

Child Protection Policy

Classification: Student Wellbeing



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Review and Responsibility

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Version	Date	Notes
4.0	17/04/2023	Combined Child Abuse and Mandatory Reporting Policies Reviewed by the Principal

This policy is comprised of 4 sections:

1. Section 1- Mandatory Reporting
2. Section 2- Grooming
3. Section 3- Abuse and Neglect
4. Section 4- Reportable Conduct

Policy Statement

The safety and protection of our students is of paramount importance. The school will respond appropriately to any related allegations in the best interest of our students both past and present.

Grace Christian School is committed to safeguarding and promoting the safety, welfare and wellbeing of our students and expects all staff, parents/volunteers and visitors to share this commitment.

The Governing Body and the Principal will comply with legal and professional obligations in the implementation of this policy.

Rationale

We believe every child is of incredible value as children of God. All staff and visitors, including parents have a duty of care to protect students from potential and harmful situations and will actively promote safe practices and protective behaviours.

Common Applications Related to Child Protection

Children Left at School

- All avenues must be used to contact the child's family or emergency contacts.
- In some cases a child may be driven home – ideally by the Principal. It is wise to have another staff member accompany them e.g. a male staff member driving a female student home must ask a female staff member to accompany them.
- If the School is unable to make any contact with the child's family, Student Services personnel will contact the student's emergency contact.

Staff Recruitment

Human resources practises are reviewed regularly to ensure that all new employees and volunteers are adequately screened, trained and supervised. It includes:

- Application form, screening and reference checks.
- The School's commitment to student protection is made clear through the information given to applicants.
- Assessment of all positions within the school community – identification of risk and safeguards.
- Job descriptions.
- Notifying potential employees that they must participate in orientation, training, supervision and performance management.
- Codes of Conduct.
- Screening of relief staff / temporary staff.

Requirements of Staff Working at Grace Christian School: Working with Children Checks and Police Clearances

- **Teachers:** are required to be registered with TRBWA, and as such are required to have Working With Children Checks and Police Clearances. The Information and Records Manager ensures that teaching staff are up-to-date with TRBWA registration.
- **Other School Staff:** All other school staff are also required to have a WWC and a police clearance. The Information and Records Manager ensures that these checks and clearances are kept up-to-date.
- **Contractors:** Regular contractors working on campus when students are present, are required to have a WWC checks and police clearances as part of their contractual obligations. The Business Manager ensures that this requirement is met.

SECTION 1- Mandatory Reporting on Sexual Abuse

Definitions of Child Sexual Abuse

Sexual abuse, in relation to a child, includes sexual behaviour in circumstances where:

- the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- the child has less power than another person involved in the behaviour; or
- there is significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

Abusive sexual behaviour may include, but is not limited to:

- sexual penetration
- inappropriate touching
- exposure to sexual acts
- exposure to pornographic materials.

This applies to children and young people under 18 years of age.

Definition of Child

The definition of 'child' is defined in Section 3 of the 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 considered to be adults and are not covered by this legislation. However, schools still owe a duty of care to any students at the school. In these instances, Police should be informed of any assault or crime against the young person.

Indicators and Symptoms of Child Sexual Abuse

The following list of indicators is not exhaustive. Students frequently show indicators from more than one category; and the examples listed for sexual abuse are not necessarily exclusive to a single category of abuse. (Refer R/08/1050 Child Protection Policy for indicators of other forms of child abuse).

Any of these indicators may suggest that a student is being abused, however, indicators should be considered in the context of the student's age, medical and developmental history and capabilities.

SEXUAL ABUSE	
<p>Physical Indicators:</p> <ul style="list-style-type: none"> • Bruises or bleeding from external genitalia, vagina or anal regions; • Blood stained underwear; • Pregnancy or fear of pregnancy; • Signs of pain, itching or discomfort in the genital area; and • Urinary tract infections. 	<p>Behavioural Indicators:</p> <ul style="list-style-type: none"> • Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way; e.g. 'I know a person who...' • Inappropriate expression of affection; • Inappropriate interest in sexual matters; • Evidence of sexual themes in artwork, stories or play; • Possession of pornographic materials; • Promiscuity, exposure or sexual behaviour towards others; • Use of sexual language inappropriate for child's age; • Reluctance to change clothes in front of others; • Wearing of inappropriate clothing; • Fear states e.g. anxiety, depression, obsessively neat, socially withdrawn or overly compliant behaviour; • Poor peer relationships; and • Inability to concentrate in school.

When a staff member has reasonable belief relating to any of the above indicators they must report the matter.

Reasonable Belief

Is when:

- a student informs you they have been sexually abused
- a student informs you they know someone who has been sexually abused
- a student exhibits the symptoms and/or indicators previously listed.

The Western Australian Government introduced legislation that requires various occupations, including teachers, School Counsellors (as of 1 May 2024) and Ministers of Religion to report child sexual abuse. This legislation is the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* and is an amendments to the *Children and Community Services Act 2004 and 2021*.

Teacher assistants 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 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 suspect or sexual abuse.

If you are not a Mandatory reporter – please contact the Central Intake Team on 1800 273 889 or email cpduty@communities.wa.edu.au

Guidelines for Student Disclosure

Staff should be aware of the immediate needs of the student and what to do in these circumstances:

- Use “protective interrupting” if students begin to disclose in class or in a public area.
- 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 of confidentiality and be calm and non-judgemental.
- Listen attentively, be empathetic, supportive and understanding.
- Acknowledge that it is difficult to talk about such things and try to identify student’s fears.
- Let the student tell the event in their own words and accept what is said – only the minimum of information is required.
- Reassure the student that it is right to tell, that they are believed and that they are not to blame.
- Try and stay with the student until necessary steps have been taken to ensure safety and support (as directed).

Staff must be mindful that they do not:

- Push for details, conduct an investigation or put words in the student’s mouth or interrogate, as this could jeopardise the interviewing process of the Department of Communities and Police.
- Get angry, upset or show shock, express judgement or blame of the student, perpetrator or family.
- Promise not to tell when there are clear limits of confidentiality.
- Give a lecture about right or wrong or alternatively give excessive pity.
- Say “forget it”, “you’ll get over it” or other such minimising statements.
- Engage in general staffroom discussion about the disclosure.

Document:

- Tell the student that a report will be made to a person who will be able to provide protection.
- Allow the student the option of support during any agency interview and reassure them of the availability of continuing support.
- Document the disclosure and subsequent discussion and actions.
- Explain what will happen next.

Staff must be aware that a disclosure can arouse in them strong feelings of shock, anger and helplessness. It is important to control these feelings. Should staff require support after the disclosure, they can seek assistance with the School Chaplain or Principal or external professional, if required.

Former Students/ Allegations

In cases where a former student, or parent or guardian of a former student, makes an allegation about sexual abuse at the school, occurring before 2009, the Department of Communities – Child Protection Service is to be informed immediately. CPDuty@communities.gov.au

Confidentiality and Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances.

Victimisation of staff, students, parents and guardians for making an allegation in accordance with school's policies, is forbidden, including where the allegation is unfounded.

When does a Mandatory Reporter make a Report?

A teacher 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 a youth centre, working as a Sunday School Teacher. Failure to make a report can incur the maximum penalty of \$6,000.

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.

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 sexual 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?

How does a Mandatory Reporter make a Report?

A centralised Mandatory Reporting Service 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. There are two ways to make a report- verbal or written.

A verbal report is preferred in the first instance as it allows the Mandatory Reporting Service to ask clarifying questions and gather as much information as possible. However, it **must** be followed by a written report as soon as is practicable, usually within 24 hours. To make a verbal report, the Mandatory Reporting Service can be reached on 1800 708 704. Failure to provide a written report following a verbal report carries a maximum penalty of \$3,000.

A written report form can be downloaded from the mandatory reporting website www.mandatoryreporting.dcp.wa.gov.au. Once you have lodged a report, you will receive an acknowledgement receipt. This receipt is proof that you have made a report so it is important that you keep it.

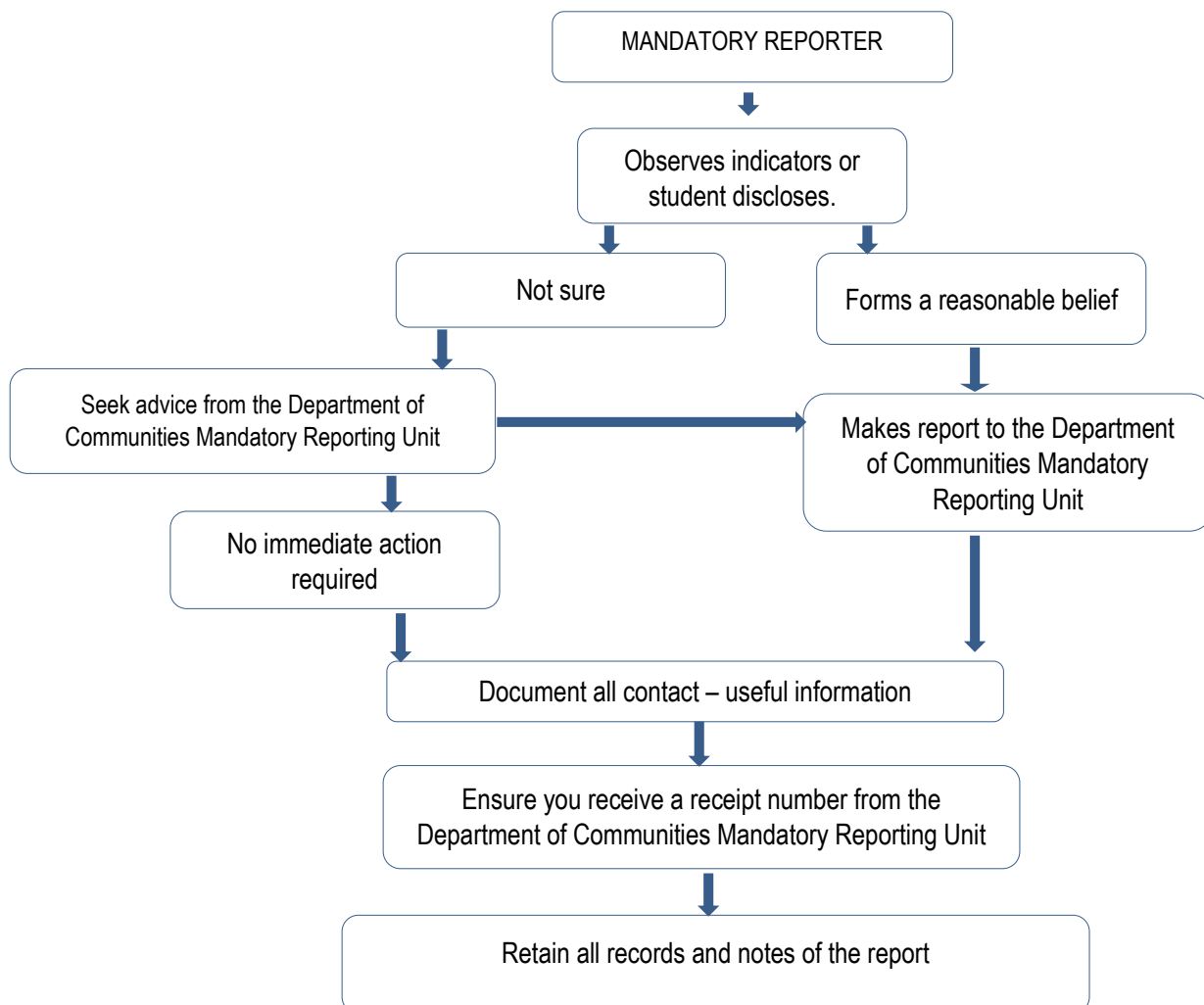
Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child, and determine the need for further child protection assessment and investigation. A copy of

the report is sent to the WA Police. The police will then decide whether they need to be involved on a case by case basis.

Because the reporting obligations under the Act are obligations placed upon the teacher personally, it is recommended that the teacher:

- Keep a copy of the report and any notes the teacher provides to the Department in compliance with their obligations under the Act.
- Keep a record of receipt by the Department of the report (this is usually in the form of receipt number) as evidence that the report was made to the Department.
- Keep a copy of the report and any notes the teacher provides to the school;
- Should retain copies of any notes, the report and the receipt of the report by the Department.

NOTIFICATION STEPS FOR MANDATORY REPORTERS



Staff Training in the Recognition and Reporting of Sexual Abuse

All staff will be involved in an annual professional learning in the recognition of child sexual abuse, appropriate prevention practices and strategies (including Protective Behaviours) in addition to dealing with disclosure, determining reasonable belief and reporting.

Supporting Resources

The Department for Child Protection has established a website:

<https://mandatoryreporting.dcp.wa.gov.au>

Information on this website includes frequently asked questions and a copy of the report to download. The Mandatory Reporting Service is available 24 hours a day, seven days a week, and can also be contacted through the following ways:

Free call **1800 708 704** (excluding mobile telephones)
Fax 1800 610 614
Email mrs@dcp.wa.gov.au
Postal Address Mandatory Reporting Service
 PO Box 8146, PERTH BC WA 6849

Relevant Legislation and Authority

- School Education Act (1999) Sections 63 & 64.
- Child Welfare Act (1947) Sections 4, 10, 29, 30 & 31
- Criminal Code Act (1913) Section 322
- Public Sector Management Act (1994) Sections 80 – 92
- Anti-Corruption Commission Act (1988)

The relevant sections of these documents can be viewed on www.legislation.wa.gov.au.

Note: In Western Australia, it is mandatory for certain professionals to report a belief of child sexual abuse. Mandatory reporters are:

- boarding supervisors
- doctors
- ministers of religion
- nurses and midwives
- police officers
- teachers.

Staged implementation of Mandatory Reporters:

Mandatory Reporter Group	Proposed commencement
Assessor appointed under section 125A of the Act	1 November 2023
Departmental officer of the Department of Communities	1 November 2023
Out-of-home care worker	1 November 2023
School counsellor	1 May 2024
Psychologist	1 May 2024
Early childhood worker	1 November 2024
Youth justice worker	1 May 2025

The *Children and Community Services Amendment Act 2021* was passed by Parliament on 14 October 2021 and, among other changes, will introduce new mandatory reporter groups for child sexual abuse.

The mandatory reporting amendments implement recommendations of the Final Report of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (Royal Commission). In line with Royal Commission recommendations 7.3 and 7.4, the changes will see reporting of child sexual abuse made mandatory for early childhood workers, ministers of religion, out-of-home care workers, registered psychologists, school counsellors and youth justice workers. Assessors appointed under section 125A of the Act and officers of Communities (referred to as departmental officers) will also become mandatory reporters.

The new mandatory reporting groups are being brought into operation in stages to ensure they receive the necessary training and support to fulfil their new reporting obligations.

Section 2- Grooming

Grooming Definition

In a child protection context, grooming refers to deliberate actions undertaken to engage in sexual activity with a child. It is a subtle, gradual, and escalating process of building trust with a child and those around the child, 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.

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 Behaviour

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.

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 desensitised 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.

Grooming behaviour with adolescents may include additional strategies, such as:

- Identifying with the adolescent. The abuser may appear to be the only one who understands him/her.

- Displaying common interests in sports, music, movies, video games, television shows, etc.
- Recognising and filling the adolescent's need for affection and attention.
- Giving gifts or special privileges to the adolescent.
- Allowing or encouraging the adolescent to break rules (e.g. smoking, drinking, using drugs, viewing pornography).
- Communicating with the adolescent outside of the person's role (e.g. teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. The perpetrator's strategies may include:

- promoting self and creating a reputation as being caring, child-loving, competent, available, trustworthy, truthful;
- raising doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations;
- fostering dependency as someone the family can rely on;
- positively representing the child to others so as to be perceived as someone who would never harm the child.

While distinguishing between appropriate intent and inappropriate intent is very difficult, particularly for a child, it is essential that schools have very clear expectations and boundaries around behaviours so that there can be rigorous accountability when dealing with children.

Preventing or Interrupting the Grooming Process

Schools unfortunately provide opportunities for groomers to enact the grooming process. Some abusers have a particular preference for children within particular age groups and some studies have shown that groomers will take child focussed employment primarily to get access to a particular cohort of children.

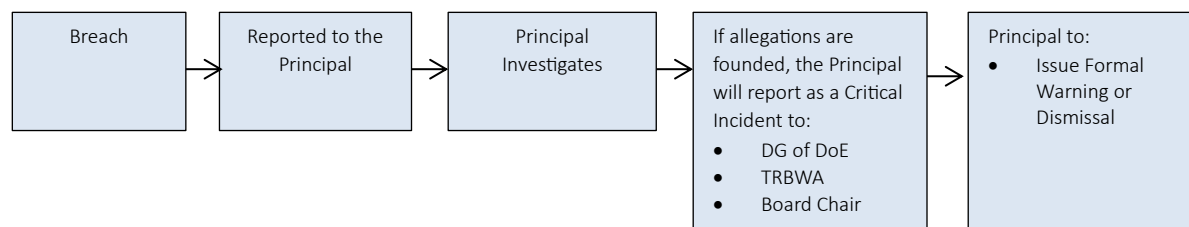
Grace Christian School will:

- Establish clear codes of conduct for staff, students, parents and visitors.
- Ensure all staff receive *annual* training in Code of Conduct and recognising grooming behaviour.
- Hold staff members, students and visitors accountable to the Codes of Conduct. Challenging boundary crossings and violations is one of the most accessible strategies to combat grooming behaviour.
- Ensure staff are familiar with the procedure for handling suspected breaches of the Code of Conduct; staff and students.
- Ensure no children are left in the care of unauthorised and unknown persons.
- Ensure the staff recruitment process has a strong focus on child protection including safety checks (WWC, etc.).
- Ensure practicing staff are current with WWC and TRBWA registration.
- Ensure our School website, enrolment documentation and publication clearly reflects our child protection practices and include the statement: *"Grace Christian School is committed to safeguarding and promoting the safety, welfare and wellbeing of our students and expects all staff, parents/volunteers and visitors to share this commitment"*.

How to Report Grooming

It is important that staff are able to identify unacceptable conduct in others and feel confident to report this to the appropriate authorities. (Refer to: Staff Code of Conduct)

It is expected that staff who form a belief that the boundaries or code of conduct has been breached will follow the below procedure:



Where an employee is investigated for behaviours considered to be grooming, school authorities are obligated to report this to both the Director General (DG) of the Department of Education (DoE) and the TRBWA. (Standard 9).

Confidentiality and Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances. Victimization of staff, students, parents and guardians for making an allegation in accordance with school's policies, is forbidden, including where the allegation is unfounded.

Support for the Complainant

Complainants will be informed about the services, including advocacy and support services available.

Definition- Cyber Predation / Predators

An act of 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 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.

Children need to think carefully about a handle (on-line name) they choose. Handles such as *Angel-Babe*, *Sweet- Sixteen* and *SexyKid* appear harmless; however, can attract the wrong attention. Paedophiles are often attracted to young people with these types of names.

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.

How to Report Cyber Predators

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

On-line reporting:

- **Online child sexual exploitation** (<https://www.thinkuknow.org.au/site/online-child-sexual-exploitation>) Report inappropriate sexual behaviour towards a child.
- **Inappropriate content** (<https://www.thinkuknow.org.au/site/inappropriate-content>) Report internet content which you believe is prohibited or inappropriate.
- **Cyber Crime** (<https://www.acorn.gov.au/>) Report cybercrime to the Australian Cybercrime Online Reporting Network (ACORN).
- **Cyber Bullying** (<https://www.thinkuknow.org.au/site/reporting-cyberbullying>) Report cyberbullying of adults to ACORN or children to the eSafety commissioner.

Section 3- Abuse and Neglect

Definitions

The result of action, or inaction, on the part of the 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 may include one or all of:

- *Emotional Abuse* - an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorism, bullying, isolation, continual belittlement and exposure to chronic or serious domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child's emotional, intellectual or social development.
- *Physical Abuse*- physical harm caused to a child. It includes 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 or excessive discipline.
- *Neglect*- failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, healthy food, suitable clothing, medical care and emotional security.
- *Sexual* - Refer to the School's Mandatory Reporting Policy in the case of sexual abuse.

N.B. Research indicates a substantial proportion of abuse is perpetrated on children and youth by other youth.

Staff Training in the Recognition and Reporting of Abuse

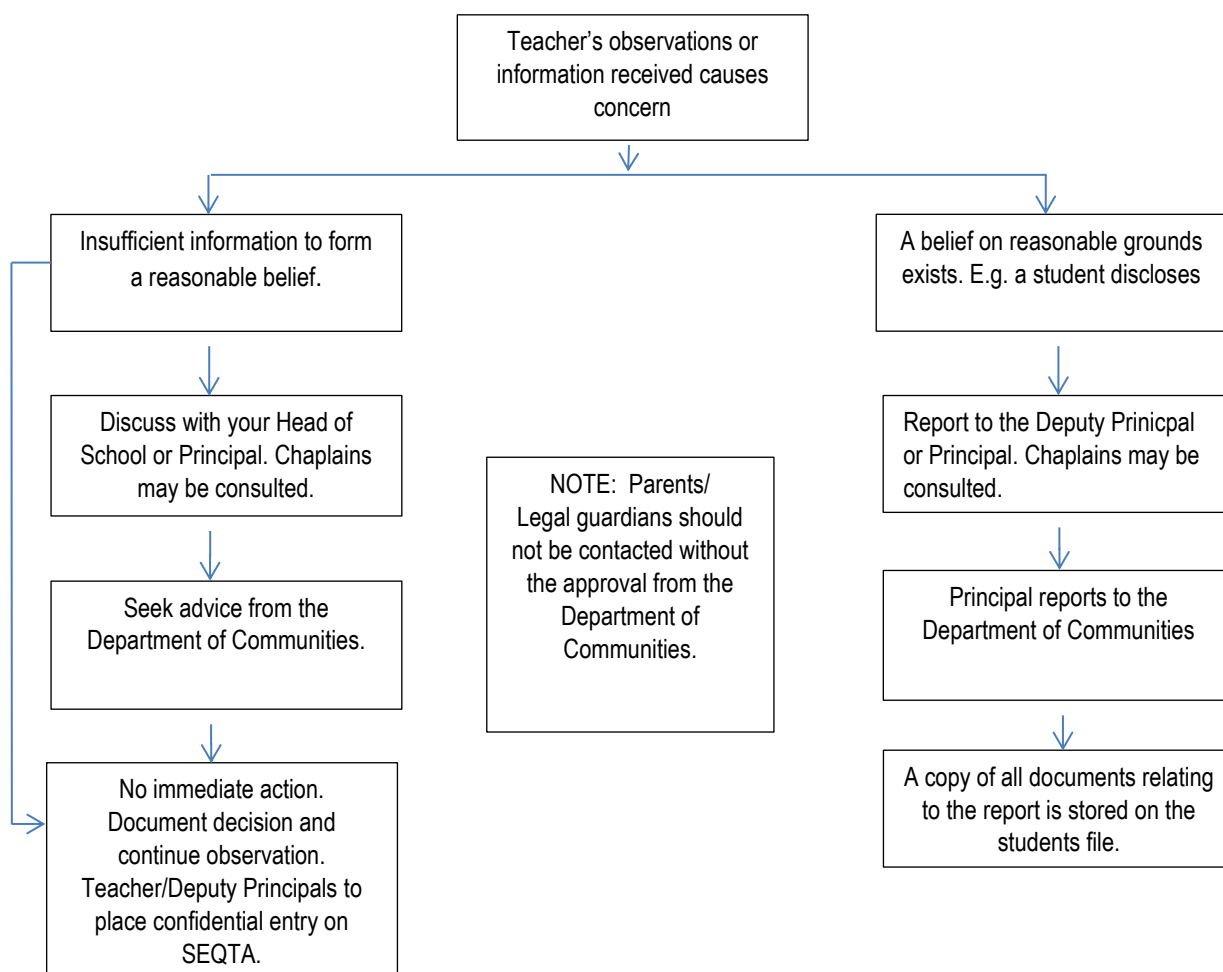
All staff will be involved in an annual professional learning in the recognition of child abuse, appropriate prevention practices and strategies (including Protective Behaviours) in addition to dealing with disclosure, determining reasonable belief and reporting.

Indicators of Child Abuse and Neglect

The following is not an exhaustive list and examples are not necessarily exclusive to a single list. Children frequently show indicators from more than one category. Any of these indicators may suggest that a child is being abused, neglected or at risk of harm, however indicators should be viewed in the context of the student's age, medical and developmental history and capabilities. Additional indicators may include mental illness, substance abuse and domestic violence within families.

Physical Abuse	
Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Bruises • Burns • Hair missing in tufts • Lacerations and abrasions (especially to eyes, lips, gums and mouth) • Missing or loosened teeth • Self-mutilation • Welts 	<ul style="list-style-type: none"> • Fear of adults • Frequent absences, with or without explanation from parents/caregivers • Guarded or evasive answers to questions about causes of obvious injuries • Injuries that are not consistent with a child's explanation of them • Disclosure of abuse directly to an adult or indirectly to a friend • Fear of going home
Emotional Abuse	
Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Depression • Eating disorders • Lethargy or fatigue • Symptoms of stress • Evidence of drug abuse or dependence • Wetting, soiling, smearing • Psychosomatic complaints 	<ul style="list-style-type: none"> • Aggressive or delinquent behaviour • Attempted suicide • Excessively compliant or passive behaviour • Excessive shyness or withdrawal • Low self-esteem • Fire setting • Truancy or school avoidance • Deliberate harming of animals • Poor peer relationships
Neglect	
Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Abandonment • Poor hygiene • Lack of adequate or suitable clothing • Inadequate nutrition • Lack of medical or dental care • Constant fatigue • Developmental delays • Untreated sores, boils or lice • Lack of adequate supervision 	<ul style="list-style-type: none"> • Falling asleep in school • Poor school attendance or alternatively always attends school, even when sick • Poor academic performance • Steals or begs for food or eats from bins • Dull, apathetic appearance • Engages in vandalism • Engages in sexual misconduct • Uses drugs or alcohol • Early arrival at school or reluctance to leave

Notification Steps for Child Abuse (excluding sexual abuse)



Guidelines for Student Disclosure

Staff should be aware of the immediate needs of the student and what to do in these circumstances:

- Use “protective interrupting” if students begin to disclose in class or in a public area.
- 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 setting.
- Quietly arrange to see them as soon as possible, in a setting away from other students.
- Establish clear limits of confidentiality and be calm and non-judgemental.
- Listen attentively and be empathetic, supportive and understanding.
- Acknowledge that it is difficult to talk about such things and try to identify student’s fears.
- Let the student tell the event in their own words and accept what is said – only the minimum of information is required.
- Reassure the student that it is right to tell, that they are believed and that they are not to blame.
- Tell students that a report will be made to a person who will be able to provide protection.
- Allow students the option of support during an agency interview and reassure them of the availability of continuing support.
- Document the disclosure and subsequent discussion and actions.
- Explain what will happen next.

- Try and stay with the student until necessary steps have been taken to ensure safety and support (as directed).

Staff must be mindful that they do not:

- Push for details, conduct an investigation or put words in the student’s mouth or interrogate, as this could jeopardise the interviewing process of the Department of Communities and Police.
- Get angry, upset or show shock, express judgement or blame of the student, perpetrator or family.
- Promise not to tell when there are clear limits of confidentiality.
- Give a lecture about right or wrong or alternatively give excessive pity.
- Say “forget it”, “you’ll get over it” or other such minimising statements.
- Engage in general staffroom discussion about the disclosure.

Staff must be aware that a disclosure can arouse in them strong feelings of shock, anger and helplessness. It is important to control these feelings – they can be worked through after the disclosure with the Principal, Chaplain, etc.

Confidentiality and Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances. Victimisation of staff, students, parents and guardians for making an allegation in accordance with the school’s policies, is forbidden, including where the allegation is unfounded.

Consultation is undertaken with the relevant government authorities to determine when, what and by whom information related to an allegation of child abuse and its investigation, may be given to the person against whom the allegation is made; the complainant and his or her parents/guardian, other affected students and their parents and the wider school community.

Support for the Complainant

Complainants will be informed about the services, including advocacy and support services available.

SECTION 4- Organisational Reportable Conduct Scheme

The Reportable Conduct Scheme compels heads of organisations to notify allegations of, or convictions for, child abuse by their employees to the Ombudsman and then investigate these allegations. These investigations will be supervised and reviewed by the Ombudsman.

Who are Employees?

Given that the Scheme is about preventing child abuse, it is important that as many employees as possible are included. This includes the following persons over 18 years of age that may be within a school organisation:

- paid employees
- volunteers
- contractors
- ministers of religion
- certain types of carers

What types of conduct are reportable?

There are three types of 'reportable conduct':

- Sexual offences (against, with or in the presence of, a child)
- Sexual misconduct (against, with or in the presence of, a child)
- Physical assault (against, with or in the presence of, a child)

There is a phased commencement of the Reportable Conduct Scheme over two years, from 1 January 2024, reportable conduct will also include:

- Significant neglect of a child; and
- Any behaviour that causes significant emotional or psychological harm to a child.

What are sexual offences?

A sexual offence is an offence of a sexual nature under a law of Western Australia, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- Sexual penetration of a child
- Indecent dealings with a child
- Procuring, inciting or encouraging a child to engage in sexual behaviour or do an indecent act
- Production, distribution or possession of child exploitation material

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

What is sexual misconduct?

Sexual misconduct includes misconduct against, with or in the presence of a child that is sexual in nature but does not include a sexual offence. Sexual misconduct may include (but is not limited to) behaviours such as:

- Inappropriate touching
- Sharing pornographic images
- Speaking of sexual acts without a legitimate reason to do so
- Comments to a child that express a desire to act in a sexual manner towards the child, or another child
- Grooming behaviour

Sexual misconduct includes a broad range of behaviours, some of which may be sexual and some may be in preparation for sexual activity. Misconduct of a sexual nature may also occur when an employee involves a child in sexual activity by using their power over the child and taking advantage of their trust. For example, grooming behaviour may be where there is evidence of a pattern of conduct where the employee gradually engages the child in sexual activity by using inducements, bribes, rewards or threats. Often there is use of a variety of controlling techniques toward a vulnerable subject in order to establish trust or to normalise sexually harmful behaviour. Grooming behaviour may also involve behaviour designed to prohibit exposure of the relationship.

The types of behaviours that may lead to a conclusion that grooming behaviour is occurring include persuading a child or group of children that they have a 'special' relationship, for example by:

- Spending inappropriate special time with a child
- Inappropriately giving gifts
- Asking the child to keep their relationship to themselves

Overall, the term 'sexual misconduct' captures a different range of conduct to other legislative reporting schemes currently in force in Western Australia. If you are unsure about the application of this definition, we would encourage you to seek our advice when determining whether an employee's alleged conduct which seems to fall within a 'grey area' constitutes 'sexual misconduct' for the purposes of the Reportable Conduct Scheme.

What is physical assault?

Physical assault can occur when a person intentionally or recklessly:

- Applies physical force against a child without lawful justification or excuse- such as hitting, striking, kicking, punching or dragging a child (actual physical force).
- Causes a child to apprehend the immediate and unlawful use of physical force against them, such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

For conduct to be physical assault under the Scheme, the actions of the employee must be either intentional or reckless.

Intentional means that the employee engaged in the behaviour or conduct deliberately. In the case of actual physical force, this applies where the employee intentionally carries out the conduct or behaviour when physical contact was made with the child. An example of conduct that would be likely to constitute a physical assault is an employee deliberately striking a child in their care. In the case of apprehension of physical force, this applies where the employee intentionally carries out the conduct or behaviour, with an intention of making a child believe there would be actual physical force that could injure or harm the child. An example of conduct that may constitute a physical assault is an employee threatening to strike a child in their care and causing the child to believe they were going to be harmed by the employee.

Reckless means the employee might not have intended to use actual physical force, or to make a child believe actual physical force would be used, but was reckless about the impact their conduct or behaviour could have on a child. An example of conduct that may constitute a physical assault is an employee acting in a reckless manner that results in the employee unintentionally striking a child. Investigations will often need to be undertaken before it is possible to determine whether or not the conduct or behaviour was reckless as it will frequently require an examination of all of the circumstances surrounding the incident.

If you are unsure about the application of this definition, we would encourage you to seek our advice when determining whether an employee's alleged conduct which seems to fall within a 'grey area' constitutes a 'physical assault' for the purposes of the Reportable Conduct Scheme.

Contact Details: Identifying Reportable Conduct Ombudsman Western Australia
Website: www.ombudsman.wa.gov.au
Tel.: 08 9220 7471

Does conduct that forms part of normal professional duties need to be notified?

Heads of organisations will not need to notify the Ombudsman about an allegation if:

- It is reasonable for the discipline, management or care of a child or of another person in the presence of a child, having regard to the characteristics of the child and any relevant code of conduct or professional standard that applied at the time.
- It is trivial or negligible and that has been or will be investigated and recorded as part of another workplace procedure.
- The conduct has been exempted by the Ombudsman from being reportable conduct. For example, an employee restraining a child to prevent the child hurting themselves or others would not need to be reported to the Ombudsman, as long as the employee's conduct was consistent with relevant codes of conduct or professional standards that applied at the time.

Sometimes an allegation may appear to fall within a 'grey area' that requires further clarification or which appears to have taken place within the reasonable boundaries of a person's professional duties. Organisations are encouraged to seek our advice when determining whether an employee's alleged conduct which seems to fall within a 'grey area' constitutes a 'reportable allegation' for the purposes of the Scheme. What is a reportable allegation? A reportable allegation is any information that leads a person to form the belief on reasonable grounds that an employee (as broadly defined under the Act) of an organisation covered by the Scheme has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

What is a reportable conviction?

A reportable conviction is, in summary, a conviction for an offence of a sexual nature committed against, with, or in the presence of a child. A conviction for an offence committed by a person includes:

- A court making a finding of guilt in relation to the offence;
- If there has been no formal finding of guilt before conviction, a court convicting the person of the offence;
- A court accepting a plea of guilty from the person in relation to the offence;
- A court acquitting the person following a finding under The Criminal Code section 27 that the person is not guilty on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another State, a Territory or the Commonwealth; or A conviction that is a spent conviction (but does not include a conviction that is subsequently quashed or set aside by a court).

What must be notified to the Ombudsman?

Under the Scheme, both 'reportable allegations' and 'reportable convictions' need to be notified to the Ombudsman.

What is a belief on reasonable grounds?

A reportable allegation is any information that leads a person to form the belief on reasonable grounds, that an employee has engaged in reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment. This includes where a reportable allegation is made against the head of the organisation.

A belief on reasonable grounds is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof. For example, a person is likely to form the belief on reasonable grounds if they:

- Observed the conduct themselves;
- Heard directly from a child that the conduct occurred; or
- Received information from another credible source (including another witness).

Heads of organisations are required to notify the Ombudsman of reportable allegations even if they do not agree with or share the belief that the alleged conduct has occurred.

Further information regarding the obligations of employees to report can be found in the information sheet *About the Reportable Conduct Scheme*. (Ref. TRIM R/23/1725)

Heads of organisations should also ensure employees are familiar with their organisation's procedures for reporting, see information sheet *Responsibilities of the Head of an Organisation* for further information. (Ref. TRIM R/23/1726)

Where to get help

Organisations covered by the Scheme should contact the Ombudsman for clarification and guidance, and to talk through any issues of concern.

Telephone: (08) 9220 7471

Email: reportableconduct@ombudsman.wa.gov.au

Website: www.ombudsman.wa.gov.au

Related documents:

R/19/212	Child Safety and Wellbeing at Grace Christian School
R/19/1501	Staff Code of Conduct
R/19/1525	Teacher Student Professional Boundaries – A Resource for WA Teachers
R/23/1725	Reportable Conduct Scheme- About the Reportable Conduct Scheme
R/23/1726	Reportable Conduct Scheme- Responsibilities of the Head of an Organisation

The Grace Christian School Child Protection Policy does not work in isolation, but interconnects with other School policies and protocols, including:

- Discipline Policy
- Excursion Policy
- Staff Recruitment Procedures
- Counter Bullying Policy
- Staff Code of Conduct (as outlined in the Staff Handbook)