

Reporting of Abuse and Neglect Policy and Procedures – Western Australia

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1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures document to assist Principals, teachers and other school staff to deal appropriately with the reporting of child abuse and neglect (**the reporting of child sexual abuse is explained in the *Mandatory Reporting of Child Sexual Abuse Policy and Procedures– Western Australia***). All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

This policy is designed to be read in conjunction with the *Child Safe Policy* and the *Mandatory Reporting of Child Sexual Abuse Policy and Procedures– Western Australia*.

2. Definitions

2.1 What is non-mandatory reporting?

In Western Australia mandatory reporting legislation requires teachers to report suspected child sexual abuse to the Department of Communities - Child Protection and Family Support (CPFS) if they form a belief that a child has been sexually abused, or is the subject of ongoing sexual abuse (see *Mandatory Reporting of Child Sexual Abuse Policy and Procedures – Western Australia*).

Physical, emotional, psychological abuse and neglect are not covered by the mandatory reporting legislation so are considered non-mandatory. While there is no penalty if the report doesn't occur, all staff including non-teaching staff, should report physical, emotional, psychological abuse or neglect.

2.2 Who is a 'child'?

A child is defined as a person who is under the age of 18 years or, in the absence of positive evidence of age, as a person who is apparently under 18 years of age.

2.3 Is a student aged 18 and over a 'child'?

Students aged 18 and over may attend school but are legally considered adults and as such the CPFS does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. A list of these services may be found on the CPFS website www.dcp.wa.gov.au. Schools should contact the WA Police when aware of any assault or crime against a young adult.

2.4 What is physical, emotional, psychological abuse and neglect?

Physical Abuse

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include injuries such as bruises, cuts, burns or fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline, physical punishment or other forms.

Emotional

Emotional abuse occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings.

Psychological abuse

Repeatedly treating and speaking to a child in ways that damage the child's perceptions, memory, self-esteem, moral development and intelligence. It is a form of emotional abuse.

Family and Domestic Violence

Family and Domestic violence is defined as the intentional and systematic use of violence and abuse to create fear and to control the victim's behaviour. A child is exposed to family violence if they see or hear family violence or experience the effects of family violence.

Some examples of a situation that might mean the child is exposed to, or is considered to have been exposed to family violence are:

- overhearing threats of violence from one family member to another family member.
- seeing or hearing an assault by one family member on another family member.
- comforting or assisting a family member who has been assaulted by another family member.
- cleaning up a location that was affected by an assault by one family member on another family member, and/or being present when police or ambulance officers attend to a family member who has been assaulted by another family member.

Neglect

Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged, or they are injured. Neglect may be acute, episodic or chronic.

3. Indicators of Physical, Emotional, Psychological Abuse and Neglect

The following list of indicators is not exhaustive but is a list of possible indicators as provided by CPFS.

A single indicator may not always provide conclusive evidence; however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused. Professional judgment should also be used when considering whether teachers believe that a child has been abused.

Physical abuse

- Broken bones or unexplained bruises, burns, or welts in various stages of healing.
- The 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.

- 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 caretaker.
- 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).

Emotional or psychological abuse

- The parent or caretaker constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance.
- The child/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.

Family and domestic violence

- an assault.
- a sexual assault or other sexually abusive behaviour.
- Stalking.
- repeated derogatory taunts.
- intentionally damaging or destroying property.
- unreasonably controlling or denying a family member access to finances or financial support
- preventing a family member from having connections with their family, friends or culture, and/or
- depriving a family member of their liberty.

Neglect

- 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.

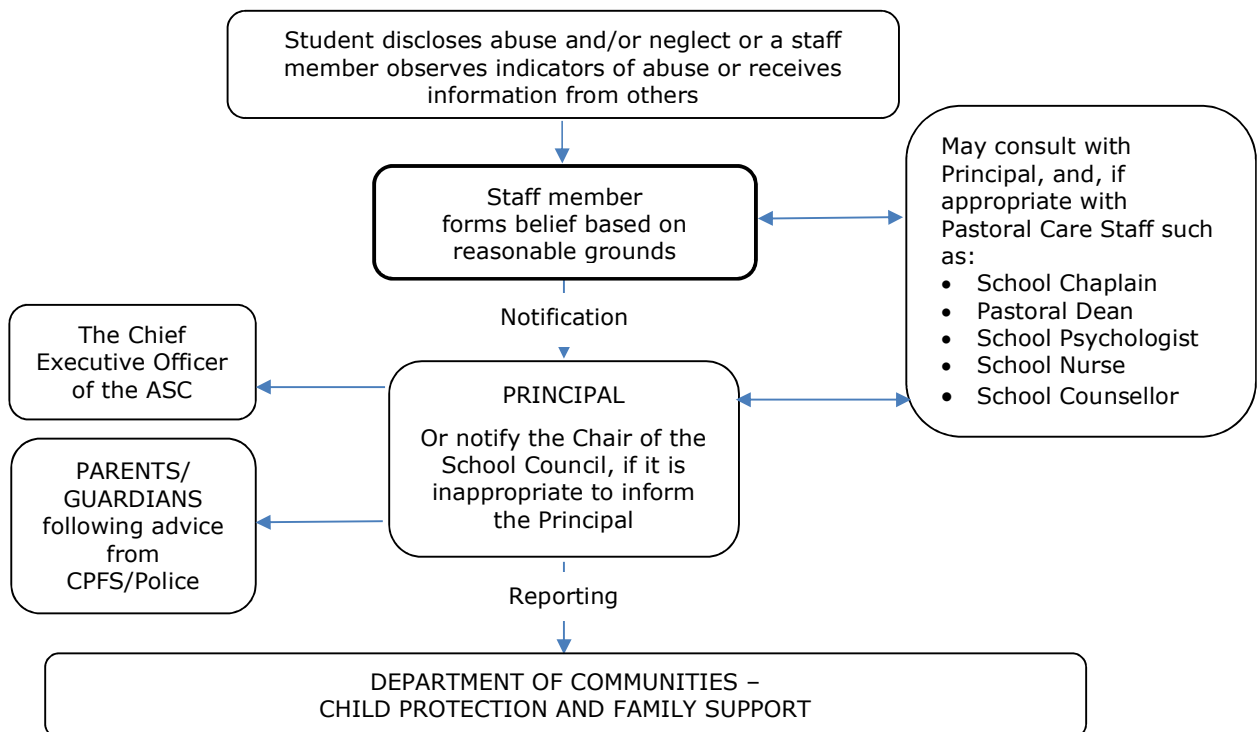
4. Reporting Procedures for all School Staff

- 4.1 School staff have a duty of care to take the necessary action to ensure the child is protected from further harm but it is **not** their role to conduct a detailed investigation or to confront the suspected perpetrator or to intervene with the child's family. School staff do not have to prove

that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.

- 4.2 School staff who have concerns that abuse or neglect are occurring must inform the Principal. They are to keep brief, written, dated notes of their suspicions or observations and give them to the Principal, who will store these confidential notes in a secure place. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings.
- 4.3 If a student starts to disclose in class or any other public area, the staff member should use the strategy of protective interrupting (see the *Child Safe Policy* for further information).
- 4.4 If a student discloses to a staff member in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the staff member to explain that he/she has concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This will include informing the Principal. (For detailed information about dealing with a disclosure, see the *Child Safe Policy*.)
- 4.5 Once direct disclosure has been made, the Principal **must** be informed.
- 4.6 Staff members must not engage in general staffroom discussion about a disclosure.
- 4.7 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.8 Should allegations of abuse be made against the Principal, the staff member should not inform the Principal but must go directly to the Chair of the School Council.

Notification Steps for reporting physical, emotional, psychological abuse and/or neglect of a child



5. Roles and Responsibilities of other parties in relation to child abuse and neglect

Note: the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the Child Safe Policy and must be read in conjunction with this policy.

5.1 The Anglican Schools Commission

5.1.1 If a formal notification has been made to the CPFS, the Principal should inform the CEO of the Anglican Schools Commission as the official representative of the School Authority, and as part of the school's critical incident procedures.

5.1.2 The Anglican Schools Commission Office will:

- If necessary, assist the Principal or her/his delegate when a case of child abuse or neglect is disclosed, or where there is belief, on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse or neglect to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff and students of the school making the referral are offered appropriate support to adjust to any consequences of the referral.

5.2 The Principal

5.2.1 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect.

5.2.2 The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.

5.2.3 The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child abuse and neglect.

5.2.4 The Principal's role is not to investigate any disclosure or strong concern about the well-being of a student, but he/she must report the matter to the CPFS, to the CEO of the ASC, and to the Department of Education Services if a critical incident.

5.2.5 Advice must be sought from the CPFS or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned.

5.2.6 Should any disclosure or strong concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Perth and to the CEO of the ASC.

5.2.7 The Principal must retain records of all communication with the CPFS, the Police, the PSU and the CEO of the ASC and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

5.2.8 The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the staff member, the student and anyone else affected by this process or its outcomes.

5.3 The Department of Communities - Child Protection and Family Support

- 5.3.1 The CPFS is the government department with the statutory authority to investigate concerns relating to child abuse and neglect in WA.
- 5.3.2 All disclosures or strong concerns of abuse or neglect are to be reported by the Principal to the Duty Officer at the nearest local district or regional office or CPFS.
- 5.3.3 The Duty Officer at the local CPFS office can be used initially in a consultative role if either the Principal or the staff member is concerned about a child and unsure of what action to take.
- 5.3.4 The CPFS has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by CPFS before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of CPFS.
- 5.3.5 CPFS officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

5.4 The Western Australia Police

- 5.4.1 The WA Police may play a role in responding to allegations of child abuse and neglect when informed by the CPFS.
- 5.4.2 The WA Police Service Child Abuse Investigation Team will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

5.5 The Professional Standards Unit of the Diocese of Perth

- 5.5.1 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- 5.5.2 School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children and Community Services Act 2004.
- 5.5.3 The PSU will investigate the matter and make a recommendation to the school.

Questions and Concerns

Must I keep written records?

As a staff member you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the Anglican Schools Commission Office.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred. The decision about whether to proceed with prosecution will be made by the appropriate external agency.

How soon after finding out about a case of child abuse or neglect am I expected to make a notification?

Notification is to be given promptly to the Principal, who must report the situation to the CPFS. It is recommended that you make the notification to the Principal on the same day as you find out.

Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

What will happen if I have to go to court? What legal support will the Anglican Schools Commission provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The Anglican Schools Commission office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

Does the offender have to be told who notified?

It is the policy of the CPFS and the WA Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances

a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the Anglican Schools Commission.

It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the Anglican Schools Commission and the Department of Communities - Child Protection and Family Support. No action will be taken which may jeopardise the safety of the child.

Dealing with a disclosure

A student who discloses abuse or neglect will often do so with great hesitation and with feelings of fear and guilt. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing.

A disclosure can often arouse strong feelings in the person to whom the disclosure is being made. Such reactions may include shock, anger and helplessness. It is important to be aware and in control of these feelings and that they be dealt with following the disclosure. Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), may be of assistance in this regard.

It is not easy for students to disclose abuse or neglect as they may previously have been coerced, bribed or threatened into secrecy. They may need repeated reassurance that you believe them and that it was right to tell.

Public disclosure

It is possible that a student may start to disclose in class or with a group of other students. If disclosure does begin in a public area it is important for the teacher to use the strategy of **protective interrupting**, namely:

- Acknowledge that you have heard the student and stop him/her disclosing any further;
- Be supportive and gently indicate that she/he may want to talk to you about it in a more private situation; and
- Quietly arrange to see the student as soon as possible, such as after the lesson, away from the other students.

Private disclosure

The teacher's role is to listen actively to what the student may say but not push for details, or conduct an investigation:

- Remain calm and try not to express panic, shock or disbelief;
- Acknowledge that it can be difficult to talk about such things;
- Reassure the student that it is right to tell and emphasise your belief in her/him;
- Emphasise that the student is not to blame;
- Assure the student that they have the right to feel safe;
- Accept what is said by the student (only **minimum information** is required for action);
- Do not ask questions as this could contaminate any future evidence;
- Do not to express a judgement about the alleged perpetrator;
- Use appropriate vocabulary when speaking with the student;
- Do not promise not to tell;
- Tell the student that the matter will be reported to the appropriate authority;
- Allow the student the option of having your support during the initial agency interview; and
- Reassure the student that support will continue at school.