1 Purpose

St Mary’s Anglican Girls’ School has developed this policy and procedures document to assist the Principal, teachers and other school staff to deal appropriately with the issue of child protection. The policy makes it clear that in acting to protect students' best interests, staff must follow closely the steps set out in the procedures and know when to alert the Principal, the Department of Child Protection (DCP) and other appropriately skilled professionals to possible cases of child abuse.

2 Principles

St Mary’s Anglican Girls’ School acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. The School’s protection strategies and procedures to be followed are based on the following principles:

2.1 All adults have a responsibility to care for children, to positively promote their welfare and to protect them from any kind of abuse.
2.2 All children have the right to a thorough and systematic education about personal safety, including safety in relationships.
2.3 The school is committed to the importance and implementation of child protection strategies and procedures.
2.4 All students should know that they are valued as persons from the time they enter the school community.
2.5 The value of the family unit is to be respected but this should not be to the detriment of the well-being of a child.
2.6 All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
2.7 The Principal, with the assistance of other skilled professionals on staff, is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect, within Mandatory Reporting requirements, ensuring that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
2.8 All school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.
2.9 While mandatory reporting applies to sexual abuse only, the reporting of other kinds of child abuse should be regarded as the school’s obligation as part of its duty of care under common law and its moral obligation.
2.10 School staff who have access to information regarding suspected or disclosed child abuse have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
3 Definitions

3.1 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.

3.2 Child abuse and neglect is defined as the maltreatment of a person under the age of 18. It is the result of action or inaction on the part of an adult which results in harm or injury to a child. This definition refers to an act of commission or omission that endangers or impairs a child’s physical or emotional well-being.

3.3 Child Maltreatment may be categorised as follows:

- 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 or physical punishment.

- Sexual Abuse
  Sexual abuse is when a child under the age of 18 years is tricked, coerced, trapped, forced into, bribed or otherwise involved in a sexual act by an older person. Sexual abuse covers a wide range of sexual behaviour including observation or involvement with inappropriate touching or fondling of the child’s body, making the child touch the adult’s genitalia, sexual penetration and showing or making pornographic videos to, with or of the child.

- Emotional Abuse
  Emotional abuse is a sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, belittling, teasing, humiliating, bullying, confusing, ignoring and inappropriate encouragement. Children who have been emotionally abused are likely to have a reduced capacity to experience a range of emotions, to express emotion appropriately and to modulate their emotional experience.

- Psychological Abuse
  Psychological abuse is the sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement. This abuse damages a child’s intellectual faculties and processes, including intelligence, memory, recognition, perception, attention, imagination and moral development. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another’s needs.

- Neglect
  Neglect exists when a parent or care giver consistently fails to provide a child with an acceptable minimum standard of care. This includes the basic necessities of life, shelter, healthy food, suitable clothing, medical care, emotional security and appropriate supervision.

Note:
Child abuse and neglect, through the DCP, is defined as maltreatment done by a person who has responsibility to care for a child and this document concentrates specifically on that relationship.
4 Procedures

4.1 Role of the Principal

The Principal

4.1.1 is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect, within Mandatory Reporting requirements.

4.1.2 must inform parents about the Mandatory Reporting of Child Sexual Abuse legislation.

4.1.3 must ensure that the school’s pastoral care and/or curriculum structures address the issue of child abuse and protective behaviours.

4.1.4 must ensure that all staff receive appropriate training in the detection and reporting of child abuse. Indicators of child abuse are to be found in Appendix A.

4.1.5 must ensure that all employees and volunteers are fit and proper persons to work with children via Working with Children Checks and Federal Police Clearances.

4.1.6 must report any disclosure or strong concern about the well-being of a student to the DCP (see Appendix E). NB In the case of sexual abuse, it is the teacher who must make the report to the DCP (see Appendix D).

4.1.7 must seek advice from the DCP or the Police prior to informing the parent/guardian of suspected abuse.

4.1.8 must retain records of all communication with the DCP and/or the Police and the subsequent actions. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student.

4.1.9 (with the assistance of other skilled professionals) must undertake ongoing support for the teacher, the student and anyone else affected by the incident.

4.2 Role of the Teaching Staff

4.2.1 Teachers are the key figures in the identification of child abuse and neglect, through personal observation or disclosure by the student concerned or a friend.

4.2.2 Teachers have an obligation to take the necessary action to ensure the child is protected from further harm but it is not the teacher’s role to conduct a detailed investigation or to confront the suspected perpetrator or to intervene with the child’s family.

4.3 Non-sexual Abuse or Neglect

4.3.1 Teachers who have concerns that non-sexual abuse or neglect are occurring are to keep brief, written, dated notes of their suspicions or observations and inform 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 subpoenaed at a later date for court proceedings.

4.3.2 If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting (see Appendix B).

4.3.3 If a student discloses to a teacher in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the teacher 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 Appendix B)
4.3.4 Once direct disclosure has been made, the Principal must be informed.
4.3.5 For a chart of Notification Steps, see Appendix C.
4.3.6 Teachers must not engage in general staffroom discussion about a disclosure.
4.3.7 Should allegations of any kind of abuse be made against the Principal, the teacher should not inform the Principal but should go directly to the Chairman of the Board of Governors.

4.4 Sexual Abuse

4.4.1 Teachers who have concerns that sexual abuse is occurring are to keep brief, written, dated notes of their suspicions or observations. **Once a teacher has formed a belief based on reasonable grounds, that sexual abuse is or has been occurring, he/she is required to report to the DCP, not the Principal.**

The teacher may advise the Principal of the report, but there is no obligation to do so. Prior to forming the belief, the teacher may, if he/she wishes, consult with colleagues with specialist knowledge, for example, the Principal or school counsellor. The Principal and other relevant staff are there to provide support if required. (For full details see Appendix D.)

4.4.2 If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting (see Appendix B).

4.4.3 If a student discloses to a teacher in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the teacher 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. (For detailed information about dealing with a disclosure, see Appendix B.)

4.4.4 For a chart of Notification Steps, see Appendix D.

4.4.5 Teachers must not engage in general staffroom discussion about a disclosure.

4.4.6 Teachers must seek advice from the DCP or the Police prior to informing the parent/guardian of suspected abuse.

4.4.7 Should allegations of any kind of abuse be made against the Principal, the teacher should not inform the Principal but should go directly to the Chairman of the Board of Governors.

4.5 Role of the DCP

4.5.1 The DCP is the government department with the statutory authority to investigate concerns relating to child abuse in WA.

4.5.2 All disclosures or strong concerns of abuse or neglect (non-sexual) are to be reported by the Principal to the Duty Officer at the nearest local district or regional office of the DCP.

4.5.3 In the case of sexual abuse, the teacher must provide a written report to the Mandatory Reporting Service of the DCP. (See page 11)

4.5.4 The DCP has the responsibility of deciding how to proceed with reports and will supply a feedback letter to the reporter.

4.5.5 The Mandatory Reporting Service and the Duty Officer at the local DCP office can be used initially in a consultative role if either the Principal or the teacher is unsure of what action to take.

4.5.6 The DCP has the authority to interview the child at school before contact is made with the parent/guardian. The Principal must be notified before the interview takes place and the child should be given the option of having support at the interview from a staff member of their choosing.
4.5.7 DCP 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.

4.5.8 For further information: www.community.wa.gov.au/DCP

4.6 Role of the Police Service

4.6.1 The WA Police Service may play a role in responding to allegations of child abuse and neglect when informed by the DCP.

4.6.2 In the case of sexual abuse, the DCP will forward all reports to the WA Police Service.

4.6.3 The WA Police Service Child Abuse Investigation Unit will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

5 Cyber Predators

The main perpetrators of child abuse and neglect are people that the child knows. However, the continuing popularity of the internet has given credence once more to the term ‘Stranger Danger’. The school provides education on cyber safety through the curriculum and also organises guest speakers for students and parents to keep them informed.

5.1 The internet is one of the main sources of communication for young people today with the popularity of chat rooms, discussion groups, and playing interactive games. Unfortunately it is also a very attractive place for predators to go as they can remain virtually anonymous whilst participating in a range of paedophilic activity.

5.2 The WA Police, in conjunction with AISWA, the Department of Education and Training, and the Catholic Education Office have formed the Internet Safety Working Party. The aim of the working party is to implement strategies through schools and community networks to educate children and parents on safe internet behaviours.

5.3 AISWA has provided all schools with a DVD entitled “Keeping safe on the Internet” for use in schools or for schools to copy and send home to parents.

5.4 The Criminal Code Amendment (Cyber Predators) Act 2006 is the legislation in Western Australia that protects children under the age of 16, or that the offender believes is under the age of 16, from an adult who uses electronic communications with the intent to procure the child to engage in sexual activity; or to expose the child to any indecent matter.

5.5 See useful websites:

- www.netsafe.com.au
- www.constablecare.org.au
- www.cybersmartkids.com.au
- www.netalert.net.au
- www.virtualglobaltaskforce.com
- www.cybersafetynet.com

5.6 WA Police Cyber Predator Team may be contacted on 9492 5444.

Recent information obtained from AISWA outlines the following:

Cyber predation refers to activities with a sexual connotation including intent to procure to engage in sexual activity or to expose to indecent material, and so cyber bullying would not fall into the same category, generally. This distinction will differentiate the course of action by teachers/schools.
If the teacher doesn't form the belief that the child is a victim of sexual abuse, and yet the child has been shown material of a sexual nature, such as sexting, then it should be reported to the police, but it is not a mandatory report and would normally be dealt with according to the school policy. The Police recommend reporting it to the Child Assessment and Interview Team, but the past practice in schools is to report to the local police. While it may not be sexual abuse, it may still constitute child exploitation. This is also why the police recommend that all cases of sexting be reported to them. Similarly, if the teacher or school considers that the child is being groomed via electronic media, the police should be contacted. Online Child Exploitation Squad
Email: online.child.exploitation.squad@police.wa.gov.au  9428 1555  Crime Stoppers: 1800 333 000
APPENDIX A
INDICATORS OF CHILD ABUSE AND NEGLECT

- The following list of indicators is not exhaustive but contains those which will be of use to teachers. These may include frequent injuries or tearfulness; uncharacteristic, unusual or inappropriate behaviour; frequent complaints of pain or sickness. Any of these indicators may suggest that a child is being abused, neglected or at risk of harm.
- 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.

PHYSICAL
- Bruises: note location, shape and stage of healing
- Burns that have a specific shape (eg that of an iron)
- Fear of adults
- Frequent absences, with or without explanation from parents or guardians
- Guarded or evasive answers to questions about the causes of obvious injury
- Hair missing in large quantities
- Injuries that are not consistent with the child's explanation for them
- Lacerations and abrasions to the eyes, lips, gums, mouth
- Missing or loosened teeth
- Self mutilation

SEXUAL
- Bloodstained underwear
- Disclosure of involvement in sexual activity
- External genital pain or discomfort in the genital area (eg vaginal or anal itching)
- Frequent or uncharacteristic changes in mood
- Frequent urinary or yeast infections (eg thrush)
- Inappropriate expressions of affection
- Inappropriate interest in sexual matters
- Inappropriate objections by care giver to health and sex education curricula
- Marked role reversal between mother and child
- Obsession with neatness and cleanliness
- Poor personal hygiene
- Possession of pornographic materials
- Pregnancy
- Presence of a sexually transmissible disease
- Promiscuity or behaving sexually towards others
- Reluctance to change clothes in front of others
- Reluctance to form close relationships
- Use of sexual language inappropriate for the child's age
- Wearing of inappropriate clothing for the child's age
EMOTIONAL/PSYCHOLOGICAL
- Aggressive behaviour
- Attempted suicide
- Decline in academic performance
- Eating disorders (eg anorexia, bulimia)
- Early arrival at school and/or reluctance to leave
- Evidence of drug abuse or dependence
- Excessively passive behaviour - being "too good"
- Isolation, perhaps deliberate, from community and support system
- Jealous, excessively restrictive and/or protective parent
- Lethargy and/or fatigue
- Low self-esteem
- Obsession with neatness and cleanliness
- Poor peer relationships
- Shyness or withdrawal
- Significant stress
- Ulcers, asthma, allergies and other stress-related or psychosomatic conditions

NEGLECT
- Abandonment of child
- Developmental regression
- Early arrival at school and/or reluctance to leave
- Emaciated or distended stomach
- Repeated failure by the care giver to collect child from school
- Failure by care giver to provide adequate nutrition
- Inadequate clothing
- Inadequate home supervision
- Inadequate food
- Stealing food
- Lack of appropriate medical care
- Lethargy and fatigue
- Poor personal hygiene
- Untreated lice, injuries, skin disorders etc
- Voluntary disclosure of acts of abuse

For further information on “Identifying and responding to child abuse and neglect” go to www.community.wa.gov.au
APPENDIX B
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. The school counsellors or another appropriate skilled member of staff 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.

Staff should be aware of the immediate needs of these students and what to do in these circumstances.

- Use ‘protective interrupting’ if students begin to disclose in class or in a public area to protect them from sharing the information with too many other people:
  - acknowledge that you have heard them and stop them from disclosing any further;
  - be supportive and gently indicate that they might tell you about it in a more private situation; and
  - quietly arrange to see them as soon as possible, in a situation away from other students.
- Establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection and that you will help them throughout the process.
- Put your own feelings aside and listen as if the information is not sensational.
- Provide reassurance that you believe them, that it is right to tell and do not think that they are to blame or make judgements about what has happened.
- Listen to students in a private location within the school.
- Be supportive and understanding.
- Be empathetic to student feelings.
- Acknowledge that it is difficult to talk about such things.
- Try to identify students’ fears.
- Let students tell the event in their own words.
- If you are unable to answer all the questions of the child, it is okay to let them know.
- Once you have established that they have been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure.
- Allow students the option of support during any agency interview and reassure them of the availability of continuing support.
- Document the conversation that you have had remembering as accurately as you can, the words and phrases used by the child to describe what has happened to them.
- Document the disclosure and subsequent discussion and actions.
- Explain what will happen next.
- Try and stay with the student after the disclosure to provide a sense of security until necessary steps have been taken to ensure the safety and support.
Staff must be mindful they:

- Do not push for details or conduct an investigation. Other agencies have this responsibility.
- Do not express judgement of the student, perpetrator or family.
- Never get angry, upset or show shock.
- Never ask questions that may make the child feel guilty or inadequate.
- Never ask leading questions, for instance ‘Did Daddy hit you?’
- Don’t put words in students’ mouths or interrogate as this could jeopardise the interviewing process of DCP and Police.
- Don’t promise not to tell when there are clear limits on confidentiality.
- Never make false promises.
- Don’t give a lecture about right and wrong.
- Don’t say ‘forget it’, ‘you’ll get over it’ or other such minimalising statements.
- Don’t give excessive pity.
- Respect the confidentiality of the disclosure and do not share the information with anyone other than the Principal and either the Department for Child Protection or the Police. This includes not engaging in general staffroom discussion about the disclosure.
APPENDIX C
NOTIFICATION STEPS FOR PHYSICAL, EMOTIONAL, PSYCHOLOGICAL ABUSE AND NEGLECT

( NOT FOR SEXUAL ABUSE )*

* Also may consult with appropriate support staff e.g. School Psychologist, Social Worker, Nurse, NGSPS
APPENDIX D
MANDATORY REPORTING OF CHILD SEXUAL ABUSE

From 1 January 2009, it has become mandatory for teachers to report reasonable beliefs about child sexual abuse. Teachers have been issued with the booklet “A Guide for Mandatory Reporters” and nine fact sheets (supplied by AISWA) Further copies of this booklet and fact sheets are available from AISWA.

1 Failure to report can incur a maximum penalty of $6,000.
2 The 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 concerns about child sexual abuse (see Appendix A)
3 Teachers are required to make the report themselves.
4 Staff other than teachers are not mandatory reporters under State legislation. However, non-teaching staff are required to report to the Principal reasonable beliefs about all kinds of child abuse.
5 Teachers are also required to report when working outside school in a paid or unpaid capacity eg tutoring, volunteer youth worker, Sunday School teacher.
6 There are two ways to make a report - verbal or written.

A verbal report is preferred in the first instance, particularly if the teacher has formed a belief that the child is still at risk of being abused, as it allows the Mandatory Reporting Service to respond quickly, ask clarifying questions and gather as much information as possible. However, it must be followed by a written report as soon as is practicable, usually within 24 hours. To make a verbal report, the Mandatory Reporting Service can be reached on 1800 708 704.

Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine of $3,000. A written report form can be downloaded from the mandatory reporting website www.mandatoryreporting.dcp.wa.gov.au.

If you do not have access to a computer, the form can also be mailed out to you. Once you have completed your written report, it can be returned using the following methods:

Email to: mrs@dcp.wa.gov.au
Fax to: 1800 610 614
Post to: PO Box 8146
Perth BC WA 6849

Once you have lodged a report, you will receive a standardised letter. This letter is proof that you have made a report so it is important that you keep it.

Once the report has been lodged, the Mandatory Reporting Service will assess the immediate risk to the child, and determine the need for further child protection assessment and investigation. A copy of the report is sent to the WA Police. The police will then decide whether they need to be involved on a case by case basis.

The mandatory reporter will receive a feedback letter advising them of the DCP District Office it has been referred to, or whether no further action was recommended by the Mandatory Reporting Service.
Confidentiality and Legal Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances. Section 124F(2) protects a reporter’s identity from being disclosed. Disclosure of a reporter’s identity carries a maximum fine of $24,000 and 2 years imprisonment.

There are exceptions where a reporter’s identity is permitted. Even where disclosure is allowed, consideration will be given to ensuring the reporter’s safety has been taken into account. Examples of when a reporter’s identity may be revealed include:

- The Mandatory Reporting Service must send a copy of every written report to the WA Police
- The WA Police may need to reveal a reporter’s identity in order to investigate or prosecute a suspected offence
- A Department for Child Protection officer may need to reveal the reporter’s identity when certain child protection, family law or adoption proceedings are taking place
- Reporter may have provided written permission for their identity to be disclosed

A mandated reporter who is normally governed by a code of confidentiality or secrecy, professional ethics, standards or principles of conduct (eg. Doctor/patient) is protected from a breach to this code if they are making a report in good faith. The legislative requirements of the Act override internal school policies, professional codes or confidentiality requirements.

A mandated reporter is also protected from liability. If a report is made in good faith, they will not incur any civil or criminal liability by making a report.

For further information go to [www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au) and click on “Publications” and then click on “A guide for mandatory reporters.”
APPENDIX D
NOTIFICATION STEPS FOR CHILD SEXUAL ABUSE

MANDATORY REPORTING PROCEDURE

STUDENT

DISCLOSES

FEEDBACK
Including receipt no.

INDICATORS OR OTHER INFORMATION

Teacher
Forms belief based on reasonable grounds

MANDATORY REPORTING SERVICE
(DEPARTMENT FOR CHILD PROTECTION)
APPENDIX E
REPORTING PROCEDURES FOR PRINCIPALS

When a teacher or staff member has informed the Principal of a disclosure of child abuse or strong concerns about the well-being of a child, the Principal must:

- report the matter to the Department for Child Protection (DCP), except in the case of sexual abuse, where the teacher is the mandatory reporter;
- inform the Chairman of the Board of Governors;
- take measures to protect the privacy of the child and the teacher reporting the alleged abuse and the security of written records.

The DCP will involve other agencies where necessary. Where it is believed that the child is in immediate danger of harm, the Police Service will be actively involved to ensure the overall safety of the child.

It is the responsibility of the DCP to:

- react promptly to the school's report;
- determine if, in fact, abuse has occurred or that neglect is evident;
- initiate, if necessary, immediate remedial action, including involvement with other agencies; and
- give feedback as appropriate to the Principal.

The DCP has the authority under the Children and Community Services Act 2004 to interview a child at school prior to contacting the parent/care giver. If an interview with a child by DCP personnel is to take place on school premises without the parents' knowledge, the child should be given the option of having support from a staff member with whom they feel comfortable.
APPENDIX F
THE LEGAL IMPLICATIONS OF REPORTING

Teachers have a **duty of care** to students during school hours and at other times when the teacher/student relationship exists. **Duty of care** falls under the area of common law that is established by the courts, on the basis of precedent. The concept of **duty of care** requires that a teacher must take reasonable care to avoid acts or omissions which the teacher can reasonably foresee would be likely to injure the student and take steps to remove those dangers.

In ascertaining what is reasonable for a teacher to have foreseen, the Courts would amongst other matters enquire into the:

- magnitude of risk;
- degree of probable occurrence; and
- difficulty in reducing the risk.

Where a teacher suspects a student is being abused/neglected (non-sexual) the teacher should discuss her/his suspicions with the Principal who then has to judge whether to report the matter or not. **In the case of a direct disclosure, the teacher is obligated to report the incident to the Principal who is then also obliged to report the matter to the Department of Child Protection (DCP) and the Chairman of the Board of Governors. In cases of sexual abuse the teacher is obligated to report directly to the DCP. (See Appendix D Mandatory Reporting of Child Sexual Abuse.)**

Teachers may be reluctant to report suspected cases of child abuse and/or neglect because they are afraid of the effect this may have on their relationship with other students or the family of the child involved. If teachers make reports through the proper channels and with the best interests of the child in mind, they are protected in the event of legal action being taken against them and are entitled to invoke the defence of **qualified privilege**.

This may be interpreted as follows: If a person makes a statement that is possibly defamatory to another person with a 'like interest' but the first person has a legitimate interest, either legal or moral, in the situation, **qualified privilege** protects the first person. If a teacher makes a statement in good faith to the Principal or other authorities about a situation the teacher suspects exists and which the teacher considers may be harmful to the child, a valid defence exists under common law.

The defence of **qualified privilege** does not cover general discussion in the staffroom, conversation with other parents or members of the general community. It should be noted that the defence of **qualified privilege** will not be available where complaints are made upon spurious grounds, in bad faith, or without reasonable grounds to make the complaint. Teachers must follow the procedures set out in this document and maintain absolute confidentiality.
APPENDIX G
QUESTIONS AND CONCERNS

Must I keep written records?
As a teacher 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 (eg the school nurse should keep records of physical indicators, and other Student Services personnel should 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 subpoenaed and must be provided to the court. If the Principal or a teacher receives a subpoena, the Chairman of the Board of Governors must be notified and legal advice sought.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?
There is no Statute of Limitations on reports of child abuse and neglect. All suspected cases of child abuse (including sexual abuse) and neglect should be reported, irrespective of when they may have occurred. The mandatory reporting of sexual abuse applies to abuse which happened on or after 1 January 2009. 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 (non-sexual) am I expected to make a notification?
Notification is to be given promptly to the Principal, who must report the situation to the Department for Child Protection (DCP). It is recommended that you make the report on the same day as you find out. In cases of sexual abuse you must report directly to the DCP.

How soon after finding out about a case of child abuse (sexual) am I expected to make a notification?
You must report the situation to the DCP. It is recommended that you make the report on the same day as you find out.

Can I be called to give evidence?
Yes, a teacher can be called to give evidence. It is rare for a notifier to be called as a witness. It is understood that teachers are placed in a difficult position when asked to give evidence in court and for this reason it is avoided if possible.

What will happen if I have to go to court? What legal support will the school 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 school can arrange for legal support and advice on making statements to prepare for the courtroom experience.

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 DCP and the Police Service 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. Any breaches of this policy should be reported to the Principal who in turn will advise the Chairman of the Board of Governors.

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 and the DCP. No action will be taken which may jeopardise the safety of the child.
APPENDIX H
RELEVANT LEGISLATION

- Children and Community Services Act 2004
- Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008
- Criminal Code Act 1913
- Criminal Code Amendment Section 204B (Cyber Predators) Bill 2005
APPENDIX I
ACKNOWLEDGEMENTS

St Mary’s Anglican Girls’ School wishes to thank the following organisations for making material available to assist in writing this document:

- The Anglican Schools Commission
- The Association of Independent Schools (WA)
- The Catholic Education Commission (WA)
- The Department of Education and Training (WA)