



4.2 Mandatory Reporting Policy

Policy Statement

Leaning Tree Steiner School is committed to ensuring that children's rights to be safe are maintained and each child is protected against sexual abuse. LTSS teachers, will participate in Mandatory Reporting training annually.

Background

All children have a right to feel safe and to be safe. Teachers have a legal and moral responsibility to respond to incidences involving sexual abuse of the children with whom we have contact, and to report instances that we believe involve sexual abuse.

The information in this policy summarises Leaning Tree Steiner School's commitment to the mandatory reporting by teachers of the belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring.

Scope and Application

This policy applies to all teachers on staff at LTSS. This policy will be reviewed annually and amended as required.

Related Legislation and Guidelines

- *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* and is an amendment to the *Children and Community Services Act 2004*.

Definitions

The definition of teacher is described in section 5 of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

- (a) a person who, under the *Western Australian College of Teaching Act 2004*, is registered, provisionally registered or has a limited authority to teach; or
- (b) a person who is appointed under the *School Education Act 1999* section 236(2) as a member of the teaching staff of a community kindergarten; or
- (c) a person who provides instruction in a course that is –
 - (1) mentioned in section 11B(1)(a), (b) or (e); and
 - (2) prescribed for the purposes of this definition; or
- (d) a person who instructs or supervises a student who is participating in an activity that is –
 - (1) part of an educational programme of a school under an arrangement mentioned in the *School Education Act 1999* section 24(1); and
 - (2) prescribed for the purposes of this definition; or



- (e) a person employed by the chief executive officer as defined in the Young Offenders Act 1994 section 3 to teach detainees at a detention centre as defined in that section.

Only (a) applies to schools. The other subsections relate to other forms of education.

Below is an explanation of who is included under the definition of teacher.

- a) provisionally registered is someone who is still pending conditions eg. Finish qualifications for new graduates; limited authority to teach includes a teacher who can teach at one school but not any other eg. Aboriginal elder is teaching an aboriginal language at the school.
- b) 236(2) of School Education Act relates to those teaching in a community kindergarten
- c) Section 11B of School Education Act relates to compulsory education of children and the decision by the Minister to exempt a child.
- d) Section 24(1) of the School Education Act relates to arrangements alternative to attendance and alternative education programs for children that don't attend school
- e) Relates to those teaching detainees in a detention centre.

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.

Please note that in the independent school sector, teachers are required to make the report, not the school principal. If the teacher wishes, the Education Manager may be involved in the discussion, however, the teacher is responsible for completing and submitting the report to the Mandatory Reporting Service.

Definition of 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:

- (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.

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

Definition of Grooming

'Grooming' means actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for engaging in sexual activity with the child or to lure the child into sexual



exploitation such as child prostitution or the production of child pornography: *United Nations Multilingual Terminology Database*.

Definition of child

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, schools 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.

Indicators of sexual abuse include:

- sexualised behaviours inappropriate to their age (including sexually touching other children and themselves)
- knowledge of sexual behaviour inappropriate to their years
- disclosure of 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
- child or young person implies that he/she is required to keep secrets
- presence of sexually transmitted disease
- sudden unexplained fears
- enuresis and/or encopresis (bed-wetting and bed soiling)

Implementation:

- Teachers who are TRBWA registered, provisionally registered or have a limited authority to teach are, whilst in the course of their work, deemed to be mandatory reporters.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- Teachers are advised that they can discuss their concerns with the Education Manager if they wish.
- The mandatory reporter will keep a record of all matters relating to this area and store these in a secure and confidential manner. The mandatory reporter may choose to provide the school with a copy of this information which will also be kept secure and confidential.
- The staff member involved will contact the Department of Child Protection Mandatory Reporting Service. For further information on reporting see website www.mandatoryreporting.dcp.wa.gov.au



- To avoid interfering with any investigative process initiated by DCP or the Police, advice must be sought from DCP or the Police prior to informing the parent/carer of a concern of abuse or neglect.
- To be monitored by the reporting staff member, and any subsequent signs or indications of abuse are also to be reported.
- Support and counselling services will be made available to staff involved in making a report upon request.

Linked policies

Child protection policy

Anti-bullying policy

Behaviour Management policy

Policy: Mandatory Reporting Policy				
Reference: Levels of care				
Developer: Karina Pepper				
Approved by: Steph Cremin			Date Approved: 2013	
To be reviewed: Annually			To be reviewed by: Community Manager	
Date of next review	Review complete	Reviewed by	Date Approved	Approved by
April 2016	✓	Lara Sampson	May 2016	Lara Sampson
February 2018	✓	Lara Sampson	18.02.2018	Lara Sampson



LTSS Mandatory Reporting Steps -Sexual Abuse

