to have committed the abuse resides at the same residential setting, a safety plan should be developed by the residential college manager in collaboration with the student and their family.

The impact on the student's behaviour from trauma stemming from abuse should also be considered.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

### 3.13 Communicate to parents

#### 3.13.1 When a mandatory report or child abuse report has been made

Boarding supervisors must not:

- inform parents of a mandatory report or report of child abuse
- disclose the identity of the mandatory reporter (if known) or the person alleged to have committed the abuse.

#### Guidance

The parent may be responsible for the abuse and advising them that the residential setting has made a mandatory report or child abuse report may compromise an investigation.

#### 3.13.2 When there is a concern of child abuse and a mandatory report or child abuse report has not yet been made

Boarding supervisors must not inform parents:

- that physical or behavioural indicators have been observed in their child which have led to the belief or concern of child abuse
- of a concern of family violence
- of an intention to make a report concerning their child to the Department of Communities, the Mandatory Reporting Service (MRS), WA Police and/or the Department's Standards and Integrity Directorate (SID).

**Guidance**

A parent may be responsible for the abuse. To inform the parent of the belief or concern of child abuse may alert them and pose a further risk to the child.

**3.13.3 When a child under the age of consent discloses a sexual relationship**

Boarding supervisors must:

- refer a disclosure made by a child under the 16 years of age that they are in a sexual relationship to the residential college manager/principal
- follow reporting procedures in 3.3 or 3.4 or 3.7 if applicable.

Boarding supervisors must not interview the child or children involved.

**Guidance**

These procedures only apply when a disclosure has been made by the student themselves.

In Western Australia, the legal age for people to consent to sexual activity is 16 years of age. Sexual behaviour involving students aged 13 to under 16 years of age may not necessarily constitute sexual abuse. If the belief is formed that a child is or has been the subject of sexual abuse, a mandatory report must be submitted as per procedure 3.3. Refer to Ikon: [Form the belief that a child is or has been the subject of sexual abuse](#) (staff only). Consideration should be given to the age of the child, developmental level, any disability or the influence of drugs or alcohol.

Students under 13 years of age are deemed under the Criminal Code as incapable of consenting to a sexual relationship and this should be reported to WA Police and obtain a police record number, if a mandatory report of child sexual abuse is not submitted.

The residential college manager/principal will inform parents about a child under the age of consent disclosing that they are in a sexual relationship unless:

- it is not in the best interests of the child
- a report of child sexual abuse or other form of abuse is made.

If boarding supervisors have any concerns regarding the student and suicidal ideation, they should seek advice and consultation to increase the safety of the student, and refer to the [School Response and Planning Guidelines for Students with Suicidal Behaviour and Non-Suicidal Self Injury](#).

**3.14 Recordkeeping and documentation**

Boarding supervisors must:

- document all child protection concerns
- provide documentation to the residential college manager/principal.

### Guidance

It is strongly advised that a copy of the mandatory report is not stored by the mandatory reporter. It is not necessary to keep a mandatory report. The receipt number issued by the Mandatory Reporting Service (MRS) is proof that a report has been made. The report can be accessed or additional information added by the reporter at a later date by quoting the receipt number or the name of the child to the MRS.

Documentation kept by staff, excluding mandatory reports, may be required by Department of Communities, WA Police and/or SID in their investigations. For further information refer to the [Respond to an order to produce documents to a court or WA Police](#) (staff only).

Refer to Appendix B for more information on completing documentation.

## 3.15 Confidentiality

Boarding supervisors must protect the identity of a staff member who submits a child abuse report.

When a student discloses information that leads to a concern of child abuse boarding supervisors must not promise confidentiality.

### Guidance

Boarding supervisors may consult with appropriate school and Education Regional Office staff, as necessary and must at all times maintain confidentiality.

All staff are protected from civil, criminal and disciplinary liability by providing information in good faith and with the best interests of the child in mind to the Department of Communities, WA Police or the Department's Standards and Integrity Directorate (SID).

Staff may consult with each other provided this is carried out in a confidential manner.

The identity of the person making the report is protected. However, in prescribed circumstances the identity of the reporter may be disclosed. The penalty for disclosing a mandatory reporter's identity outside of these circumstances can be up to two years' imprisonment and/or \$24,000 fine (Children and Community Services Act 2004).

For assistance regarding appropriate responses to students disclosing abuse, please refer to [Respond to student disclosure of abuse](#) in Ikon (staff only).

Refer to Appendix D Confidentiality and [Share confidential child protection information](#) in Ikon (staff only).



### 3.16 Protection and support for employees who report child abuse

Boarding supervisors who have a concern for their own safety following a referral or mandatory report must inform the residential college manager/principal.

#### Guidance

Where there is concern for the safety of the boarding supervisor following a report, the residential college manager/principal may consult with the Manager Residential Colleges and/or regional education office to implement a risk management plan. This may include informing WA Police and the Department of Communities.

Staff who require support as a result of reporting child abuse can access the [Employee Assistance Program](#) (staff only) for counselling.

For further information refer to Appendix B and [Access support after reporting child abuse](#) (staff only).

### 3.17 WA Police arresting a student on a school or residential college site

Boarding supervisors must:

- liaise with WA Police to determine whether the arrest of the student on the residential site is justified
- in line with section 242 of the School Education Act 1999, share any relevant information with the WA Police including the identity of the student, attendance data and parent information
- arrange a time with WA Police to come on the residential site
- ensure the arrest is conducted discreetly
- phone the Manager, Incident Support Unit at 9264 5393.

Principals must not refuse the arrest of a student on a residential site if it has been established there is an immediate risk of harm to anyone.

#### Guidance

The Department has a Memorandum of Understanding – Arrests of Students on Department of Education Premises with the WA Police, which specifies the process for WA Police officers to attend a public school site or residential site for the planned arrest of a student.

The officer in charge of the local police station will establish a channel of communication with the school principal/boarding supervisor prior to this occurring.

WA Police will do a risk assessment which considers risk of harm to others, immediacy of resolving an incident, whether evidence may be lost or destroyed or other exceptional circumstances which require immediate police action.

WA Police ensure contact is made with the principal/boarding supervisor of the school/residential site to inform them of the circumstances necessitating the arrest of the student.

WA Police make appropriate arrangements with the principal/boarding supervisor for attending the school/residential site, to ensure the arrest is done in a discreet manner to reduce the impact on the student, the student's family and the school/residential site.

## 4. Definitions

### Allied professionals

Allied professionals are those staff employed under s235(1)(a)(c) (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 the 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) any thing 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; and
- 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 \(staff only\)](#).

### **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 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 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 & 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
- (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.

Duty of certain people to report sexual abuse of children

(1) A person who:

(a) is a person specified in the Table (a **specified person**); and

## **Table**

assessor	boarding supervisor
departmental officer	doctor
midwife	minister of religion
nurse	out-of-home care worker
police officer	teacher
school counsellor	psychologist
Early childhood worker (commencement day 1 November 2024)	Youth Justice Worker (commencement day 1 May 2025)

(b) believes on reasonable grounds that a child:

(i) has been the subject of sexual abuse that occurred on or after commencement day; or

(ii) is the subject of ongoing sexual abuse;

and

(c) forms the belief:

(i) in the course of the person's work (whether paid or unpaid) as a specified person; and

(ii) on or after commencement day.

must report the belief as soon as practicable after forming the belief.

Penalty for this subsection: a fine of \$6,000.

Commencement day is the date on which the person becomes a mandatory reporter under the legislation. The duty to report sexual abuse applies if the reporter forms the belief on or after commencement day. Commencement day varies for different reporter groups.

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 is formed 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. 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 or residential college.

## **5. 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 \(staff only\)](#)

## 6. Contact information

### Policy manager:

Director, Student Engagement and Wellbeing

### Policy contact officer:

Principal Consultant Student Engagement and Wellbeing

T: (08) 9402 6448

## 7. History of changes

<b>Effective date</b>	25 July 2017
<b>Last update date Procedure version no.</b>	3.0
<b>Notes</b>	This new procedure supports the Child Protection Policy. Endorsed out-of-session by the Director General at Corporate Executive and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	25 July 2017
<b>Procedure version no.</b>	3.1
<b>Notes</b>	Minor corrective changes as requested by Corporate Executive out-of-session and ratified on 30 June 2017.
<b>Effective date</b>	25 July 2017
<b>Last update date</b>	3 October 2018
<b>Procedure version no.</b>	3.2

<b>Notes</b>	Minor changes to title D18/0435848, reference to Public Schools D18/0151652 and updated legislation links D18/0207680.
<b>Effective date</b>	13 August 2019
<b>Last update date</b> <b>Procedure version no.</b>	3.3
<b>Notes</b>	Major changes approved by the Director General on 26 July 2019. D19/0349313.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	19 January 2021
<b>Procedure version no.</b>	3.4
<b>Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	8 July 2022
<b>Procedure version no.</b>	3.5
<b>Notes</b>	Minor updates to terminology, definitions and links as per D22/0519053
<b>Effective date</b>	13 August 2019
<b>Last update date</b>	22 September 2023
<b>Procedure version no.</b>	3.6
<b>Notes</b>	Minor change to update link to MOU D23/1550610
<b>Effective date</b>	13 September 2019
<b>Last update date</b>	6 October 2023
<b>Procedure version no.</b>	3.7

<b>Notes</b>	Minor changes to update contact details D23/1582068
<b>Effective date</b>	1 May 2024
<b>Last update date Procedure version no.</b>	3.8
<b>Notes</b>	Major changes to reflect Children and Community Services Amendment Act 2021 approved by Director General on 11 April 2024

## 8. Appendices

Appendix A: [Child protection and abuse prevention education professional learning](#) (PDF file - 41.5kB)

Appendix B: [Protection and support of employees who report child abuse](#) (PDF file - 41.6kB)

Appendix C: [Completing documentation](#) (PDF file - 47.6kB)

Appendix D: [Confidentiality and legal protection](#) (PDF file - 42.5kB)

## 9. More information

### Supporting content

#### Future policy

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

#### Policy

[Child Protection in Department of Education Sites Policy](#)

#### Procedure review date

25 July 2020

