Mandatory Reporting of Sexual Abuse Policy

Policy Name:	Mandatory Reporting Policy
Id & version	HSE: 29
Purpose:	Mandatory reporting legislation requires specific people or professionals to report child abuse to child protection agencies.
Implementers:	Principal
Scope:	All Staff
Owner:	Peter Stone
Current Review:	February 2025

Authorised by: Peter Stone

Date: 17 February 2025

Next Review: February 2026

Concurrent Policies: Staff Code of Conduct, Prevention of Grooming, Duty of Care, Child Safe Framework

Mandatory Report Flow Chart

How to make a report

Step 1:

Once you have formed a belief, on reasonable grounds, that child sexual abuse has occured or is occuring make a report to Mandatory Reporting Service (MRS) and Department of Communities - Child Protection and Family Support (CPFS).

Step 2:

A verbal report can be made, but this **must** be followed by a written report as soon as practicable, preferably within 24hrs.

After the report:

- Acknowledge receipt of the report
- Provide the WA Police with a copy of every written report
- Assist the WA Police, who may undertake a separate investigation

Although not mandatory it is advised to inform the Principal that a mandatory report has been lodged (You need not give details). The Principal has to make a critical Incident Report to relevant authorities.

Failure to make a report can result in a fine of up to $6,000
Failure to make a written report can result in a fine of up to $3,000

Hope Christian College
Policy on Mandatory Reporting of Child Sexual Abuse

As a teacher at Hope Christian College, you are legally obliged to be a member of the Teachers Registration Board. This makes you a mandatory reporter of child sexual abuse. All teaching staff will be familiar with the processes of this policy and their legal responsibilities in this regard and will do a refresher course annually.

GENERAL INFORMATION

What is mandatory reporting?
Mandatory reporting legislation requires specific people or professionals to report concerns of child abuse to child protection agencies.
In Western Australia the legislation covering mandatory reporting of child sexual abuse is the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008.*
Mandatory reporting of child sexual abuse will commence on 1 January 2009.

Mandatory reporters in Western Australia.

- Doctors
- Nurses and midwives
- Teachers
- Police officers
- Boarding Supervisors
- School counsellors/chaplains

What does the legislation mean to mandatory reporters?
This legislation focuses on child sexual abuse. Other forms of abuse (physical, emotional and neglect) should continue to be reported, but there is no penalty if the report doesn't occur.
The legislation requires mandatory reporters to report child sexual abuse if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work.

Definition of 'child'
A child is defined in the *Children and Community Services Act 2004* as 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.

Definition of child sexual abuse

How to make a report.
Once a mandatory reporter forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to the Department of Communities - Child Protection and Family Support's & Mandatory Reporting Service on 1800 708 704 or online at **www.mandatoryreporting.dcp.wa.gov.au.**

A verbal report can be made, but this must be followed by a written report as soon as is practicable, preferably within 24 hours.

What happens after a report is made?
The Mandatory Reporting Service will:

- Acknowledge receipt of the report.
- Provide the Western Australia Police with a copy of every written report.
- Make enquiries and an assessment, then take the necessary action.
- Assist the Western Australia Police, who may undertake a separate investigation.

What happens if a mandatory reporter doesn't make a report?
Failure to make a report can result in a fine of up to $6,000. A person can be prosecuted within three (3) years after failing to make a report. After that, it is at the Attorney General's discretion.
Failure to make a written report can result in a fine of up to $3,000.

Further information
Mandatory Reporting Service
Department of Communities - Child Protection and Family Support
Telephone: 1800 708 704
Fax: 1800 610 614
Web: www.mandatoryreporting.dcp.wa.gov.au
Email: mrs@dcp.wa.gov.au
Post: P.O. Box 8146
PERTH BC W.A. 6849

'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.	The Mandatory Reporting Service operates 24 hours a day, seven days a week.

CONFIDENTIALITY ISSUES AND MANDATORY REPORTING	
Mandatory reporting legislation in Western Australia offers significant legal protections to persons involved in making reports. **Who is protected?** • A person who makes a mandatory report (the reporter). • A person who provides information which forms the basis of the report or causes a report to be made (the informant). **What are they protected from?** Reporters and informants who act in good faith will be protected from: • Civil or criminal liability • Breach of a duty of confidentiality • Breach of professional ethics, standards, codes of conduct or from engaging in unprofessional conduct, which would normally arise from the action involved in making a mandatory report. **Will the reporter's identity be protected?** As a general rule, both the reporter's and informant's identities must not be disclosed to others and penalties of up to two (2) years imprisonment and a $24,000 fine could be imposed for doing so. This includes disclosing information which does not directly name the reporter or informant, but might allow others to work out who they are. There may be cases where disclosing identifying information is necessary to protect a child or is unavoidable. The legislation has made allowances for these cases. However, identifying information should not be revealed just because the legislation allows it. People still need to carefully	**When might a reporter's identity be disclosed?** Revealing identifying information about a reporter of informant will be allowed where: • It is provided to the Western Australia Police so they can investigate or prosecute a suspected offence relating to a child. • A person is performing functions under the Children and Community Services Act 2004 • A Department of Child Protection officer finds it necessary to do so during child protection, family law or adoption proceedings relating to the child • A person is being prosecuted for an offence relating to a mandatory reporting (for example, making a misleading report), or • The person consents in writing to the identifying information being revealed. In other cases, a Court must give permission for identifying information to be revealed and can only do so where satisfied that: • It is necessary to safeguard and promote the wellbeing of the child, or critically important in the proceedings and there is a compelling reason in the public interest to make the disclosure, or • The person has consented to the disclosure. Similar limits apply to the use of the report as evidence and the questioning of persons about the report during legal proceedings. Even where disclosure of identifying information is allowed, a Department officer can object where they believe that the disclosure endangers, or is likely to endanger, a person's safety or psychological health. **What about reports of other abuse?** The legislation provides consistent protection to people reporting any concern for a child's wellbeing to the Department of Communities - Child Protection and Family Support, regardless of whether the report is about sexual or other abuse.

consider whether a person's safety would be put at risk by revealing their identity.	

RESOURCES FOR MANDATORY REPORTERS
Staff should inform Principal if resources and support are required for individuals who have experienced personal issues resulting from making a mandatory report. The College will arrange the necessary resources and support for those individuals.

HOW DO I REPSOND TO A CHILD WHO DISCLOSES SEXUAL ABUSE?

The most important and immediate things you can do are:

- Always believe the child.
- Reassure the child that telling you was the right thing to do.
- Maintain a calm appearance.
- Find a quiet place to talk.

Be truthful

Children and young people sometimes fear repercussions for themselves or siblings, or consequences for parents or other family members. Because of this, a child might ask an adult to promise secrecy before disclosing. Such a promise should not be made. The mandatory reporter can reassure the child and encourage them to speak out about the abuse.

Let the child or young person take their time

It is important the child or young person does not feel rushed or panicked and that you have plenty of time to calm and reassure them. Be a supportive listener, however, remember, it is not a counseling session.

Let the child or young person to use their own words

Children and young people have their own way of describing their experiences. It is important not to ask questions that suggest the 'right' words to a child or young person, or in a way that can be seen as putting words in a child's mouth. The investigation of the disclosure should only be done by professional child protection workers or the Western Australia Police.

Let the child or young person know what you will do next

Child abuse often leaves children feeling disempowered and lacking control in their own life. Making sure the child or young person is fully aware of each step can make the process less intimidation and can help return a sense of power and safety.

Do not confront the person believed to be an abuser

Do not confront the person believed to be abusing the child or young person. Confrontation has the potential to place the child, the mandatory reporter or others at risk. Professional child protection workers or the Western Australia Police will take any necessary action.

Make the call

Due to the seriousness of child sexual abuse, a verbal report is the preferred method of reporting in the first instance.

A written report must follow a verbal report as soon as practicable, preferably within 24 hours.

For further information, please refer to:

Fact Sheet 7: What information should be provided for further information

Fact Sheet 9: Sample mandatory reporting form.

Self-care

Resources and support services are available to mandatory reporters and allied professionals who may experience personal issues resulting from making a mandatory report. Refer to:

Fact Sheet 4: Resources for mandatory reporters for further information.

Remember, any person who has formed a belief on reasonable grounds that a child is being subjected to any form of abuse or neglect should report these concerns to the Department of Communities - Child Protection and Family Support.

Further information

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Department of Communities - Child Protection and Family Support
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Fax: 1800 610 614
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PERTH BC W.A. 6849

The Mandatory Reporting Service operates 24 hours a day, seven days a week.

INDICATORS OF CHILD SEXUAL ABUSE

It is important to remember that evidence of abuse is not required, just a belief formed on reasonable grounds. Mandatory reporters do not need to have proof that a child or young person is being abused in order to make a report. The Department of Communities - Child Protection and Family Support and Western Australia Police will conduct the necessary investigation.

Reasonable grounds

Professional judgment and objective observation which identifies warning signs or possible indicators of child sexual abuse informs and contributes to 'reasonable grounds'. Knowledge of child development and consultation with colleagues or other professionals can also contribute to 'reasonable grounds'.

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

Definition of 'child'

A child is defined in *the Children and Community Services Act 2004* as 'under 18 years of age, and in the absence of positive evidence of age, means a person apparently under 18 years of age'.

Definition of child sexual abuse

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

(a) the child is the subject of bribery, coercion, a threat, exploitation or violence; 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.

Sexual abuse occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to his/her age and developmental level. Examples include sexual penetration, inappropriate touching, and exposure to sexual acts or pornographic materials.

Possible indicators of child sexual abuse include, but are not limited to:

- Sexualized behaviours inappropriate to their age (including sexual touching other children and themselves).
- Knowledge of sexual behaviour inappropriate to their age.
- Disclosure of sexual 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.
- If the child or young person implies that he/she is required to keep secrets.
- Presence of a sexually transmitted infection
- Sudden unexplained fears.
- Enuresis and/or encopresis (bed wetting and bed soiling).

Each situation needs to be considered on its own merits. It's possible that none of these indicators may be present, yet a reporter still has the basis for a reasonable belief. Similarly, one indicator may be sufficient, or on other occasions it may be more than one.

Mandatory reporters should consider contextual elements in determining if a situation is abusive, such as the role of coercion or unequal power in a relationship that is claimed to be consensual or socially sanctioned. This is particularly important in relation to sexual behaviour between children. The respective ages of the children, developmental level and the nature of the relationship are important considerations.

What next?

Once a reporter has formed a belief, on reasonable grounds, that a child is being or has been sexually abused, a report must be made as soon as practicable. A verbal report must be followed by a written report.

WHAT INFORMATION SHOULD BE PROVIDED IN A MANDATORY REPORT

There are three tiers of information to be provided in a mandatory report:

1. Information that must be provided under the legislation.
2. Information that must be provided, if known, and
3. Other important information.

In order for the Mandatory Reporting Service to assess the child's safety and determine the most appropriate response, it is important that the mandatory reporter provide as much information as possible.

1. Information that must be provided includes the:

- Reporter's name and contact details
- Name of the child, or if this is not known, a description of the child
- Grounds on which the reporter's belief of child sexual abuse has been formed.

Reporters need to articulate the grounds on which they formed the belief that a child has been, or is being, abused.

2. Information that must be provided, if known

- The child's date of birth
- The child's current address
- The names of the child's parents or other responsible persons.

3. Other important information

When a report is made, the Mandatory Reporting Service may ask for further information about the child and their circumstances. This will assist in assessing the safety of the child. Mandatory reporters may be asked to provide information about:

- The child's current whereabouts.
- The telephone number of the child's current address.
- The child's school, day care centre or kindergarten
- The child's cultural background
- Whether the child or family needs an interpreter
- The child's family arrangements, such as siblings and carers
- The name of the person alleged to have harmed the child (if known), including whether they have threatened to further harm the child
- Whether the child and the child's family/carers are aware of the report.

Mandatory reporters may not know all of the information they are asked to provide. It is important not to interview the child to obtain information, as this is the task of the Department of Communities - Child Protection and Family Support and the Western Australia Police. Mandatory reporters should provide as much information as they can.

Further information
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Please note: If the Mandatory report does not involve the principal, it is recommended, however, not compulsory to notify him/her.

MANDATORY REPORTING FLOW CHART

Initial verbal* or written contact from a mandatory reporter (doctors, nurses and midwives, police officers and teachers.

→ All reports alleging other abuse types transferred to CPFS.

Step 1
Acknowledgment receipt issued to mandatory reporter.
As part of the assessment or investigation process, reporters may be contacted by workers from the Department and/or the Western Australia Police for further information.

Information <u>does</u> indicate immediate follow-up required.

Step 2
Review immediate follow-up required.

Step 3
Immediate follow-up endorsed.

Step 4
Notify the WA Police and CPFS immediately. Provide the WA Police with the written report as soon as possible.

Step 5
The Mandatory Reporting Service will send a feedback letter to the mandatory reporter.

All verbal reports must be followed by a written report as soon as practicable, preferably within 24 hours.

Information <u>does not</u> indicate immediate follow-up required

Step 2
Mandatory Reporting Service will gather further information.

Step 3
Mandatory Reporting Service will perform initial assessment.

Step 4
When a written report is received, the Mandatory Reporting Service will provide the report to the WA Police.

Step 5
Outcome is recorded as *follow-up* or *no further action* and the relevant CPFS is advised.

Step 6
The Mandatory Reporting Service will send a feedback letter to the mandatory reporter.