

MANDATORY REPORTING (SEXUAL ABUSE) POLICY

REED is committed to providing a child safe environment where children's safety and wellbeing is prioritised, supported and children feel respected, valued and encouraged to reach their full potential.

PURPOSE

REED will implement effective strategies that inform mandatory reporters of their legislative obligations to identify and respond to warning signs, indicators and disclosures of child sexual abuse.

For concerns or disclosures of child abuse other than child sexual abuse please refer to the Child Protection Policy.

SCOPE

This policy applies to the approved provider, nominated supervisors, educators and staff.

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS (WA)

84	Awareness of child protection law	175	Prescribed information to be notified to Regulatory Authority
86	Notification to parents of incident, injury, trauma and illness	176	Time to notify certain information to Regulatory Authority
87	Incident, injury, trauma and illness record	S162A	Persons in day-to-day charge and nominated supervisors to have child protection training
145	Staff records	S165	Offence to inadequately supervise children
155	Interactions with children	S167	Offence relating to protection of children from harm and hazard
168	Education and care service must have policies and procedures	S174	Offence to fail to notify certain information to Regulatory Authority
170	Policies and procedures to be followed	S175	Offence relating to the requirement to keep enrolment and other documents

LEGISLATION

<u>Children and Community Services Act 2004</u>	<u>Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022</u>
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DEFINITIONS

Mandatory Reporting: is the legislative requirement for selected classes of people to report suspected child sexual abuse to government authorities. In Western Australia (WA), mandatory reporting is regulated by the *Children and Community Services Act 2004*.

Mandatory Reporters: Mandatory reporter groups have been introduced in stages and include:

- teachers
- early childhood workers
- out-of-home care workers

Child Sexual Abuse: Under section 124A of the Children and Community Services Act 2004, *sexual abuse*, in relation to a child includes sexualised 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 of maturity of the child and another person involved in the behaviour.

Reasonable Belief: Means that a reasonable person, doing the same work, would have formed the same belief on those grounds.

Reportable Conduct Scheme: compels heads of organisations that exercise care, supervision, or authority over children to notify allegations of, or convictions for, child abuse by their employees (including contractors and volunteers) to the Ombudsman and then investigate these allegations.

Reportable Conduct: Any paid employee who has been alleged to, or has been convicted of Sexual offences, sexual misconduct, physical assault, significant neglect of a child; and any behaviour that causes significant emotional or psychological harm to a child.

THE APPROVED PROVIDER WILL ENSURE:

- That the service has policies and procedures in place for providing a child safe environment
- To develop and implement a procedure for reporting child sexual abuse
- The Ombudsman is notified of reportable conduct or conviction following an allegation against an employee within 7 days of becoming aware
- All reporting requirements in relation to child sexual abuse are fulfilled
- Notification to the TRBWA is provided within 7 days where the approved provider has reasonable grounds to suspect a registered teacher may have engaged in serious misconduct or has taught

with serious incompetence in circumstances where the teacher is dismissed, suspended or has resigned for a service.

- To develop and implement sound management of records
- All nominated supervisors, educators and other staff are:
 - Aware of their mandatory reporting obligations and responsibilities to report on child sexual abuse
 - Aware of indicators of child sexual abuse
 - Provided with training and development in child protection and mandatory reporting on an annual basis
 - Provided with a reporting procedure and professional standards to safeguard children
 - Supported to create a maintain a child safe culture within the service by complying with the National Principles for Child Safe Organisations
- Complaint handling processes are child focused providing support and guidance for children to know who to talk to if they are feeling unsafe

NOMINATED SUPERVISOR WILL ENSURE:

- All educators and other staff are provided with a copy of the current *Mandatory Reporting Policy* and *Child Protection Policy and related procedures* as part of the induction process
- Any educators and other staff of the service complete a course in child protection annually
- Any educators and other staff of the service complete a course in mandatory reporting annually
- Access is provided to all staff regarding relevant legislations, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations
- Records of abuse or suspected abuse are kept in line with our *Privacy and Confidentiality Policy*.
- The regulatory authority is notified through the NQA-ITS (within 7 days) of any allegation or incident where it is reasonably believed that sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- The regulatory authority is notified through the NQA-ITS (within 24hrs) of a serious incident, which may include sexual abuse where emergency services attended the service
- The Approved Provider is advised of any instances of reportable conduct (*see definition*)

EDUCATORS AND OTHER STAFF WILL:

- Contact the police on 000 if there is an **immediate danger** to a child and intervene if it is safe to do so
- Follow the Mandatory Reporting Procedure

- Complete child protection and mandatory training annually
- Be able to recognise indicators of child sexual abuse
- Respect what a child discloses and take it seriously
- Immediately report any concerns, allegations or disclosures of child sexual abuse to the nominated supervisor
- Be able to specify the reasonable grounds on which they have formed a belief that a child has been or is being sexually abused
- Understand their obligations as mandatory reporters, including their requirement to submit a written report
- Promote the welfare, safety, and wellbeing of children at the Service
- Understand how to prepare accurate records recording exactly what happened, conversations that took place and what was observed and NOT investigate suspicion of child sexual abuse, but collect only enough information to substantiate a reasonable belief

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the *Children and Community Services Act 2004* effective 26 August 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances.

Provided the report is made in good faith:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- the report is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or disclose its contents
- the identity of the person making the report is protected.
- a report is also an exempt document under the *Freedom of Information Act 1992*

Failure to make a report can result in a fine of up to \$6000. A person can be prosecuted within 3 years after failing to make a report, after that any action will be at the Attorney General's discretion.

RELATED DOCUMENTS

RESOURCES	PROCEDURES
Mandatory Reporting Guide WA Mandatory Reporting FAQs Recognise Child Abuse Information Booklet	Mandatory Reporting Procedure

SOURCE

Australian Children's Education & Care Quality Authority. (2014).
 ACECQA. (2023.) Embedding the National Child Safe Principles.
 Australian Government Department of Education. [Belonging, Being and Becoming: The Early Years Learning Framework for Australia](#). V2.0, 2022
Children and Community Services Act 2004
 Early Childhood Australia Code of Ethics. (2016).
 Education and Care Services National Law Act 2010. (Amended 2023).
[Education and Care Services National Regulations](#). (Amended 2023).
Freedom of Information Act 1992
 Government of Western Australia. Department of Communities, Child Protection and Family Support. (2024).
[About mandatory reporting legislation](#)
 Guide to the National Quality Framework. (Amended 2023).
 Ombudsman Western Australia. Early Childhood Education and Care Sector Reporting Obligations 2023.
[Western Australian Education and Care Services National Regulations](#)

REVIEW

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
NOVEMBER 2024	<ul style="list-style-type: none"> Modification of template Revision of content (succinct and explicit) 	November 2025
AUGUST 2024	<ul style="list-style-type: none"> policy maintenance added legislation and information added: Reportable Conduct Scheme (effective 1 Jan 2023) update to amendment to Working with Children (Criminal Record Check) Act 2022 continuous improvement section added CCD related resources added 	November 2024