



Policy Name	Mandatory Reporting Policy & Procedure
Related Policies and Legislation	Child Protection Policy and Procedure Critical Incident & Emergency Policy School Education Act 1999 s63 & 63 Working With Children Act 2004 Children and Community Services Act 2004 Criminal Code Act 1913 s322 Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 AISWA Guidelines: Child Protection
Policy Category	Student Wellbeing & Safety
Relevant Audience	All Treetops Community
Date of Issue / Last Revision	04 May 2011 21 May 2015 11 May 2017 25 October 2018 13 August 2020
Date Set for Review	August 2020 (biennially)
Person/s Responsible for Review	Treetops Administration

Mandatory Reporting Policy & Procedure

Purpose:

This policy outlines the roles and responsibilities for staff that are mandatory reporters and the procedures that need to be followed if a report needs to be made.

Treetops Montessori School requires all its teaching staff to attend Mandatory Reporting workshops and to be aware of their responsibilities under the *Children and Community Services Amendment (Reporting of Sexual Abuse of Children) Act 2008*. This amendment forms part of the *Children and Community Services Act 2004*.

Mandatory reporting legislation requires teachers to report concerns of child abuse to the Department of Communities Child Protection and Family Support (CPFS). The legislation focused on sexual abuse and requires reporters to report suspected sexual abuse based on reasonable grounds. In Western Australia, the mandatory reporters of child sexual abuse are the following professions: teachers, boarding supervisors, nurses, doctors, police officers, midwives. Teacher assistants, school psychiatrists and school psychologists are examples of people who work with children who are not mandated reporters. However, all people who work with children should continue to report reasonable beliefs and suspicions or concerns about all forms of abuse. Reports by these employees who are not mandated are usually made to the Principal of the school. In the case where it is believed the Principal may somehow be complicit or obstructionist, the report should be made to the Chair of the Governing body

What is 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:

- The child is the subject of bribery, coercion, a threat, exploitation or violence; or
- The child has less power than another person involved in the behaviour; or
- There is 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 material.

What are ‘reasonable grounds’ for suspicion?

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 the concerns about child sexual abuse. Information on the indicators is covered in the Child Protection Policy and Procedure.

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 sexually 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?

If the teacher concerned wishes, the Principal and other relevant staff may be involved in discussions with the teacher in relation to a specific child, prior to the teacher forming a belief based on reasonable grounds. **It remains the responsibility of that teacher**, however, to report directly to the Mandatory Reporting Service once they have formed reasonable belief that sexual abuse has occurred, or is occurring. The Principal and other relevant staff are there to provide support/consultation if required, but the teacher is under no obligation to advise these individuals of a report.

Failure to make report can incur a penalty of up to \$6000.

Parents will be made aware of the mandatory requirements for teachers to report via the newsletter.

How does a mandatory reporter make a report?

A centralised Mandatory Reporting Service 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.

There are two ways to make a report - verbal or written.

A verbal report is preferred in the first instance, particularly if the child is at ongoing risk. It must be followed up by a written report as soon as practicable, usually within 24 hours. The Mandatory Reporting Service can be reached on 1800 708 704.

Failure to follow up a verbal report with a written report may result in a fine of \$3000. A written report form can be downloaded from the mandatory reporting website www.mandatoryreporting.dcp.wa.gov.au.

Once you have completed your written report, it can be returned using any of the following methods;

Email to: mrs@wa.gov.au

Fax to: 1800 610 614

Post to: PO Box 8146, Perth BC WA 6849

The school must not inform parents/caregivers until they have sought advice from Department of Communities Child Protection and Family Support (CPFS) or WA Police, so as not to hinder/impede a possible investigation.

What happens next?

The Mandatory Reporting Service will:

- Acknowledge receipt of the report with a standardised letter. This letter is proof that you made a report so it is important that you keep it.
- Assess immediate risk to the child and determine the need for further child protection assessment and investigation.
- Send a copy of the report to the WA police.
- Send feedback to the mandatory reporter advising them of the CPFS District Office it has been referred to, or whether no further action was recommended by the Mandatory Reporting Service.
- The Principal should arrange ongoing support for the teacher, the student and anyone else affected.

MANDATORY REPORTING PROCEDURE

