

Lance Holt School Policies and Procedures



Children's Right to be Safe: Child Protection Policy

Version Management

Version	Date Published	Changes Made	Author of Changes	Review Date
1	2004	Created 2004	SW	
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3	Feb 2010	Updated due to Mandatory Reporting	SW	
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1. Policy Statement

At Lance Holt School the wellbeing and safety of all students is the highest priority. We are committed to child safety and leading and supporting a child safe culture for our school and community.

Our School enacts a Code of Conduct that promotes positive work practices and establishes expectations for personal and professional boundaries concerning appropriate and inappropriate behaviour for staff, students, volunteers, parents and guardians, and visitors. There are clear procedures for raising concerns, facilitating discussion, and promoting professional behaviours and healthy relationships.

We lead and support a mindset and practice of modelling healthy and respectful relationships to prevent problem behaviours and abuse.

1.1 Policy Ownership

The Lance Holt School Children's Right to be safe; Child Protection Policy' applies to all teaching and non teaching staff including:

- Coordinator
- Permanent, casual or contracted teaching staff
- Support staff, including teaching assistants and administration officer, practicum students and volunteers.

1.2 Purpose

The Lance Holt School 'Children's Right to be Safe; Child Protection Policy' is for use by the Coordinator, Staff and School Council Members, Volunteers, and Teaching Students. It provides definitions of child abuse and neglect, and indicators of child abuse and neglect, as well as the school's strategy for dealing with a disclosure of abuse or neglect, or observations and concerns of a teacher regarding a child in their care.

1.3 Underlying Principles

1.3.1 Lance Holt School values:

The Lance Holt School Values Statement states:

We recognise the special vulnerability of children and their need for a safe and healthy environment.

All children have a right to be protected from harm in any form. We have a responsibility to the children in our care to protect them not only when they are on school premises but also to intervene when we believe that the welfare of a child is at risk when outside the school.

The 'Children's Right to be Safe; Child Protection Policy' aims to assess foreseeable risk of abuse and prevent it. We aim to guard against unintentional abuse as well as elevate the hurdles to keep predatory abusers out of our school.

1.3.2 National Principles for Child Safe Organisations

In 2020 Lance Holt School has committed to adopting the National Principles for child Safe Organisations as set out below:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

1.4 Background

The staff and school council recognise the need for a policy that clearly outlines to all members of the school community including those new to the school, the steps we take to ensure children’s right to be safe when they are on school premises, how we manage suspected cases or disclosures of abuse, and how we intervene when we believe the welfare of a child is at risk outside the school.

In response to the Blaxell Inquiry (2012) and the Royal Commission into Institutional Responses to Child Sexual Abuse, *and* as a Child Safe Organisation, Lance Holt School takes a preventive, proactive and participatory stance on child protection issues.

In 2015 and 2016 we undertook the following steps to strengthen and consolidate our Policies and Procedures:

Pre-Employment Screening; the inclusion of a clear Statement that Lance Holt School is committed to providing a Child Safe Environment and the addition of questions on ‘child safety’ for recruitment interviews.

2016 Staff training and subsequent introduction of the Keeping Safe: Child Protection Curriculum in all classes from Pre-Kindy to Year 6.

2016 AISWA Child Protection and Mandatory Reporting professional development for all teaching staff

Annual “Working with Children Check” Health Check

2015 Creating Safer Independent Schools training for Key staff and Governing Body members

In 2016 The child protection policy was updated using guidelines from AISWA who have provided professional development and supportive literature to assist with the policy development.

The release of the 2017 report of the Royal Commission into Institutional Responses to Child Sexual Abuse

In 2020 the National Principles for Child Safe Organisations were incorporated into the review of our Policies and Procedures.

1.5 Relevant Policy Documents

Staff and council members may refer to the following documents for specific details of relevant procedures:

Lance Holt School Values Statement

The Child Protection Policy is supported by the Lance Holt School Values Statement, which lists the core values that underpin all activities at school. The particular Values that relate to child protection are:

We recognise the special vulnerability of children and their need for a safe and healthy environment.

We see the education of children encompassing their social, emotional, academic and physical development.

We promote shared responsibility between self and community.

Standard Operating Procedures

- | | |
|----|---|
| 1a | Procedures for duty |
| 1a | Procedure if a child is not collected from school |
| 1d | Procedure in case of a missing child |
| 1c | Procedure in case of intruder/s in school |
| 3 | Park visits and class excursions |
| 3e | Camps – Prior to camp |

Guiding Children's Behaviour

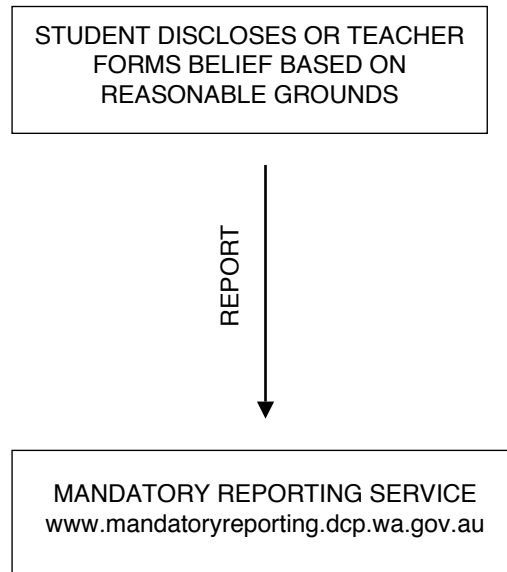
- 4.1 Developing and Implementing Individual Behaviour Management Plans
- 4.5 Physical Restraint of Students
- 5 Bullying

Staff Code of Conduct

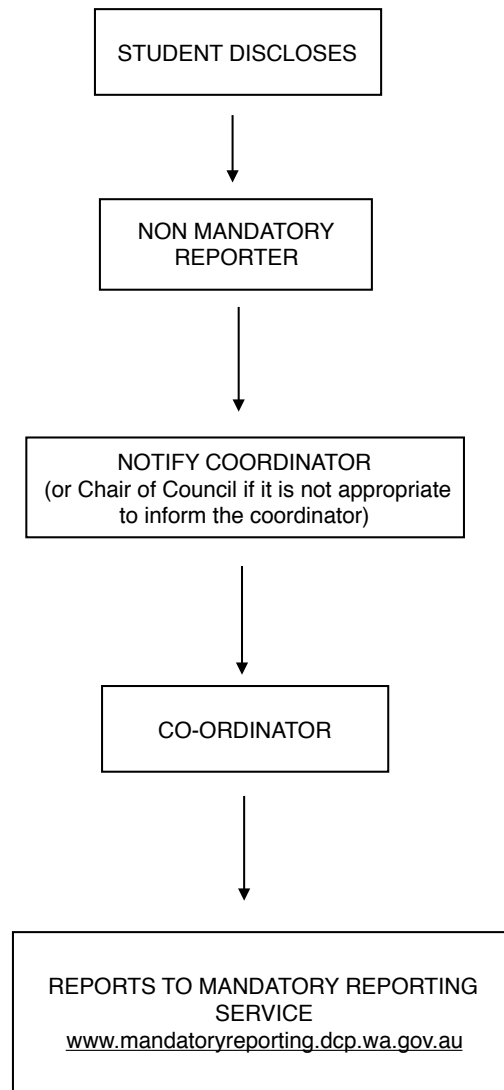
Staff Recruitment, Selection and Appointment Policy

2. Child protection policy procedures

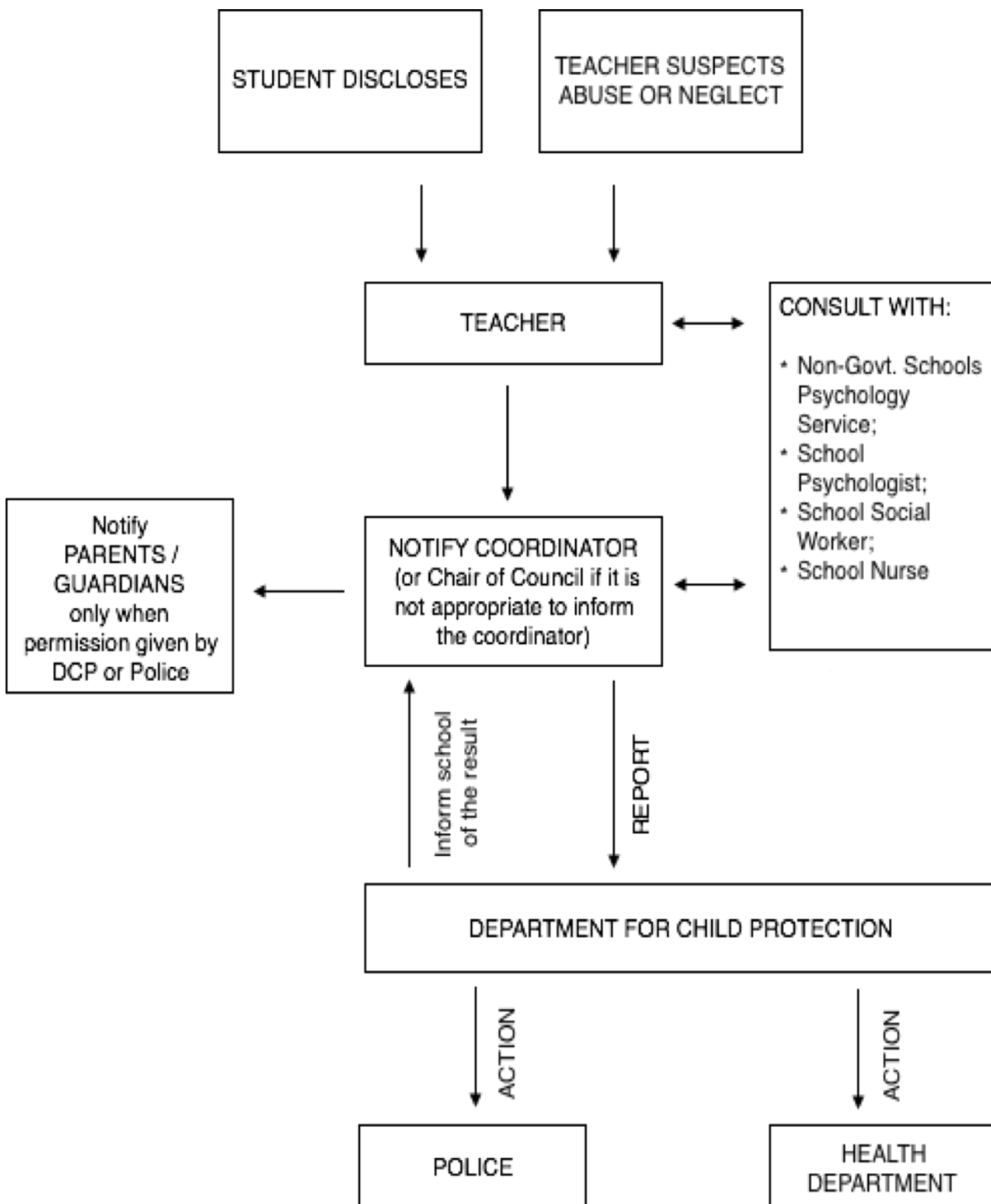
2.1 Flow Chart – Child protection notification steps for sexual abuse for Mandatory Reporters when a student discloses or a belief has been formed.



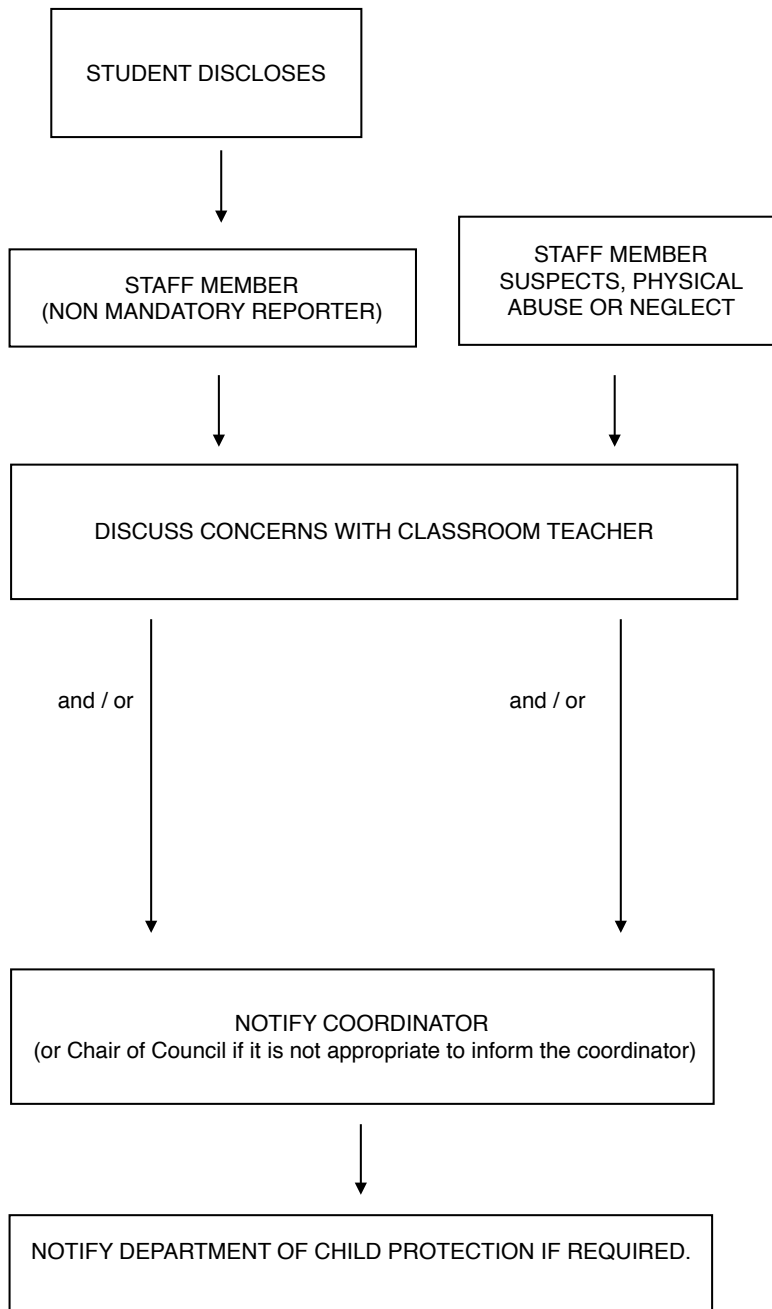
2.2 Flow Chart – Child Protection Notification steps for disclosure of sexual abuse – Non-Mandatory Reporter.



2.3 Flow Chart – Child protection notification Steps for physical, emotional, psychological abuse and neglect for Teaching staff.



2.4 Flow Chart – Child protection notification Steps for physical, emotional, psychological abuse and neglect for Non-Mandatory Reporting staff – Education Assistants and administrative staff.



2.5 Child Protection Notification Steps

Step 1

The individual teacher (Non teaching staff should refer to 2.4 Flow Chart – Child protection notification Steps for physical, emotional, psychological abuse and neglect for Non-Mandatory Reporting staff – Education Assistants and administrative staff) makes observations of behaviour or symptoms that may indicate abuse and keeps note of concerns that have led them to the belief that a report may be necessary.

OR

A student discloses abuse or neglect of the types listed below:

Disclosure of abuse or neglect from someone with a responsibility to care for the student;

Alleges sexual contact by staff;

Shows indication of abuse or neglect;

Sexual contact by another student.

Note:

It may assist teachers to think in terms of reporting a behaviour or a series of behaviours and concern/s rather than reporting an individual family.

Step 2

The teacher's observations or the child's disclosure may be discussed, in the first instance, with the coordinator, or the chair of council if it is not appropriate to discuss it with the coordinator.

It is not the role of the teacher to investigate child abuse or neglect matters.

The teacher and coordinator may wish to consult with the Non-Government School Psychology Service or the school nurse.

Note:

It is vital to remember that confidentiality is paramount, and that disclosure of this information should only be discussed with those in the school who are required to know.

Step 3

In cases of suspected sexual abuse, the teacher is the mandated reporter required to make a report to the Department for Child Protection through the Mandatory Reporting Service.

Very important! To avoid interfering with any investigative process initiated by DCP or the police, the teacher must seek advice from DCP or police prior to informing the parent/carer of a concern of abuse or neglect.

Department of Child Protection (DCP)

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

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

The DCP is required to provide feedback to people making reports on child abuse. The coordinator should seek undertakings from the DCP that they will be kept informed within the bounds of confidentiality. The coordinator's initial contact with the DCP will be through the Duty Officer at the Local District Office closest to where the child lives (all offices are listed in the White Pages). All calls from school concerning students are taken very seriously and it may be appropriate if the emergency occurs after hours to explain to the switchboard operator that it is an emergency so they can speak to the Duty Officer promptly. When reporting to the Duty Officer, note his/her name and position.

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

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

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

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

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

Medical examination: DCP may require that a medical examination occur as soon as possible so that bruising, marking and other symptoms can be recorded for future reference. This would normally take place at either PMH or the Community Child Health Services Centres. This examination can only take place if permission has been obtained from the parent/caregiver or the child has been apprehended (when parent/carer permission is not obtained).

Police

Strong concerns and disclosures of abuse and neglect by a person who is not the parent/caregiver should be advised to the police. School Coordinator should also notify the DCP as they can offer support to the student and family, and assess the risk to other children in the community.

The police are automatically notified by the Mandatory Reporting Service of DCP of all reports of child sexual abuse.

Parents/Caregivers

To avoid interfering with any investigative process initiated by DCP or the police, the school coordinator and teacher must seek advice from DCP or police prior to informing the parent/carer of a concern of abuse or neglect.

Step 4

If following a report, a family approaches the school it is recommended that any interview be conducted with a minimum of two school members present (e.g. the coordinator and one other) to provide support.

Note:

It is important to remember that the focus of the meeting should be the welfare of the child.

In cases of child sexual abuse, the legislation provides protection for the person reporting. Disclosure of the reporter's identity or identifying information to parents or any other party can incur a fine of \$24,000 and two years imprisonment.

Step 5

The school coordinator should ensure that the student, the teacher and anyone else in the school concerned with the case, receives continuing support. This may be essential in order to best maintain a professional teacher/student affiliation, particularly if the role of the DCP is ongoing.

2.6 Response To Disclosure Of Abuse Or Neglect

There may be times when a student makes a disclosure of abuse or neglect. Staff should be aware of the immediate needs of these students and what to do in these circumstances.

Use 'protective interrupting' if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people:

- Acknowledge that you have heard them and stop them from disclosing any further;
- Be supportive and gently indicate that they might tell you about it in a more private situation; and
- Quietly arrange to see them as soon as possible, in a situation away from other students.

Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process;

Put your own feelings aside and listen as if the information is not sensational;

Provide reassurance that you believe them, that it is right to tell and do not think that they are to blame or make judgements about what has happened;

Listen to students in a private location within the school;

Be supportive and understanding;

Be empathetic to student feelings;

Acknowledge that it is difficult to talk about such things;

Try to identify student's fears;

Let student tell the event in their own words;

If you are unable to answer all the questions of the child, it is OK to let them know;

Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure;

Allow students the option of support during any agency interview and reassure them of the availability of continuing support;

Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them;

Document the disclosure and subsequent discussion and actions;

Explain what will happen next; and

Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support of the student.

Staff must be mindful they:

Do not push for details or conduct an investigation. Other agencies have this responsibility;

Do not express judgement of the student, perpetrator or family;

Never get angry, upset or show shock;

Never ask questions that may make the child feel guilty or inadequate;

Never ask leading questions, for instance 'Did Daddy hit you?'

Don't put words in students' mouths or interrogate as this could jeopardise the interviewing process of DCP and police;

Don't promise not to tell when there are clear limits on confidentiality;

Never make false promises;

Don't give a lecture about right and wrong;

Don't say 'forget it', 'you'll get over it' or other such minimalizing statements;

Respect the confidentiality of the disclosure and do not share the information with anyone other than the coordinator and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.

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

3. Support materials

3.1 Appropriate Touch

Part of the role of staff is to nurture and care for the children in the school. Affection and appropriate touch is a natural part of the student/staff relationship.

Staff touch children for comfort, relationship building and when administering first aid. However, staff must be aware at all times that the contact is appropriate and in no way unwelcome by the child.

Staff must also be aware that they are vulnerable to allegations of inappropriate touch and must at all times be mindful of and responsive to children's rights and their feelings. Particular consideration of the age and gender of a child should be paid, regarding the appropriateness of touch.

School staff are in a position of special trust with respect to the students in their care. It is unacceptable and illegal for staff to have any form of sexual contact with a student.

Examples of appropriate touch include:

Touch on shoulder head or arm

Arm around a child's shoulder

3.2 Definition Of Child Maltreatment

Child Abuse and Neglect

This is maltreatment of a person under the age of 18 years. It is the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators.

- Physical
- Sexual
- Emotional
- Psychological
- Neglect

Descriptions of these indicators have been taken from the Department for Child Protection document *Identifying and Responding to Child Abuse and Neglect – A Guide for Professionals*:

Physical abuse

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

Sexual abuse

Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and developmental level. These behaviours include observation or involvement with inappropriate fondling of a child's body, making a child touch an adult's genitalia, showing pornographic material or sexual acts to a child, and sexual penetration of the child. Harm from sexual abuse may include significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

Emotional abuse

Emotional abuse is a sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.

Psychological abuse

Psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement. This abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs.

Neglect

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

Note:

Child abuse and neglect, through the Department for Child Protection, is defined as maltreatment done by a person who has responsibility to care for a child and this document concentrates specifically on that relationship.

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

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

3.3 Indicators Of Child Abuse And Neglect

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

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

Physical abuse

Signs or symptoms of physical abuse typically include:

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

Sexual abuse

Signs or symptoms of sexual abuse typically include:

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

Emotional or Psychological abuse

Signs or symptoms of emotional or psychological abuse typically include:

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive
- delayed physical, emotional, or intellectual development
- compulsive lying and stealing

high levels of anxiety
lack of trust in people
feelings of worthlessness about life and themselves
eating hungrily or hardly at all
uncharacteristic seeking of attention or affection
reluctance to go home
rocking, sucking thumbs or self harming behaviour
fearfulness when approached by a person known to them

Neglect

Signs or symptoms of neglect typically include:

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

3.4 Myths About Child Abuse And Its Prevalence

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

There are many dangerous beliefs and myths about sexual abuse. Some of the common ones are shown below:

- Sex between children and adults is not damaging if it is in the context of a loving relationship.
- It is not the abuse which causes the problem but the effects of the intervention by others.
- Those abused turn into abusers.
- Children frequently lie about sexual abuse.
- Sexual abuse is more common in lower socio-economic areas and families.
- Only men sexually abuse children.
- Sexual abusers are readily identified by 'normal' people.

Myths pertaining to sexual and other forms of abuse of particular interest to schools include:

- There will not be a problem here because all the volunteers/employees are female.
- There will not be a problem here because the young people come from privileged backgrounds and will complain if there is an issue of abuse.
- If we get the selection procedures right, we will eliminate the possibility of abuse.
- We use Police Clearances and Working with Children Checks here so we are covered.
- It is one of the other children's parents/brothers/sisters to whom I am entrusting the child/ren, so it will be OK.
- We did not need to screen Mr Smith because he is a friend of the teacher, president etc;

- My workers, volunteers and casuals are youth themselves so there is no risk;
- We are pretty good at identifying people here who are a bit 'odd'.

3.5 The Facts About Child Abuse

Children or young people are more often abused by a parent or carer. Adults who were abused as children are at greater risk of developing psychological and emotional problems later in life, and repeating the pattern of abuse with their own children.

A child abuser can be a member of the family (father, step-father, mother, etc.) or someone close to the family or the child (church member, teacher, community group leader). A child abuser usually spends a lot of time grooming the child with the child being made to feel that they are in some way complicit in the acts, thus making disclosure a difficult process.

On the whole, abusers are the least obvious people in our community. Many child sex abusers, for example, hold positions of trust within the community with easy access to children and their families. Occupations that some convicted child sex offenders have held include bus driver, entertainer, teacher, scout leader, librarian, coordinator, church leader, judge.

A recent study carried out by Huddersfield University, UK found that 52% of children experienced that abuse within community-based organisations. These included sports and voluntary groups and also private tuition classes.

In Australia, a case of child abuse is reported every 2.5 minutes.

Almost three times as many girls as boys have substantiations of sexual abuse but boys are more likely to be physically abused. (AIHW, Australian Institute of Health and Welfare, 2008)

Two-thirds of all substantiations are for children aged 10 years old and under (AIHW, 2008).

Children with an intellectual disability are at the highest risk of sexual abuse. Research indicates that sexual abuse statistics range between 65% and 85% for these young people (Horsley and Azzopardi, 1990).

3.6 Facts On Sexual Grooming

Sexual Abusers are often people we know; more than 8 out of 10 children who are sexually abused know their abuser. They may hold responsible positions in their local community, and can be personable or charismatic. Abusers come from all classes, ethnic and religious backgrounds and may be heterosexual or homosexual. Whilst a high percentage of abusers are men, some are also women. You cannot pick an abuser out in a crowd, however you can identify behaviour that precipitates abuse. This behaviour is known as 'grooming' and research shows us that it can occur for up to 12 months before the actual sexual abuse takes place.

Grooming is defined as communication with a child where there is an intention to commit a sexual offence. More generally it can be seen as the process by which an individual manipulates those around them – particularly, but not exclusively, the child – to provide opportunities to abuse and reduce the likelihood of being reported or discovered.

Research suggests that this process can be very deliberate, and while it can occur over a long period of time, sometimes this period of time is much shorter; there may not be any conscious motivation to sexually abuse a child until just before the abuse occurs. In both cases there are often opportunities to observe and intervene, even before the would-be abuser is fully aware of what may become sexual intentions.

Unfortunately, identifying sexual grooming of children isn't always straightforward. Sometimes sexual abuse occurs as part of a pre-existing relationship in which there is genuine affection, which makes it a complex issue. But there are often clear signs that can be detected before the abuse occurs.

How do People Groom Children for Sexual Abuse?

- **By getting close to children** – child sex offenders will often seek out adults and groom them in order to get access to their children. The sex offender can create a relationship built on trust or dependency and gain access to the children through it. Some befriend parents or carers who are facing difficulties or who are vulnerable themselves.
- **By Silencing Children** – people who want to sexually abuse children may:
 - offer them gifts or treats, and sometimes combine these with threats about what will happen if the child says 'no' or tells someone.
 - threaten them with exclusion from their peer group or loss of favour if they do not comply
 - make the child afraid of being hurt physically or threaten what may happen to other people if the child tells.
 - play on the child's embarrassment or guilt about what is happening, perhaps convincing them that no one will believe them
 - make the child believe he or she wanted it to happen.

Signs an Adult May Be Grooming a Child for Sexual Abuse: There may be cause for concern about the behaviour of an adult or young person if they:

1. Exhibit frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or it is not required.
2. Encourage child or particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause.
3. Seek out opportunities to be alone with a child with no interruptions.
4. Spend most of their spare time with children and have little interest in spending time with people their own age.
5. Solicit invitations to sports, events or parties where a child will be.
6. Frequently arrive uninvited to places where the child or their family will be in a series of coincidences.
7. Spend a lot of time around places like malls, playgrounds, parks and sports venues to get to know children so they are not seen as strangers.
8. Regularly offer support to the family members of the child such as offering to babysit children for free, transport children to events, help out at social occasions involving the child or take children on outings alone.
9. Offer to drive children home or collect children from events on a regular basis.
10. Frequently walk in on children in the bathroom or their bedrooms.
11. Treat a particular child or group of children as favoured, making them feel special compared with others in a group.
12. Find out as much as possible about the child and use that information to engage the children and drive a wedge between the child and any protective adults, e.g. parents, teachers or coaches.
13. Purchase gifts or collect items of interest regularly for a specific child or group of children.
14. Tell secrets to a child and encourage the keeping of secrets.
15. Display ambiguous sexual behaviour, e.g. showing the children pictures of other children wearing swimsuits or less.
16. Display clearly inappropriate sexual behaviour, e.g. showing the child pornographic pictures, using explicit sexual language around children.

Children often will not be aware that they are being groomed and may find it very difficult to tell anyone of any sexual advances made to them. They often feel trapped before they know what has happened. Educators and parents can help protect children in their care by;

- Knowing what strategies sex offenders use to 'groom' children and families.
- Being aware of who is paying attention to a child and who their friends are. Don't ignore any unease you feel about people showing interest in a child or their family members.
- Paying attention to what adults or other children, e.g. siblings or friends of the child are saying about the child's relationship with an adult or older child, e.g. 'he always gets Johnny to sit on his lap'.
- Being alert to any signs of 'grooming' by another adult or child and challenging it and report it as per the school policy.
- Never ignore a 'gut feeling' that something is wrong or not quite right – talk to the school coordinator for advice and support.

(Facts on Sexual Grooming taken from Network of Community Activities Factsheet (www.networkofcommunityactivities.org.au) supplied by AISWA.

3.7 Cyber Predators and Online safety

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.

Children are taught safe online behaviour through classroom activities and discussion. Teachers have access to the Government website from the Safety Commissioner to guide and prepare these lessons – www.esafety.gov.au/educators/classroom-resources/cybersmart-challenge

Children in Years 3-6 review and edit their Student Technology Contract annually, which is then taken home and signed by parents and returned to school. An external Cybersafety expert is brought into the school biannually, to speak to older classes, staff and parents.

3.8 Protective Behaviours Curriculum

At Lance Holt School as part of our Social Emotional learning, Children from Kindy to Year 6 are taught about keeping safe through the “Keeping Safe” Child Protection Curriculum. *This Curriculum* provides the framework to teach students of all ages to recognise abuse and secondly, develop the skills and knowledge to protect themselves from it, to seek help and report abuse.

All classroom teachers have undergone training to deliver this Curriculum.

3.9 A child friendly complaints procedure

In 2020, as part of the Rights and Responsibilities guidelines created by children and staff in each class, the school is developing a complaints procedure which is “responsive and accessible to children of all ages.”

4. Relevant legislation and authority

The relevant sections of the legislation listed below can be viewed on www.slp.wa.gov.au

Children and Community Services Act 2004

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

Criminal Code Act (1913)

Criminal Code Amendment (Cyber Predators) Act 2006 (*changes to s204B of the Criminal Code*)

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.

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

Details of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 are covered in section 6 of this

4.1 Mandatory Reporting Of Child Sexual Abuse

The legislation

From the 1 January 2009, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* comes into effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the *Children and Community Services Act 2004*.

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

doctors

nurses

midwives

teachers

police officers

Definition of 'teacher'

The definition of teacher is described in section 5 of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

- (a) a person who, under the *Teachers Registration Board of Western Australia*, is registered, provisionally registered or has a limited authority to teach; or
- (b) a person who is appointed under the *School Education Act 1999* section 236(2) as a member of the teaching staff of a community kindergarten; or
- (c) a person who provides instruction in a course that is –
 - (1) mentioned in section 11B(1)(a), (b) or (e); and
 - (2) prescribed for the purposes of this definition; or
- (d) a person who instructs or supervises a student who is participating in an activity that is –
 - (1) part of an educational programme of a school under an arrangement mentioned in the *School Education Act 1999* section 24(1); and
 - (2) prescribed for the purposes of this definition; or
- (e) a person employed by the chief executive officer as defined in the *Young Offenders Act 1994* section 3 to teach detainees at a detention centre as defined in that section.

Note:

Only (a) applies to schools. The other subsections relate to other forms of education.

In (a), 'provisionally registered' is someone who is still pending conditions e.g. finish qualifications for new graduates; 'limited authority to teach' includes a teacher who can teach at one school but not any other, e.g. Aboriginal elder is teaching an aboriginal language at the school.

In (b), 236(2) of School Education Act relates to those teaching in a community kindergarten.

In (c), Section 11B of School Education Act relates to compulsory education of children and the decision by the Minister to exempt a child.

In (d), Section 24(1) of the School Education Act relates to arrangements alternative to attendance and alternative education programs for children that don't attend school.

(e) relates to those teaching detainees in a detention centre.

Teacher assistants, school chaplains 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 great knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Please note that in the independent school sector, teachers are required to make the report, not the school coordinator. While the school coordinator may be involved in the discussion, the teacher is responsible for completing and submitting the report to the Mandatory Reporting Service.

Definition of 'sexual abuse'

Sexual abuse is defined by the Act in section 124A as:

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

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

This legislation is not intended to capture all sexual activity involving children and young people. Reference should be made to consent laws in Western Australia.

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.

When does a mandatory reporter make a report?

Mandatory reporters must report a belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring. This means that teachers working outside of the school grounds are also required to report when working in either a paid or unpaid capacity. For example, tutoring, volunteer teacher at youth centre, working as a Sunday school teacher.

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. Information on the indicators of sexual abuse is covered in section 3 of this document.

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

Can you describe the reasons why you believe a child has been, or is being sexually abused?

What has the child said or done to suggest they are being 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?

Once a mandatory reporter forms a belief that child sexual abuse is occurring, they must make a written report to the Department of Child Protection Mandatory Reporting Service. The easiest way to do this is to make the report online at www.mandatoryreporting.dcp.wa.gov.au.

Alternatively a verbal report can be made by phoning 1800 708 704, but this must be followed up by a written report as soon as is practicable, preferably within 24 hours. Failure to follow up a verbal report with a written report may result in a fine of \$3,000.

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.

The mandatory reporter will receive a feedback letter advising them of the District Office it has been referred to, or whether no further action was recommended by the Mandatory Reporting Service.

4.2 Confidentiality and Legal Protection

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

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

The Mandatory Reporting Service must send a copy of every written report to the WA Police;

The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence;

A Department for Child Protection officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place;

Reporter may have provided written permission for their identity to be disclosed.

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

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

What is 'in the course of work'?

What is conduct that constitutes '*in the course of work*' is an issue of fact and requires a consideration of the facts in each particular set of circumstances. (It is also often described as '*in the course and scope of employment*'.)

With respect to teachers, the course of work is far wider than a teacher just teaching the core subject for which they are engaged to teach. For example, a teacher who is engaged to teach English but then takes on an Art class as a relief teacher is still acting in the course of their work whilst they are teaching in the Art class. Similarly, if that same teacher then was to supervise a group of students going on an external function away from the school precinct, that would still be within the course of that teacher's work.

Some other examples of the phrase '*in the course of work*' are:

Teaching relief classes;

A teacher's DOTT time;

School yard duties/supervision;

School Excursions and School Camp

Before and after the start of the school day (this is similar to the concept of duty of care teachers at the beginning and end of the school day);

Out of school functions such as school excursions and camps;

Coaching a school team at the weekend, where that role is part of the teacher's extra-curricular duties.

However, it is not within a teacher's course of work where a teacher in a voluntary capacity coaches their child's sport team at the local sports club, independent of the school. Similarly it would not include the situation where the teacher was at the local shopping centre or at the beach and met or observed a student of the school.

Whilst these can be no hard and fast rule on whether is or is not in the course of the teacher's work, a '*rule of thumb*' test that can be applied is that if there is some link to the school, then it should be considered to be the '*course of work*'.

4.3 What Is The Teacher's Obligation With Respect To The Storage And Retention Of Notes And Reports?

The situation with respect to notes and a report prepared by a teacher who is employed in an independent school is different to the situation that applies in government schools. This is because the FOI Act does not apply to independent schools. Further, a report prepared by the teacher is not a '*government record*' and therefore is also not subject to provisions of the *State Records Act*.

That aside, under the Privacy Act a teacher, and also the school, do have obligations to keep secure and confidential any notes and reports that they prepare about individual students. These obligations apply irrespective of whether a report has been made to the Department. There are also other requirements with respect to collection, correction, use, access and transfer of information under the Privacy Act.

There is nothing within the Act, which requires a teacher to provide the report or their notes to the school nor does it make them automatically the property of the school. However, many schools have in place school policies and procedures, which require these types of documents and records to be provided to the school coordinator of the school and to be kept as school records. In which case the school coordinator and the school will also have obligations under the *Privacy Act* to keep confidential and secure any notes or reports it may receive.

Once the report has been provided to the Department for Child Protection, the report becomes a '*government record*' held by the Department and must be treated by the Department in accordance with the requirements imposed on the Department by the Act and any other statutory obligations.

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;

Retain copies of any notes, the report and the receipt of the report by the Department, when the teacher leaves the school.

5. Where to go for further information

The Department for Child Protection is the state government department responsible for issues specifically related to the protection of children, including the handling of abuse and neglect cases. This website contains some excellent material for professionals, and parents and friends. Of particular interest is the information on 'Identifying and responding to child abuse and neglect – a guide for professionals'.

Go to <http://www.community.wa.gov.au/>

For sexual abuse reports, the **Mandatory Reporting Service** must be contacted through one of the following means:

Telephone: 1800 708 704

Email: mrs@dcp.wa.gov.au

Fax: 1800 610 614

Post: PO Box 8146 Perth BC WA 6849

This unit is available 24 hours a day, 7 days a week for make a report or to raise concerns.

Details regarding mandatory reporting can be obtained through www.mandatoryreporting.dcp.wa.gov.au

To contact DCP for assistance with a specific case that does not involve sexual abuse, the school will need to speak to the Duty Officer at the local office, available during office hours. All offices are listed in the White Pages or on the website.

After hours

Child Abuse Services WA

9223 1111/1800 199 008

Crisis Care

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

WA Police Service Child Abuse Investigation Unit

If the matter is urgent and the safety of a child is at risk, call 000. If you are a victim of child abuse or paedophilia, or if you have information about someone else being abused, you should contact police on **131 444**. You can also report child abuse to the Child Protection Squad on **9492 5444** or email them on Child.Abuse.Investigation@police.wa.gov.au, or ring Crime Stoppers on **1800 333 000** or go to your local police station.

WA Police Cyber Predator Team can be contacted on 9492 5444 or complaints can be lodged on the WA Police Website www.police.wa.gov.au

The websites below contain information on cyber predators for both parents, teachers and students to use:

www.acma.gov.au

www.constablecare.org.au

www.cybersmartkids.com.au

www.netalert.net.au

www.virtualglobaltaskforce.com

The National Association of the Prevention of Child Abuse and Neglect (NAPCAN)

NAPCAN is an Australian organisation that seeks to resource and network child welfare professionals and practitioners working to prevent child abuse and neglect from happening before it starts, through the provision of parenting brochures, training, support networks and information. Go to www.napcan.org.au

Protective Behaviours WA (Inc) is a preventative life skills program that assists people of all ages to develop the skills to help them deal with difficult or hostile situations. The program has a voluntary committee made up of representatives from government and non-government agencies as well as interested members of the community. AISWA is a group member of Protective Behaviours and is able to purchase resources at a discount for interested schools. Protective Behaviours can be contacted on (08) 9356 0514

The following support service is available for staff who may experience personal issues resulting from making a report:

Relationships Australia offers an employee assistance program including counselling, management and referrals.
1300 364 277

The following services and organisations can provide help, advice and support to the school, parents or children who are affected by the effects of abuse and to prevent abuse from recurring:

Department for Child Protection (see previous page for details)

Lance Holt School staff may access the AISWA School's Psychology Service 9441 16755 and/or the Employee Assistance Program 1300 364 277

Parenting Line

9272 1466/1800 654 432

Family Helpline is a free confidential telephone counselling and information service for families with relationship difficulties.

9223 1100/1800 643 000

Men's Domestic Violence Helpline provides a free telephone, referral and counselling service for men to help them change their violent behaviour toward female partners.

9223 1199/1800 000 599

Women's Domestic Violence Helpline provides a free 24 hour telephone support and counselling service for women experiencing family and domestic violence.

9223 1188/1800 007 339

Child Health and Community Health Services

Refer to the White Pages for contact details of local Child Health Centres

Child and Adolescent Mental Health Services

1800 220 400 (24-hour mental health advice line)

Princess Margaret Hospital for Children

9340 8222

State Child Development Centre

9481 2203

Disability Services Commission

9426 9200/1800 998 214

Kids Helpline is a free and confidential telephone counselling service for 5 to 25 year olds in Australia available 24 hours a day, 7 days a week.

1800 551 800

Sexual Assault Resource Centre Counselling Line offers a free, 24-hour emergency service for people aged 13 or over who have been sexually assaulted or sexually abused recently (within the last two weeks).

9340 1828/1800 199 888

Lifeline Australia offers a service 24 hours a day, 7 days a week and can provide information about other support services, if required.

13 11 14

The following sites can provide a wide range of background information on child abuse for schools that are interested:

<http://www.aifs.gov.au/nch/afsapubs.html>

This site lists recent publications relating to information on child abuse that have been updated on the web site of the National Child Protection Clearinghouse.

<http://www.aic.gov.au/publications>

This is the Australian Institute of Criminology site and has links to the criminal aspect of child abuse.

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