

Policy Name	Mandatory Reporting Policy & Procedure
Related Policies and Legislation	Child Protection Policy and Procedure Critical Incident & Emergency Policy Code of Conduct – Treetops Staff Children & Community Services Act 2004 Criminal Code Act 1913 Criminal Code Amendment (Cyber Predators) Act 2006 Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 School Education Act 1999 Teacher Registration Act 2012 Children & 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 Oct 2018, 13 Aug 2020, 31 Mar 2022 13 June 2024
Date Set for Review	June 2026 (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 provides regular professional learning and development opportunities to all school staff and school board directors in the identification and reporting of grooming and child abuse. Teaching staff are made 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 in Western Australia

Mandatory reporting laws require designated groups of people to report child abuse to government authorities and draws on the capacity of professionals who typically deal with children in the course of their work to report serious concerns of child abuse to help agencies with the primary aim to protect children from significant harm.

In Western Australia (WA), the *Children and Community Services Act 2004* is the legislation that governs the majority of mandatory reporting in WA. Currently under section 124B of the Act, the following people are mandatory reporters: assessors who visit residential care and secure care services; boarding supervisors; departmental officers of the Department of Communities; doctors; ministers of religion; nurses and midwives; out-of-home care workers; police officers; teachers; school counsellor (1st May 2024); psychologist (1st May 2024); early childhood worker (1st November 2024); youth justice worker (1st May 2025).

Teachers, as mandatory reporters, are required to report concerns of child abuse to the WA Department of Communities.

Section 124B of the Act, requires a specified person in WA to make a mandatory report if the person:

- (b) believes on reasonable grounds that a child –
 - (i) has been the subject of sexual abuse that occurred on or after the commencement day; or
 - (ii) is the subject of ongoing sexual abuse; and
- (c) forms the belief –
 - (i) in the course of the person's work (whether paid or unpaid) as a specified person; and
 - (ii) on or after commencement day,must report the belief as soon as practicable after forming the belief.

Under the Act, a mandatory report must be made as soon as practicable after the reporter forms their belief. This is important as the earlier a report is received, the earlier steps can be taken to protect a child, where this is necessary.

A mandatory report can be made in writing or orally. If an oral report is made, it must be followed by a written report as soon as practicable after making the oral report (ideally within 24 hours).

Education assistants, administration staff, and maintenance staff are examples of other staff in schools who work with children who are not mandated reporters. However, all staff who work with children should continue to report reasonable beliefs and suspicions or concerns about all forms of abuse.

Reports by employees who are not mandated are usually made to the Principal of the school. Where the Principal is unable to report or it would not be appropriate, this could be reported by a senior staff member or to the Chair of the governing body.

What is sexual abuse?

Under section 124A of the *Children and Community Services Act 2004*, 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.

These behaviours can include grooming, exposure to pornographic material, sexual penetration, inappropriate touching, exposure to other sexual acts and soliciting children for sexual exploitation. Sexual abuse occurs when a child has been exposed or subjected to sexual behaviours that are exploitative and/or inappropriate to their age and developmental level. In most cases, coercion and fear is common in child sexual abuse.

The Act defines a child as 'under 18 years of age, and in the absence of positive evidence of age, means a person 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 all students at the school. In these instances, police should be informed of any assault or crime against the young person.

What are 'reasonable grounds' for suspicion?

A mandatory reporter (teacher) 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.

Reasonable grounds may include:

- observations of a child's behaviour
- observations of the behaviour of an adult interacting with the child
- when a child tells staff that they, or another child, has been harmed
- when staff hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

A mandatory reporter (teacher) does not have to be able to prove that harm has occurred. Professional judgement and objective observation help to identify warning signs or possible indicators of child sexual abuse and contribute to a reporter forming a belief on reasonable grounds. Knowledge of child development and consultation with colleagues or other professionals can also contribute to reasonable grounds.

If the mandatory reporter (teacher) wishes, they may include the Principal and other relevant staff in discussions with them in relation to a specific child/ren prior to forming a belief based on reasonable grounds. If these other staff are mandated reporters and they then personally form a belief, they are then obliged to make a report unless agreed that they do the report together.

It is the mandatory reporter's (teacher's) responsibility to make the report directly to the Mandatory Reporting Service when they form a belief on reasonable grounds that sexual abuse has occurred or is occurring. The Principal and other relevant staff are there to provide support/consultation if required. Teachers may advise the Principal of the report, but there is no obligation on the teacher to do so.

If a mandatory reporter (teacher) has not formed a belief that a child has been or is being sexually abused but are sufficiently concerned, it is recommended that they consult with their internal support areas, such as Child Protection Consultants within their organisation. Alternatively, they can contact the Department of Communities on 1800 273 889.

In cases where the mandated reporter (teacher) believes on reasonable grounds that a child has been or is the subject of sexual abuse and they form a belief in the course of their work paid or unpaid on or after their commencement day, they must report the belief as soon as is practicable after forming the belief to the Department of Communities through the Mandatory Reporting Service (MRS).

Following a disclosure, it is recommended mandatory reporters (teachers) consult with the Principal or senior staff member to seek guidance in relation to who needs to be informed, where to file the documentation of the report and next steps to support the child and/or minimise the likelihood of the abuse continuing.

How does a mandatory reporter make a report?

Before making a report, mandatory reporters should consult the Department of Communities 'Mandatory Reporting Guide: Western Australia' to assess whether they believe that a child has been or is being sexually abused.

If staff believe a child is in immediate danger or life-threatening situation, contact the WA Police Force immediately.

Once a mandatory reporter forms a belief, on reasonable grounds, that a child has been or is being sexually abused, they must make a report to the Department of Communities **Mandatory Reporting Service (MRS)**.

The service can be contacted 24 hours a day, 7 days a week by phone on **1800 708 704** to discuss the report or provide advice to the reporter.

The preferred reporting method is online via the '**MR Web Portal**'. When making a mandatory report via the MR Web Portal, the user will be guided through the system to assist with providing the required information to the MRS. A blank mandatory reporting form can be requested from the MRS to be sent via email if unable to access the MR Web Portal. Completed forms can be emailed to mrs@communities.wa.gov.au.

An oral report can be made if the reporter believes that the child is at immediate risk, but this must be followed by a written report as soon as practicable (preferably within 24 hours) after the oral report is made in accordance with section 124C (1) *Children and Community Services Act 2004*.

Failure to submit the written report is an offence with a \$3,000 fine.

Failure to make a report when a belief has been formed is an offence with a \$6,000 fine.

What information needs to be included in a mandatory report?

For the Mandatory Reporting Service (MRS) to assess the child's safety and determine the most appropriate response, it is important that the mandatory reporter provides as much information as possible.

Mandatory reporters are responsible for providing good quality information in order for the Department of Communities and the WA Police Force to conduct assessments and investigations in a timely manner. However, the MRS is aware that mandatory reporters may not know all the information they are asked to provide. It is important not to interview the child to obtain information, as this is the task of the Department of Communities and the WA Police Force.

The MRS may ask a reporter clarifying information and may request the reporter to follow up with the child and/or parent or others involved to ensure all necessary actions have been taken to assist with the assessment. Some of the questions they are asked may not seem relevant to the reporter but may greatly assist in determining the child's safety and circumstances.

If there has been a disclosure of abuse, it is useful to include the context of the disclosure when making the report. For example, if the disclosure occurred within the context of a protective behaviours or abuse prevention program class, this should be noted in the report.

Information that must be included.

Under section 124C of the *Children and Community Services Act 2004*, a mandatory report must contain the following information:

- the reporter's name and contact details
- the name of the child, or, if this cannot be obtained after reasonable inquiries, a description of the child, and
- the grounds on which the reporter believes that the child has been the subject of sexual abuse or is the subject of ongoing sexual abuse.

The following information must also be provided to the extent that it is known:

- the child's date of birth
- where the child lives
- the names of the child's parents or other appropriate persons (e.g., adult relative or person who the child usually lives with), and
- the name of the person alleged responsible, their contact details and their relationship to the child.

What happens next?

The Mandatory Reporting Service (MRS) will:

- After a report is lodged, send a receipt number to the reporter. This number is proof that a report has been made, so it is important that the response is retained and securely stored.
- conduct an initial assessment to decide on the next steps in relation to the child, including determining if any immediate action is required to protect the child’s safety.
- Send a copy of the report to the WA police.
- The reporter may be contacted by the Department of Communities or the WA Police for further information after submitting a mandatory report.

The Principal should arrange ongoing support for the teacher, the student, and anyone else affected. The need for ongoing support is often necessary as the teacher will continue in their role with the student, and the Department of Communities’ role may continue for an extended period of time.

To avoid interfering with any investigative process initiated by the Department of Communities or the WA Police, the Principal or teacher must seek advice from these agencies prior to informing the parent/carer of a concern of abuse or neglect.

Confidentiality and Legal Protection

The identity of a mandatory reporter is required to be kept confidential, except in limited and very specific circumstances. Section 124F(2) of the Act protects a reporter’s identity from being disclosed. This includes information where a reporter’s identity could be deduced. (s124A) Disclosure of a reporter’s identity carries a maximum fine of \$24,000 and 2 years’ imprisonment.

There are exceptions where disclosure of a reporter’s identity is permitted. In such cases, consideration will be given to ensuring the reporter’s safety has been considered. (Part 4 Division 9A s. 124F)

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.

Procedure for mandatory reporters to consider when making a mandatory report of child sexual abuse.

