



montessori school

## Child Abuse Protection Policy

### 1.1 Introduction

The Children and Community Services Act 2004 is the primary Act concerning the care and protection of children in Western Australia. Other relevant legislation includes *Children and Community Service Amendment (Reporting Sexual Abuse of Children) Act 2008*, *Criminal Code Act (1913)*, *Criminal Code Amendment (Cyber Predators) Act 2006* and *Working with Children (Criminal Record Checking) Act 2004*.

Banksia Montessori School's philosophy incorporates the development of the whole child, including their ability to recognise and respond to harm. Banksia is a child-safe and friendly organisation that values all children and fully understands that keeping children safe requires the commitment of the whole School Community. We strive to embed the 'keep all children safe' message in Banksia's culture by having transparent policies that are understood and accepted by everyone.

Banksia operates within the Act and other child protection legislation enacted by every state and territory of Australia that sets out legal and regulatory requirements around the interactions with children, the care of children and the reporting of concerns. The Child Safe Organisations WA: Guidelines' framework of 2018 is used. This framework underpins Banksia's commitment to the protection, safety and well-being of all children.

Banksia nurtures a culture of safe disclosure and responds appropriately to any disclosures, allegations or suspicions of harm. To facilitate this process, Banksia has a friendship bench where the children are encouraged to spend time alone with staff talking about matters that concern them.

### 1.2 Banksia's Protective Behaviours Curriculum

All Banksia students take part in a developmentally appropriate (for children aged 3-6 years) protective behaviours curriculum, developed by experts in child abuse prevention. It covers what the boundaries are between appropriate and inappropriate interactions and when, how and whom to tell when a boundary is crossed. The children participate in planned and spontaneous lessons.

The Principal is responsible for the regular development, maintenance, implementation and review of policies, procedures and strategies of Banksia's Protective Behaviours Curriculum.

In addition, to ensure that the School Council remains fully informed, amendments or new Child Abuse Protection Policies, procedures and strategies are viewed or reviewed by the School Council as soon as they become available and/or on an annual basis.

The School Council is accountable for all matters concerning child protection and the Principal is responsible for following the child protection policy and procedures. The School Council as the governing body ensures that actual breaches of the Staff Code of Conduct, where there are reasonable grounds to suspect grooming, are reported to the Director General in accordance with standards 9.2.

of the Registration Standards for Non-Government Schools. These are supplemented by a school community-wide culture of due diligence and vigilance towards child safe practices.

Training, managing staff and volunteers, creating safe environments and an ongoing cycle of assessment to continuously improve vigilance all contribute towards the maintenance of a child safe environment.

Members of the School Community may ask to see Banksia's Protective Behaviours Curriculum and give feedback; however, they may not exclude their child/children from the program.

### 1.3 Staff Recruitment and Screening Processes

Banksia's commitment to protect children from all forms of harm is reflected in its recruitment and screening processes. Advertisements placed for new employees, volunteers and external Council Members will include a statement about Banksia's commitment to child protection.

Employees of Banksia Montessori School holding a position of one of the following; Administration Staff, Teachers Assistant, Teacher and the School Principal, are required to have a National Police Clearance Certificate and a Working with Children Check. This also applies to education students who wish to do a practicum or work experience. Council Members of Banksia Montessori School are required to have a National Police Clearance Certificate. In addition, any other screening deemed appropriate may be performed such as contacting past employers both in Australia and overseas, or asking the applicant to demonstrate an understanding of appropriate behaviour towards children and share their appreciation for ongoing supervision and training when dealing with children.

All employees undergo mandatory reporting training and are expected to attend a school community Protective Behaviour Workshop organised every two years. In addition, all teaching staff complete Mandatory Reporting of Child Sexual Abuse training every two years and a Creating Safer Independent Schools workshop on a rotational basis.

### 1.4 All parents working as volunteers at the school must sign a confidentiality declaration. Definitions

**Teacher:** a person who is registered under the Teacher Registration Act 2012.

**Child:** as defined in section 3 of the Act is 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.

**Sexual Abuse:** as defined in section 124A of the Act:

*'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 Western Australian consent laws.

**Child abuse and neglect:** the maltreatment of a child caused by the action or inaction on the part of a person who has responsibility to care for a child that results in harm or injury to the child. The maltreatment experienced may include: emotional abuse, physical abuse, sexual abuse and neglect. Adults who are responsible for children should be aware that research indicates that a substantial proportion of abuse is perpetrated on children and youth by other youth.

- **Emotional abuse:** an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorising, bullying, isolation, continued belittlement and exposure to chronic or serious domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child's emotional, intellectual or social development.
- **Physical abuse:** physical harm caused to a child. It includes injuries such as cuts, bruises, burns, and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation or excessive discipline.
- **Sexual abuse:** a wide range of behaviour or activities that expose or subject a child to sexual activity that is illegal and/or inappropriate to his or her developmental level. These behaviours include observation or involvement with inappropriate fondling of a child's body, making a child touch an adult's genitalia, showing pornographic material to a child, and sexual penetration of the child.

**1.5 Neglect: failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, healthy food, suitable clothing, medical care and emotional security. Indicators of Child Abuse and Neglect**

The tables below provide some indicators of child abuse and neglect. It must be noted that children frequently show indicators from more than one category and the examples listed are not necessarily exclusive to a single category of abuse. Any of these indicators may suggest that a student is being abused, neglected or at risk of harm. However, indicators should be considered in the context of the student's age, medical and developmental history and capabilities. In addition, mental illness, substance abuse and domestic violence within families need also to be considered.

The single most helpful item for staff to consider is the deviation from normal or baseline behaviour of a child. A child who has been abused experiences mixed emotional and physical responses to abuse and may well be confused by the disconnection between respect/love for the abuser and abhorrence or ambivalence to the abuse itself.

**Emotional Abuse**

Physical Indicators	Behavioural Indicators
Depression	Aggressive or delinquent behaviour
Eating disorders (eating hungrily or hardly at all)	Rocking, sucking thumbs or self-harming behaviour
Lethargy or fatigue	Excessive complaining or passive behaviour
Symptoms of stress	Excessive shyness or withdrawal
Evidence of drug dependence	Low self-esteem
Wetting, soiling or smearing	Fire setting
Psychosomatic complaints	Reluctance to go home
	Deliberate harming of animals
	Poor peer relationships
	Extremes in behaviour from overly aggressive to overly passive

	Delayed physical, emotional or intellectual development
	Fear of a person known to them
	Compulsive lying and stealing

## Physical Abuse

Physical Indicators	Behavioural Indicators
Unexplained bruises	Fear of adults
Burns	Frequent absences, with or without explanation from parents/caregivers
Hair missing in tufts	Guarded or evasive answers to questions about the causes of obvious injuries
Lacerations and abrasions, especially to the eyes, lips, gums and mouth	Injuries that are not consistent with a child's explanation of them
Missing or loosened teeth	Disclosure of abuse directly to an adult or indirectly to a friend
Self-mutilation	Fear of going home
Welts in various stages of healing	Arms and legs kept covered by inappropriate clothing in warm conditions
Marked delay between injury and medical assistance	Avoidance of physical contact (particularly with parent or carer)

## Sexual Abuse

Physical Indicators	Behavioural Indicators
Bruises or bleeding from external genitalia, vagina or anal region	Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way; e.g. "I know a person who..."
Blood stained underwear	Inappropriate expressions of affection
	Sexualised behaviours or knowledge of sexual behaviour inappropriate to their age
Signs of pain, itching or discomfort in the genital area	Disclosure of abuse through drawings, play or writing
Urinary tract infections	Frequently urinating and abdominal pain
Bed-wetting and bed soiling	Psychosomatic complaints
Unexplained wetting/soiling after prolonged period of being toilet trained	Regressive behaviour
	Reluctance to change clothes in front of others
	Wearing of inappropriate clothing
	Fear states e.g. anxiety, depression, obsessive neatness, socially withdrawn or overly compliant behaviour

	Poor peer relationships
	Inability to concentrate in school
	Fear of being alone with a particular person
	A child that is implying that he/she is required to keep secrets

## Neglect

Physical Indicators	Behavioural Indicators
Abandonment	Falling asleep in school
Poor hygiene	Poor school attendance, or alternatively constant attendance at school even when sick
Lack of adequate or suitable clothing	Poor academic performance
Inadequate nutrition	Steals or begs for food or eats food from bins
Lack of medical or dental care	Dull, apathetic appearance
Constant fatigue	Engages in vandalism
Developmental delays	Engages in sexual misconduct
Untreated sores, boils or lice	Evidence of drug or alcohol abuse in the household
Lack of adequate supervision	Early arrival at school or reluctance to leave

## 1.6 Suspicions of Child Abuse or Neglect

**Should a staff member suspect that there is an issue of abuse or neglect, the following steps should be followed: Step 1**

The staff member makes observations and keeps note of any concerns that have them to the belief of child abuse or neglect.

Where the staff member has formed a belief that the child is at imminent risk of being abused, they should immediately call the police. This does not fulfil the legal obligation to report child sexual abuse and make a Mandatory Report to Department of Communities – Child Protection and Family Support (DCP).

### Step 2

The staff member may wish to discuss the disclosure with the Teacher and/or Principal or consult with the Non-Government School's Psychology Service. Confidentiality within the school is important and the disclosure of this information should only be discussed with those at Banksia who are required to know, ie. The Principal and Chair of the School Council.

### Step 3

The staff member is to report all disclosures and strong concerns of abuse or neglect to the DCP.

In the best interest of the child, all strong concerns for the welfare of a child at the hands of their parents/guardians will be discussed with the DCP or the police prior to advising parents/guardians.

Strong concerns and disclosures of abuse and neglect from a person who is not the parent/caregiver should be advised to the police. The Principal should also seek external support to the student and

family.

The staff member must maintain a written record of communication with the DCP or the police and subsequent actions taken. The authorities will decide how to proceed and may provide feedback to the teacher/mandated reporter.

If the staff member who reported the child abuse to the Teacher and/or Principal, is not happy with the remedial progress of his/her report, they may then make the same report to the Chairperson of the School Council.

The powers DCP under the Child Welfare Act 1947 include: apprehension without a warrant of children in need of care and protection; interviewing the child; removal of the child from the School and performing a medical examination.

#### **Step 4**

If following a report, the family approaches the school, it is recommended that any interview be conducted with the Principal, and two additional staff members to provide support. The Principal should report all strong concerns and disclosures of abuse and neglect to the parents/caregivers only on the advice of the police or DCP.

#### **Step 5**

The Principal should undertake ongoing support for the staff members, the students and anyone else affected and review all related policies and procedures to incorporate the new learnings. Support for the School Community will be accessed through specialised outside agencies recommended by DCP and the police. Support for individual students who are at risk or are the victims of abuse or neglect will be supported by the school after consultation with DCP as to an appropriate individual management plan.

Staff cannot agree to demands for confidentiality when the welfare of a child may be at stake. All children have the right to be protected from all forms of harm.

### **Disclosure of Child Abuse or Neglect by a child**

If a student makes a disclosure it is important that the staff member be aware of the immediate needs of the student and what to do. Children make disclosures using language at their own developmental level. Most disclosures are accidental and partial. The child should be encouraged to speak freely with the staff member responding objectively and unemotionally.

Staff should:

- Use 'protective interrupting' in a public area acknowledging you have heard them;
- Gently indicate that you would like to talk some more in a private place where overhearing cannot take place and do this almost immediately;
- Listen to the child and let them take their time;
- Let the child use their own words to tell you what happened;
- Let the child know what you will do next, including contacting the Principal, DCP and the police. Be honest about the limits on confidentiality and explain the need for those parties to know the details of the disclosure and why;
- Provide empathy, understanding and reassurance that the disclosure is believed, is right thing to do and it is not the child's fault;
- Acknowledge that it is difficult to talk of such things and try to identify immediate fears and remain with the child if they need you;

- Document the conversation accurately using the child's words.

## 1.7 Grooming

Grooming in a child protection context refers to deliberate actions undertaken to engage in inappropriate or sexual activity with a child. It differs from sexual abuse in that it is primarily a preparatory activity occurring before abuse occurs, and is continued during and after the abuse to ensure the safety of the groomer. Grooming includes the grooming of the community around the child and grooming of the child. Grooming may be defined as a subtle, gradual and escalating process of building trust with a child and those around the child, with the express purpose of the sexual gratification of the perpetrator. It is deliberate and purposeful and abusers may groom children for weeks, months or years before any sexual abuse actually takes place. The grooming may occur via cyber media.

The groomer will employ manipulation, guilt, shame, bribery, coercion or exploit low self-esteem to manipulate the child and alienate them from protective disclosure sources. Plausible deniability is a deliberate strategy employed to maintain secrecy of the abuse. The groomer will exploit vulnerabilities of the protective elements around the child and are adept at identifying anomalies, boundary ambiguities, and the lack of systemic awareness.

All staff must have a clear understanding of appropriate and inappropriate behaviours around children and an ability to recognise when the grooming process is taking place. This contributes towards making Banksia a safe place for children.

Staff must understand and recognise that grooming behaviour includes but is not limited to:

- Selecting, befriending and gaining trust of a child and exploiting the child's vulnerabilities;
- Testing a child's boundaries through telling inappropriate jokes and indulging in roughhousing, backrubs, tickling or sexual games;
- Moving from non-sexual touching to 'accidental' sexual touching thereby desensitizing the child to the touch;
- Manipulating the child to not tell anyone about what is happening;
- Causing the child to feel responsible for the abuse;
- Getting the child to participate in activities that will lower their inhibitions in preparation for engaging in some form of abuse for e.g. pornography.

Staff should also remain vigilant for grooming that includes using deflection strategies to remain unchallenged, such as promoting themselves as caring, available and trustworthy; raising doubts about the abused child's reliability, fostering the abuser's role as a dependent and presenting themselves as someone who would never harm a child.

### Preventing Grooming

1. All members of the School Community including Staff are accountable to a Code of Conduct.
2. Staff members are obliged to challenge what they perceive to be inappropriate behaviour.
3. Employees, volunteers and parents/guardians are expected to be familiar with all school policy documents relating to child protection including Duty of Care, Anti-Bullying, Child Protection, Behaviour Management, Grievance Resolution and the Codes of Conduct and thus have a clear understanding of the school's expectations of their interactions with children and the processes for reporting any concerns.

Where a member of the School Community is investigated for behaviours considered to be grooming this is a critical incident and must follow the mandated procedure for critical incidents.

In cases where a former student, or the parent or guardian of a former student, makes an allegation about child sexual abuse at the school occurring before 2009, the DCP is to be informed immediately.

## **1.8 Use of Technology**

To protect students from unsuitable internet material, no child will be allowed to access internet technology at Banksia without the teacher's supervision.

## **1.9 Mandatory Reporting of Child Sexual Abuse**

The Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the Children and Community Services Act 2004.

### **1.10.1 Mandatory Reporters and Non-Mandatory Reporters**

It is a legal requirement in Western Australia for doctors, nurses, midwives, teachers, police officers and boarding supervisors to report all reasonable beliefs of child sexual abuse to the DCP.

However, all people working with children, whether mandatory reporters or not, should report reasonable beliefs and suspicions or concerns about any form of abuse or neglect. Teacher assistants are examples of people who work with children in schools that are not mandated reporters. These people who work with children also have a greater knowledge of the children in their care and can be included in the consultative process with the teacher in the case of sexual abuse.

Reports by those 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 Chair of the School Council.

Mandatory reporters must report a belief, based on reasonable grounds in the course of their work, paid or unpaid, that child sexual abuse has occurred or is occurring. This means that teachers working outside of the school grounds are also required to report when working in either a paid or unpaid capacity. Once a teacher has formed a belief that child sexual abuse has occurred or is occurring that individual teacher is required to make an oral and written report to DCP, not the school Principal. Failure to make a report can incur a penalty.

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 concerns about child sexual abuse. Information on the indicators of sexual abuse is covered in section 1.5 of this document.

### **1.10.2 How to make a Mandatory Report**

A centralised Mandatory Reporting Service has been established to receive all reports of child sexual abuse in Western Australia. This service can be reached on 1800 273 889 and is operational 24 hours a day, 7 days a week.

A report may be made verbally or in writing. 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.



Failure to follow up a verbal report with a written report as soon as is practicable may result in a fine. A written report may, but need not be in, an approved form. The information a report must contain is:

1. The name and contact details of the reporter;
2. The name of the child or a description of the child;
3. If known the child's date of birth, where the child lives and the names of the child's parents or similar;
4. The grounds for the reporter's belief that the child has been the subject of sexual abuse or is the subject of ongoing sexual abuse;
5. If known the name of the person alleged to be responsible for the sexual abuse, their contact details and the person's relationship to the child;
6. Any other prescribed information.

Once the report has been lodged, the mandatory reporter will receive a standardised letter. This letter is proof that a report has been made and thus it is important that it is kept.

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 police. The police determine if 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 to which the report has been referred. Principals may discuss ongoing concerns with DCP. If new information becomes available to the reporter, this information should be submitted to DCP.

Where a teacher has formed a belief that the child is at imminent risk of being abused, they should consider calling the police first. This does not fulfil the legal obligation to report a child sexual abuse belief and the individual who has formed the belief should then make a mandatory report.

Once a teacher has formed a belief based on reasonable grounds, they are required to make the report to DCP. The flowchart above only shows what the teacher must do once they have formed a belief. It does not include any consultation process with other school staff. If the teacher wishes, 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. There is, however, no obligation on the teacher to advise the Principal or other staff of the report or to consult.

### 1.10.3 Confidentiality and Legal Protection

The identity of the reporter is required to be kept confidential, except in limited circumstances. There are exceptions where a reporter's identity is permitted to be disclosed. Even where disclosure is allowed, consideration will be given to ensuring the reporter's safety.

A mandated reporter who is normally governed by a code of confidentiality 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.

### 1.10.4 Further information and assistance

The DCP is the agency responsible for administering the legislation dealing with the mandatory reporting of child sexual abuse.

Further information about child protection and mandatory reporting can be found via:

- Website: [www.dcp.wa.gov.au/ChildProtection](http://www.dcp.wa.gov.au/ChildProtection)  
[www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au)
- Telephone: 1800 273 889
- Email: [CPDUTY@cpfs.wa.gov.au](mailto:CPDUTY@cpfs.wa.gov.au)

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