

Title	Mandatory Reporting of Child Sexual Abuse Policy		
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1 Purpose

Communicare Inc. has a commitment to minimizing the risk of harm to children and young people. The purpose of this policy is to outline how staff at the Academy uphold both this commitment and their duties under the law to ensure that harm towards the young people enrolled at the Academy is minimised and managed correctly.

2 Scope

This policy applies to all Mandatory Reporters conducting duties at the Academy in their line of work. It also applies to other non-mandated reporters who are employed at the Academy who need to be aware of the process as it applies to them.

3 Policy

3.1 Mandatory Reporting Legislation

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

Currently, under section 124B of the *Children and Community Services Act 2004* the following people are mandatory reporters:

- Doctors
- Nurses
- Teachers
- Police officers
- Midwives
- Boarding supervisors.

The following professions will also become mandated reporters on the following dates.

Mandatory Reporter Group	Proposed Commencement
Minister of Religion	1 st November 2022
Assessor	1 st November 2023
Departmental Officer of the Department of Communities	
Out-of-home Care Worker	
School Counsellor	1 st May 2024
Psychologist	
Early Childhood Worker	1 st November 2024
Youth Justice Worker	1 st May 2025

Although not all professions employed at the Academy are mandated by law to report child sexual abuse, they should continue to report reasonable beliefs about all forms of abuse. This policy and the associated procedures will outline the best practice way to do this for staff of the Academy.

3.2 Mandatory Reporting Details

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. 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.

Failure to Report

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

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of \$3,000.

Mandatory Reporting Service (MRS)

The MRS has been established to receive all reports of child sexual abuse in Western Australia. This service is operational 24 hours a day, 7 days a week. Reporters can make a report using the MRS online portal and can call beforehand to make a verbal report if necessary. Where a reporter does not have access to a computer, a written form can also be mailed out.

3.3 Confidentiality and Legal Protection

The identity of a mandatory 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.

Examples of when a mandatory 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 Child Protection and Family Support (CPFS) 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 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. A mandated reporter is also required to comply with the legislative requirements despite internal organisational policies, professional codes of conduct or confidentiality requirements which would normally apply. The legislative requirements of the Act override internal school policies, organisational policies, professional codes, or confidentiality requirements.

3.4 Other Forms of Abuse

In Western Australia, only child sexual abuse is mandated to be reported, however it is in the best interests of the child to ensure that other forms of abuse are reported to the appropriate authorities and followed up on.

The Principal, or their proxy, will report all disclosures or concerns around child safety and wellbeing to the Department of Communities – Child Protection and Family Support (CPFS) in line with Communicare’s Keeping Children and Young People Safe Policy. CPFS will then decide how to proceed. The decision to progress the matter further is the responsibility of the CPFS. The CPFS is required to provide feedback to people making reports on child abuse. The mechanism for this is via a CPFS Concern Referral which is submitted to the Central Intake Team for triage.

The Principal will ensure that the appropriate safety planning has occurred to protect the student in the meantime.

3.5 Non-Mandated Staff

If a staff member, who is not a mandated reporter, forms a belief/is disclosed to that a student has been sexually abused, they will inform the Principal, Head of Teaching, or Head of Curriculum and Pedagogy. If, based on that information, they too form a belief of sexual abuse they will file a mandatory report with the MRS. If they believe that it is not a mandatory report then they will decide on the best course of action in that instance.

3.6 Other Reporting Streams

3.6.1 iAlerts

Mandatory Reporters in an independent school are not required to disclose to the Principal that they have filed a report. It is strongly encouraged that staff do inform the Principal as this will ensure that appropriate supports can be put in place for that student following the report.

To protect the identity of reporters, the Principal will file an iAlert including only the report number, whenever they have been notified of a report’s submission.

3.6.2 Incidents Reportable to the Director General

In some instances, a mandatory report may be reportable to the Director General of the Department of Education. There are many incident types requiring reporting to the Director General, but the one pertaining to child abuse is defined as

‘the receipt of a complaint or allegation of child abuse, including but not limited to sexual abuse, committed by a student by:

- *a staff member or another student*
- *another person on the school premises or during a school-related activity*

whether the abuse is alleged to have occurred recently or in the past.’

In these instances, the Principal is required to complete a *Reportable Incident Notification Form* and file it with the Department of Education within 48 hours of being notified.

3.6.3 Reportable Conduct Scheme

As a result of the *Royal Commission into Institutional Responses to Child Sexual Abuse* organisations are now required to:

- Notify the Ombudsman of allegations of, or convictions for, child abuse by their employees
- Investigate the allegation
- Provide a report to the Ombudsman on the outcome of the investigation.

The Principal and Communicare human resources will work on this should an instance of abuse by an employee of the Academy arise.

3.7 Training

As per Royal Commission recommendations, each year, schools are required to undertake training on Mandatory Reporting and child protection. AISWA provides this professional learning session for independent schools and all Academy staff are required to undertake this training annually.

3.8 Storing of Records

Records will be kept securely as per Communicare's privacy policy. Records are not to be destroyed without prior approval of the Director General of the Department of Education. If they can no longer be stored by Communicare they will be forwarded to the Director General for retention.

4 Responsibilities

Principal	<ul style="list-style-type: none"> Ensure implementation and oversee compliance with this policy and associated procedures.
Staff	<ul style="list-style-type: none"> Compliance with this policy.

5 Abbreviations, Acronyms and Definitions

Sexual Abuse	<p>Sexual abuse is defined by the Act in section 124A as: 'Sexual abuse' in relation to a child, includes sexual behaviour in circumstances where:</p> <ul style="list-style-type: none"> 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. <p>This legislation is not intended to capture all sexual activity involving children or young people. Reference should be made to consent laws in Western Australia.</p>
Child	<p>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, since as a school we 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.</p>
Teacher	<p>The definition of teacher in Section 124A of the Act has been changed to read: a Person who is registered under the Teacher Registration Act 2012, or a person who provides instruction in a course that is –</p> <ul style="list-style-type: none"> • Mentioned in the <i>School Education Act 1999</i> S11b(1)(1), (b), or € and • Prescribed for the purposes of this definition; or • A person who instructs or supervises a student who is participating in an activity that is – • Part of an educational program of a school under an arrangement mentioned in the <i>School Education Act 1999</i> S24(1); and • Prescribed for the purposes of this definition; or • A person employed by the Chief Executive Officer as defined in the <i>Young Offenders Act 1994</i> S3 to teach detainees at a detention centre as defined in that section.

6 Related Documents/Legislation

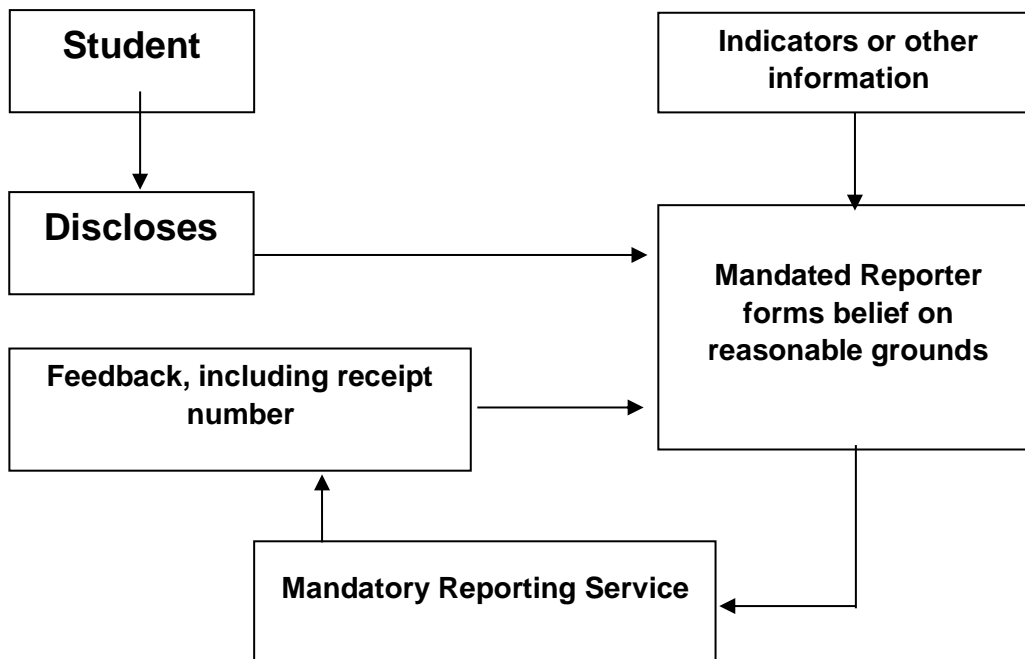
	Academy Staff Code of Conduct
	Child Protection Policy

HR-POL-0023	Child Safe Code of Conduct
	Children and Community Services Act 2004
FCS-POL-0001	Keeping Children and Young People Safe Policy
	Pastoral Care Policy
	School Education Act 1999
	Teacher Registration Act 2012
	Young Offenders Act 1994

7 Appendices

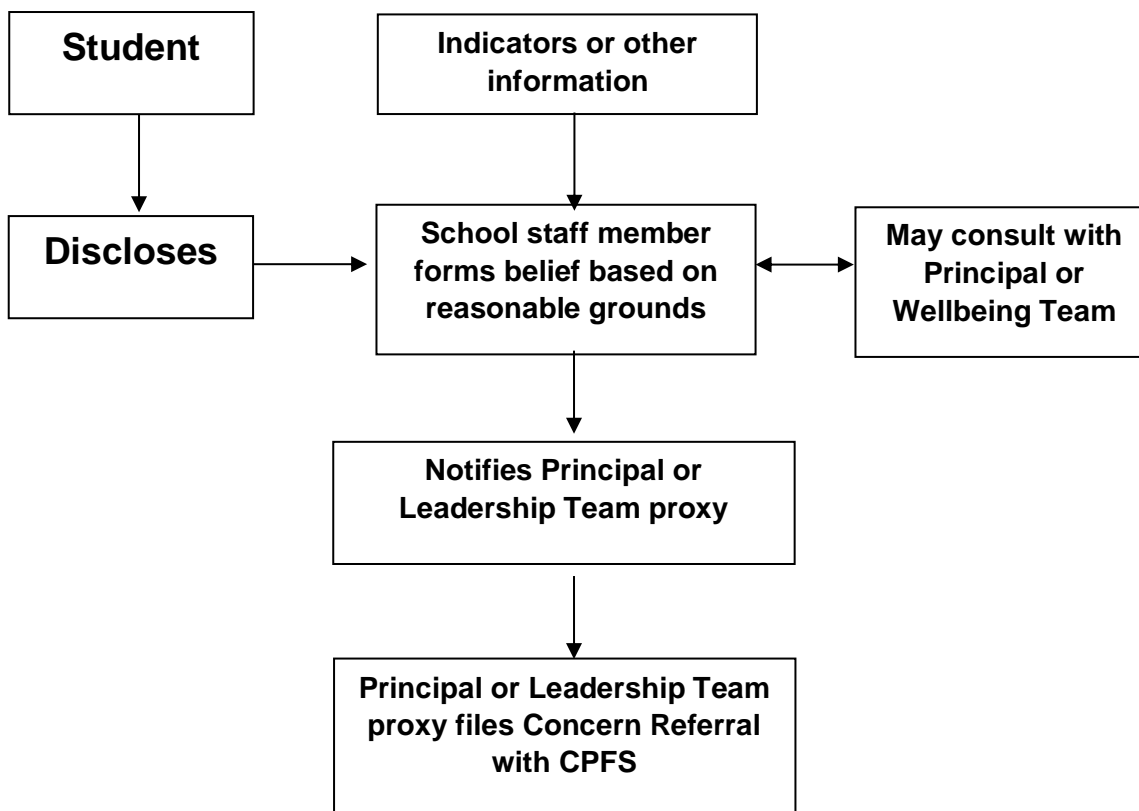
7.1 Mandatory Reporting Flowchart

7.2



7.3 Non-Mandatory Reporting Flowchart

For other forms of child abuse than sexual abuse.



8 Document Governance

Prepared by:	Rebecca Morse	Head of Teaching	31/05/2022
Approved for use by:	Matthew Borgward	Principal	9/05/2023
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