

LIVING WATERS LUTHERAN COLLEGE

Mandatory Reporting



Overview

Living Waters Lutheran College is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child-safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for children and young people.

Members of the school community have a moral and legal responsibility to report incidents and concerns of child abuse.

Mandatory reporting legislation requires specific people or professionals to report concerns of child abuse to child protection agencies. The legislation requires mandatory reporters to report suspected child sexual abuse if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work, to the Department for Child Protection. 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 a report is not made.

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’.

‘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.*

Scope – This policy applies to all management and staff of Living Waters Lutheran College, particularly those with mandatory reporting responsibilities.

This mandatory reporting policy describes the legal and moral responsibilities that staff in the College has for the care and protection of children and for reporting information about child abuse concerns such as neglect or physical, sexual and emotional abuse. Staff members, given their close interactions with students, play an important role in the detection of child abuse and the provision of support and assistance to children who are abused or at risk of abuse.

This is one of a set of child protection policies, procedures and guidelines that have been developed and endorsed by the Lutheran Schools Association for use in its schools, and therefore should be read in conjunction with the Child Protection Policy.

It is essential to note that an allegation, disclosure, or discovery of sexual abuse committed by a staff or non staff member at anytime is considered a critical and emergency incident and must be reported as such.

Read in conjunction with Child Protection policy

1. STAFF RESPONSIBILITIES

1.1 Responsibilities of College Staff

1.1.1 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*, which is part of the *Children and Community Services Act 2004*.

1.1.2 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
- Police Officers
- Teachers

The definition of teacher in section 124A of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 has been changed to read:

A person who is registered under the Teacher Registration Act 2012

Therefore, all teachers and nurses on Living Waters Lutheran College staff have a legal responsibility to make a report to DCP if they believe on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse (whether during or outside school hours).

1.1.3 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.

1.1.4 Living Waters Lutheran College requires all staff members, whether required by the legislation or not, who have formed a belief on reasonable grounds of sexual abuse, or who have had a student disclose sexual abuse directly to them or indirectly through a friend, to as soon as practicable report to DCP and then as soon as practicable thereafter inform the Principal.

1.1.5 The maintenance of confidentiality is paramount in order to preserve the integrity of the process and to allow all stakeholders to maintain their dignity whilst working through the process. These concerns must not be the subject of general staff room discussion of any kind and inappropriate disclosures of this nature will subject those involved to disciplinary action by the Principal. However, the teacher may wish to discuss the matters confidentially with the College Counsellor, College Chaplain, School Nurse, a Head of School or the Principal.

1.1.6 Staff must keep records of all verbal and written communications regarding concerns or disclosures of sexual abuse in a secure place. Such information must be lodged in the Principal's secure file or database.

- 1.1.7 The staff member must not personally or in any way investigate or attempt to determine whether maltreatment or neglect has occurred. This is the role of the DCP and/or the police.
- 1.1.8 The staff member who is concerned that sexual abuse may be occurring but does not have enough information to have yet formed a reasonable belief must keep brief, written and dated records of their observations and concerns. These will be lodged in the database. The staff member should consult with the students' relevant Head of School and may consult with the College Counsellor.
- 1.1.9 The College will use its best endeavours to support students who have disclosed, or students about whom there is a concern. DCP staff are available to assist in designing an appropriate school care plan.

1.2 Responsibilities of the Principal

- 1.2.1 The Principal has ultimate responsibility for both enacting and ensuring that there is strict adherence to this policy. The only exception is if the allegation of sexual abuse is against the Principal, in which case the Chair of the College Board is responsible.
- 1.2.2 Once a teacher has informed the Principal that he or she has made a report, the Principal will work with DCP to ensure that the best possible outcome for the student in question is obtained.
- 1.2.3 If an allegation is made against a parent/caregiver then it is recommended that the advice of the DCP is sought before the parent/caregiver is informed of the allegation. This is to ensure that the subsequent investigations that DCP undertake are not jeopardised, and/or the safety of the student in question is not compromised.
- 1.2.4 In addition, the Principal must ensure that:
 - 1.2.4.1 all Living Waters Lutheran College staff and people working at the School are thoroughly conversant with the procedures and responsibilities stipulated in this policy document;
 - 1.2.4.2 staff are aware that they may not accede to a student's requests for confidentiality or requests that parents, police or other agencies not be informed when sexual abuse has been disclosed;
 - 1.2.4.3 written records of all concerns of sexual abuse and disclosures that form the basis of a sexual abuse report are securely stored;
 - 1.2.4.4 all concerns for the welfare of students believed to have been sexually abused will be discussed with DCP;
 - 1.2.4.5 victims of sexual abuse are appropriately supported. The management plan may well involve consultation with the College Counsellor or Chaplain and, if necessary, DCP;
 - 1.2.4.6 an undertaking from the DCP is sought that any feedback given to the reporter of the sexual abuse is passed on within the bounds of confidentiality.
 - 1.2.4.7 victims of sexual abuse are protected from student scrutiny by discouraging the victim from discussing the disclosure with other students.

2. PROCEDURES FOR IMPLEMENTATION

2.1 Allegation, Disclosure, Discovery or Reasonable Belief formed of Sexual Abuse Committed by a Non-Staff Member at Anytime

2.1.1 Staff member will Inform DCP:

The staff member will immediately contact DCP and provide DCP with a verbal or written report (if the report is verbal, the legislation requires the reporter to follow up with a written report). DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

2.1.2 Informing the Principal:

The staff member must then immediately advise the Principal.

2.1.3 Written Records to Principal:

Written records of the allegation, disclosure or discovery will be provided to the Principal as soon as possible, including identifying authorship and relevant dates.

2.1.4 Principal Informs Parent(s)/Caregiver(s):

In relation to the allegation and to any proposed police action, unless notification would compromise the safety of the child, the Principal will notify the parent(s)/caregiver(s).

2.1.5 Principal Informs the Chair of the College Board:

The Principal must inform the Chair of the College Board of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the school level, in consultation throughout with the Chair of the Board.

2.1.6 Principal Informs Department of Education:

Any mandatory report is considered a **critical and emergency incident** thus a report needs to be made to the Director General, Department of Education within 48 hours via the [Critical and Emergency Incident Report](#) form.

2.1.7 Support is Offered:

Support will be offered to the victim. This support may be in the form of in-house support by the College Counsellor or College Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.

2.1.8 Legal Action:

Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parent(s)/caregiver(s) are unwilling, or contacting the parents/caregivers about the allegation or disclosure poses a risk to the student, the Principal will consult with the DCP as to an appropriate course of action.

2.2 Allegation, Disclosure, or Discovery of Sexual Abuse Committed by a Staff Member at Anytime

2.2.1 Staff member will Inform DCP:

The staff member to whom the allegation or disclosure was made or who has formed a reasonable belief (that a child has been the subject of sexual abuse or is the subject to ongoing sexual abuse) will immediately contact DCP and provide DCP with a verbal or written report (if the report is verbal, the legislation requires the reporter to follow up with a written report).

DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

2.2.2 Informing the Principal:

The staff member must then advise the Principal.

If the allegation is against the Principal, the staff member will advise the Chair of the College Board who will take over from the Principal in regards to the following procedures.

2.2.3 Written Records to Principal:

Written records of the allegation, disclosure or discovery will be provided to the Principal as soon as possible, including identifying authorship and relevant dates.

2.2.4 Ceasing Student Contact:

If the Principal is satisfied that there are reasonable grounds to support the allegation, the employee is to be removed from all contact with students. If the employee is suspended from duty, he/she will usually remain on full pay unless summarily dismissed. The staff member against whom the allegation is made will immediately be removed from all contact with the Living Waters Lutheran College school community, pending an investigation by the relevant authorities.

2.2.5 Principal Informs Parent(s)/Caregiver(s):

It is the responsibility of the DCP or the Police Service to notify the child's parent(s)/caregiver(s) of the allegation and any proposed police action. However, the Principal may, after consultation with the Police, notify the parent(s)/caregiver(s), the Living Waters Lutheran College school staff and the Living Waters Lutheran College school community. The victim's identity must remain confidential.

2.2.6 Principal Informs the Chair of the College Board:

The Principal must inform the Chair of the College Board of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the school level, in consultation throughout with the Chair of the Board.

2.2.7 Principal Informs Department of Education:

Any mandatory report is considered a critical incident thus a report needs to be made to the Director General, Department of Education within 48 hours via the [Critical and Emergency Incident Report](#) form.

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2.2.8 Principal Seeks Further Advice:

The Principal will then seek further advice, usually from the police and/or the DCP on the appropriate action to take in respect of the alleged offender, the child, and the child's parent(s)/caregiver(s).

2.2.9 Support is Offered:

Support will be offered on advice from DCP to the victim, and the alleged perpetrator. This support may be in the form of in-house support by the College Counsellor or College Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document. The Principal will also offer appropriate support to the staff member making the report.

Legal Action:

Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parents/caregivers are unwilling, the Principal will consult with the DCP as to an appropriate course of action.

2.3 Self Harm as a result of Sexual Abuse

- 2.3.1 A Living Waters Lutheran College staff member who is concerned that a student may be at risk of self-harm or even suicide must act decisively to reduce the risk. The staff member must immediately inform the Principal or the Head of School. The Principal will consult with the College Counsellor and College Chaplain to help design and implement an action plan. It is also recommended that PMH, or Rockingham General Hospital or Child and Adolescent Mental Health Services be contacted to seek advice.
- 2.3.2 The Principal or the Counsellor will contact the parent(s)/caregiver(s) as soon as possible, unless it is considered that this course of action may directly place the student at increased risk of self-harm or suicide. It is important that a staff member, preferably the College Counsellor, stay with the student until the parent(s)/caregiver(s) arrive or medical attention is available.
- 2.3.3 In situations where the suspected self-harm or suicide is triggered by abuse from parent(s)/caregiver(s), the Principal will contact DCP.
- 2.3.4 The Counsellor may be required to assess the risk, and then the Counsellor or the Principal will advise the parent(s)/caregiver(s) that it is in their best interests to seek specialist assessment or support. The Principal cannot compel parent(s)/caregiver(s) to follow this advice.

References

Children and Community Services Act 2004

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

Name of policy – Mandatory Reporting		
Version	Action	Date
V1	Ratified by College Board	30 Mar 15
	Reviewed no changes	30 Mar 16
	Reviewed no changes	1 Dec 18
V2	Updated with changes in standards – Ratified by College Board	18 Feb 19
	Review	18 Feb 20

APPENDIX 1

Indicators of Sexual Abuse

The following list of indicators is not exhaustive but contains those that will be of most use to staff. Any of these indicators may also suggest that a student is being maltreated, neglected or at risk of harm. Indicators should be considered in the context of the student's age, medical history, developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families are also indicators of possible abuse and neglect.

Sexual Abuse	
Physical Indicators:	
• bruises or bleeding from external genitalia, vagina or anal regions;	
• blood stained underwear;	
• pregnancy or fear of pregnancy;	
• signs of pain, itching or discomfort in the genital area; and	
• urinary tract infections.	
Behavioural Indicators:	
• demonstrated sexual knowledge that is inconsistent with developmental level;	
• disclosure of involvement in sexual activity made to an adult, indirectly to a friend or in a disguised way, 'I know a person who...';	
• persistent and inappropriate sexual play with peers, toys, animals or themselves e.g. child habitually inserting objects in her vagina or sexually aggressive behaviour with others, e.g. a young boy humping toys in sexual positions;	
• regression to infantile behaviour, e.g. excessive clinginess in preschool children, the sudden onset of soiling or wetting when these were not formerly a problem, or baby talk thumb sucking;	
• inappropriate expressions of affection;	
• inappropriate sexual behaviour such as public disrobing or public masturbation;	
• recurrent physical complaints or self-mutilation;	
• inappropriate interest in sexual themes in artwork, stories or play;	
• possession of pornographic materials;	
• promiscuity, exposure or sexual behaviour towards others;	
• reluctance to change clothes in front of others;	
• fear states, eg. anxiety, depression, obsessively neat, socially withdrawn, or overly compliant behaviour.	

APPENDIX 2

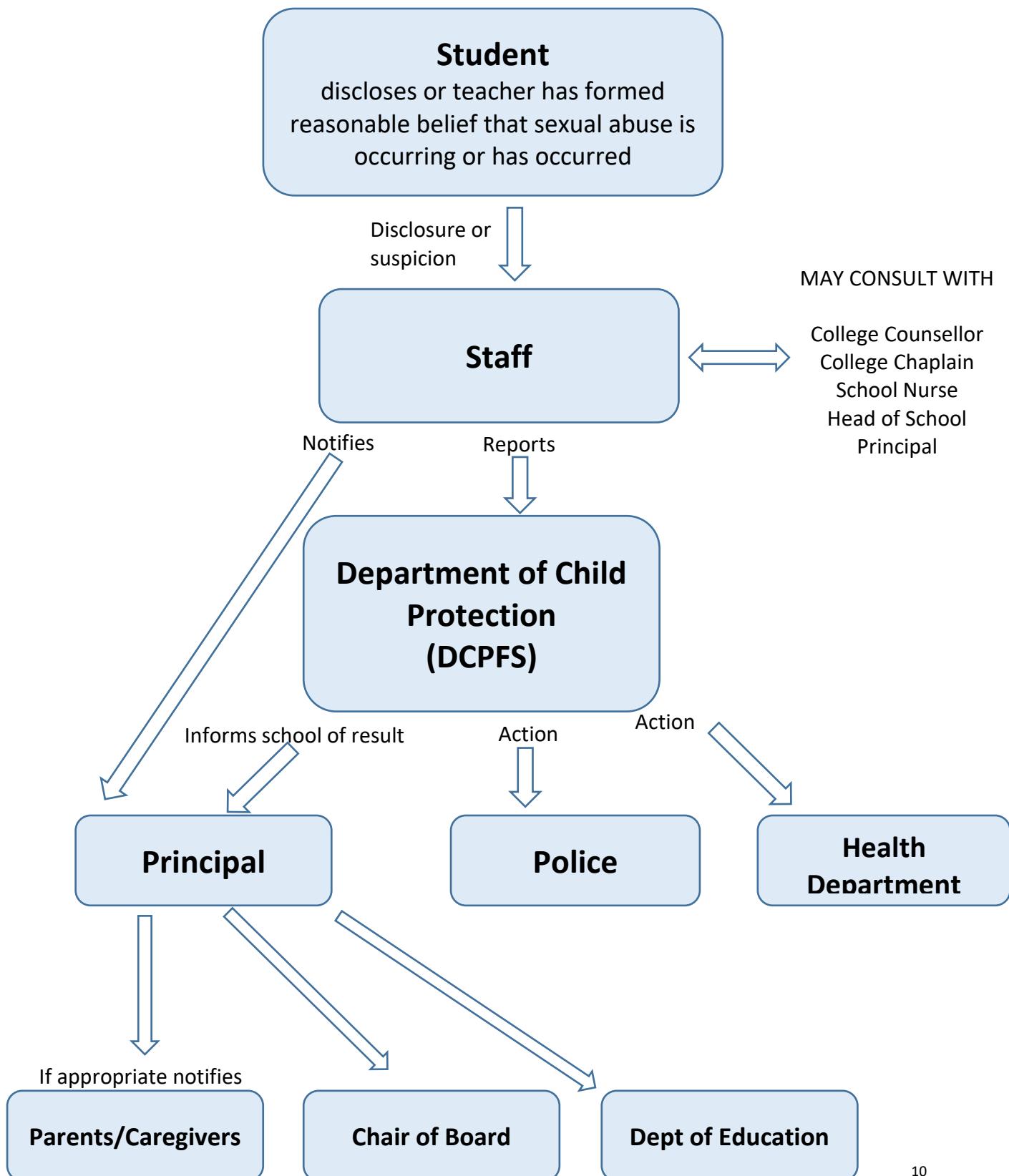
Response to Disclosures of Sexual Abuse	
<i>School staff need to be aware of the immediate needs of students making disclosures and respond accordingly.</i>	
The staff member will:	
<ul style="list-style-type: none">• use '<i>protective interrupting</i>' if a student begins to disclose in class or in a public area. acknowledge that the student has been heard and stop them from disclosing any further;• be supportive and will gently indicate that they might tell the staff member about it in a more private situation;• quietly arrange to see the student as soon as possible, in a situation away from other students;• listen attentively;• listen to a student in a private location within the school;• be supportive and understanding;• be empathetic to the student's feelings;• acknowledge that it is difficult to talk about such things;• try to identify the student's fears; but do not put words in his/her mouth;• let student tell the event in his or her own words;• accept what is said, keeping in mind that only the minimum of information is required before reporting potential sexual abuse;• reassure student that by telling they are doing the right thing;• be calm and non-judgemental, conceal any facial expression that may result from what the student is telling you;• allow the student the option of support during any agency interview;• reassure them of the availability of continuing support;• document the disclosure as soon as possible after the disclosure was made as well as subsequent discussion and actions;• explain what will happen next and make every effort to stay with the student until necessary steps have been taken to ensure the safety and support of the student.	
Staff will be mindful that they must not :	
<ul style="list-style-type: none">• agree to a student's demands for confidentiality or requests that parents, police or other agencies not be informed when the welfare or safety of the student or other students may be threatened.• push for details or conduct an investigation, understanding that other agencies have this responsibility;• express judgement of the student, perpetrator or family;• get angry, upset or display shock;• blame students;• put words in the student's mouth or interrogate, understanding that this could jeopardise the interviewing process of the DCP or the police;• promise not to tell;• give a lecture about right and wrong;• say 'forget it', 'you'll get over it' or other such minimalising statements;• give excessive pity; and• engage in general staff room discussion or gossip about the disclosure.	

Staff should be aware that hearing a disclosure could elicit strong feelings of shock, anger and helplessness. As it is important to understand these feelings, the College will provide an opportunity for these to be worked through after the disclosure. Support will be available to College staff from the College Counsellor or College Chaplain or executive staff.

APPENDIX 3

Required Notification Steps – Mandatory Reporting of Sexual Abuse

*****Any mandatory report must be reported as a critical and emergency incident to the Department of Education*****



APPENDIX 4

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 for Child Protection'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.

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

It is the responsibility of the individual forming the belief that child sexual abuse has occurred, to make a written mandatory report to the Department for Child Protection in accordance with the guidelines to fulfill legislative requirements for mandatory reporting.

Further information can be obtained through:

Mandatory Reporting Service
Department for Child Protection

Telephone: 1800 708 704
Fax: 1800 610 614

Web: www.mandatoryreporting.dcp.wa.gov.au

Email: mrs@dcp.wa.gov.au

Post: PO Box 8146
PERTH BC WA 6849

GUIDELINE 5**Reporting Concerns of Sexual Abuse, Maltreatment or Neglect**

A staff member who is concerned that sexual abuse may be occurring but does not have enough information to have yet formed a reasonable belief, as required by the legislation, must keep brief, written and dated records of their observations and concerns and notify a senior member of staff in accordance with the following:

