



# Child Protection Policy

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## INTRODUCTION

All staff at Australian Islamic College are responsible for the care and protection of students. Everyone in the college community has the responsibility/duty of reporting any concerns related to emotional, physical or sexual abuse and/or neglect. This policy sets out guidelines for those caring for students either directly or indirectly in the school setting in fulfilling responsibilities for Child Protection.

All children have a right to be protected from harm and schools and teachers owe a 'duty of care' to all students at the school. Schools have a special responsibility to protect children when they are on school premises and also to intervene when they believe the welfare of a child is at risk outside the school.

On the 1<sup>st</sup> January 2009, the Western Australian government introduced new legislation that requires various occupations, including teachers, to report on child sexual abuse. This legislation is the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* and is an amendment to the *Children and Community Services Act 2004*.

**What is Child Abuse?:** Child abuse and neglect, through the Department for Child Protection, is defined as maltreatment done by a person who has responsibility to care for a child and this document concentrates specifically on that relationship.

However, it is very important to note that the definitions of child maltreatment described in this document can be used to explain some of the behaviour that can occur in schools by one child to another. While the treatment of such behaviour may be dealt with through the colleges Bullying and Behaviour Management policies, the victim of that 'bullying' may display some of the physical and behavioural indicators as those described in this document. These events should be treated seriously by the school with the aim to help both parties.

It is also important to note that the child who is 'bullying' may be doing so because they have been subjected to the same inappropriate behaviour and may require assistance through the college's Child Protection policy.

## ISLAMIC GUIDELINES

Australian Islamic College endeavours to protect all students from harm, to decrease risk of abuse and provide a safe Islamic environment for students to develop academically, spiritually and socially.

The notion that all children have a right to be protected from harm, is an important aspect of the Islamic faith. We firmly believe that God has given all

educational institutions and its leaders the responsibility of protecting all children placed in their care. Leaders and those appointed by the leaders are fully accountable for the well being of each child in the College.

Islam instructs us to treat our elders with respect and our youngsters with kindness. The welfare of children under our care is paramount to the colleges objectives. All staff need to be aware of the proper etiquette and manner in which to address issues of abuse or neglect. Staff are encouraged to deal with all instances of abuse with kindness and sensitivity.

It is narrated that the Prophet Mohammad (peace by upon him) kissed Hasan ibn 'Ali while Aqra' ibn Habis was sitting nearby. Aqra' said, 'I have ten children and have never kissed one of them.' The Prophet looked at him and said, *“Those who show no mercy will be shown no mercy’*.

Prophet Mohammad (peace by upon him) said:  
*Indeed Allah is gentle and loves gentleness, and gives due to gentleness, that which He does not give to harshness.*

## **GENERAL PRINCIPLES**

The objective of this policy is:

- To educate staff and the College community about the importance of protecting students from harm.
- To educate staff and the College community about the possible signs of abuse.
- To provide the means for the College community to have any concerns about abuse and risk raised and addressed as per legal requirements.
- To devise and implement procedures which prevent abuse and minimise risks of abuse.

### **How will teachers, parents and community know about mandatory reporting and the processes of it?**

The College will notify all concerned parties of the mandatory reporting requirements via the following means:

- Conducting in school and out of school professional learning sessions for all teachers.
- Letters to parents an/or information in the school’s regular online newsletter.
- Posting of the Child Protection Policy and the *Mandatory Reporting of Child Sexual Abuse in Western Australia - A guide for mandatory reporters* with Fact Sheets on the college website ([www.aic.wa.edu.au](http://www.aic.wa.edu.au)).

## 1. Definition of Child Maltreatment

### **Child Abuse and Neglect**

This is maltreatment of a person under the age of 18 years. It is the result of action or inaction on the part of a person who has responsibility to care for a child resulting in harm or injury to the child. The harm may include delayed physical and/or intellectual development. The maltreatment experienced is normally described in five categories. Each category of maltreatment is described by a range of indicators:

- Physical
- Sexual
- Emotional
- Psychological
- Neglect

### ***Physical abuse***

Physical abuse occurs when a child has experienced severe and/or persistent ill-treatment. It can include, but is not limited by 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, excessive discipline or physical punishment.

Female Genital Mutilation (FGM) is defined as physical abuse. FGM is the collective term for traditional practices that involve cutting the external female genitalia.

### ***Sexual abuse***

Sexual abuse covers a wide range of behaviour or activities that expose or subject a child to sexual activity that is exploitative and/or inappropriate to his/her age and 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 or sexual acts to a child, and sexual penetration of the child. Harm from sexual abuse may include significant emotional trauma, physical injury, infections and impaired emotional and psychological development.

### ***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. Children who have been emotionally abused are likely to be fearful, withdrawn and/or resentful, distressed and despairing.

### ***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 is the failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic or remedial care and emotional security. Neglect can be acute, chronic or episodic, and can result in detrimental effects on the child or young person's social psychological, educational or physical development and/or physical injury. Neglect should be considered in the context of physical, emotional or psychological abuse.

Descriptions of these indicators have been taken from the Department for Child Protection document *"Identifying and responding to child abuse and neglect – A Guide for Professionals"*.

**Note:** Students aged 18 and over may attend school but are legally considered adults and as such DCP does not have a child protection mandate for them. However, they can be considered potentially vulnerable and in need of specialist services and schools do owe a duty of care towards them. There are many youth-specific agencies available to assist these students. Details of these are listed in this document. Australian Islamic College will contact the Police when aware of any assault or crime against a young adult.

## 2. Indicators of Child Abuse and Neglect

The following list of indicators is not exhaustive but contains those that will be of most use to staff. This list has been taken from the Department for Child Protection document *“Identifying and responding to child abuse and neglect – A Guide for Professionals”*.

Students 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 must also be considered.

### ***Physical abuse***

- broken bones or unexplained bruises, burns, or welts in various stages of healing
- the child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre
- direct admissions from the parents that they are concerned that they might harm their child
- family history of violence
- marked delay between injury and obtaining medical assistance
- parent who shows little concern about the welfare of their child or the treatment and care of the injury
- repeated presentations of the child to health services with injuries, ingestions or minor complaints (this could also be an indicator of Factitious Disorder by proxy, a rare expression of physical and emotional abuse)
- the child or young person is unusually frightened of a parent or carer, or is afraid to go home
- the child or young person reports intentional injury by their parent or carer
- arms and legs are kept covered by inappropriate clothing in warm conditions
- ingestion of poisonous substances including alcohol or drugs
- avoidance of physical contact by the child (particularly with a parent or carer)
- Female Genital mutilation

### ***Sexual abuse***

- 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)

### ***Emotional or Psychological abuse***

- the parent or carer constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- the child or young person exhibits extremes in behaviour from overly aggressive to overly passive
- delayed physical, emotional, or intellectual development
- compulsive lying and stealing
- high levels of anxiety
- lack of trust in people
- feelings of worthlessness about life and themselves
- eating hungrily or hardly at all
- uncharacteristic seeking of attention or affection
- reluctance to go home
- rocking, sucking thumbs or self harming behaviour
- fearfulness when approached by a person known to them

### ***Neglect***

- signs of malnutrition, begging, stealing or hoarding food
- poor hygiene: matted hair, dirty skin or severe body odour
- unattended physical or medical problems
- the child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- child or young person appears constantly tired
- frequent lateness to school or absence from school
- inappropriate clothing, especially inadequate clothing in winter
- alcohol and/or drug abuse present in the household
- frequent illness, low grade infections or sores
- hunger



### 3. Myths about Child Abuse and its Prevalence

An accurate understanding of the dynamics underlying child abuse is important because the impact of any form of abuse on the victim can be life changing. Common outcomes associated with abuse include drug abuse, suicide, eating disorders, low self-esteem, psychosomatic illness and self-mutilation.

There are many **dangerous beliefs and myths about sexual abuse**. Some of the common ones are shown below:

- sexual abuse is not relevant to Muslim families/children.
- sex between children and adults is not damaging if it is in the context of a loving relationship;
- it is not the abuse which causes the problem but the effects of the intervention by others;
- those abused turn into abusers;
- children frequently lie about sexual abuse;
- sexual abuse is more common in lower socio-economic areas and families;
- only men sexually abuse children;
- sexual abusers are readily identified by 'normal' people.

#### **4. The Facts about Child Abuse**

Children or young people are more often abused by a parent or carer. Adults who were abused as children are at greater risk of developing psychological and emotional problems later in life, and repeating the pattern of abuse with their own children.

A child abuser can be a member of the family (father, step-father, mother etc.) or someone close to the family or the child (teacher, community group leader). A child abuser usually spends a lot of time grooming the child with the child being made to feel that they are in some way complicit in the acts, thus making disclosure a difficult process.

On the whole, abusers are the least obvious people in our community. Many child sex abusers, for example, hold positions of trust within the community with easy access to children and their families. Occupations that some convicted child sex offenders have held include bus driver, entertainer, teacher, scout leader, librarian, principal, church leader, judge.

A recent study carried out by Huddersfield University, UK found that 52% of children were sexually abused in community-based organisations. These included sports and voluntary groups and also private tuition classes.

In Australia, a case of child abuse is reported every 2.5 minutes.

Almost three times as many girls as boys have substantiations of sexual abuse but boys are more likely to be physically abused. (AIHW, Australian Institute of Health and Welfare, 2008)

Two-thirds of all substantiations are for children aged 10 years old and under (AIHW, 2008).

Children with an intellectual disability are at the highest risk of sexual abuse. Research indicates that sexual abuse statistics range between 65% and 85% for these young people (Horsley and Azzopardi, 1990).

## 5. Mandatory Reporting of Child Sexual Abuse

### ***The new legislation***

From the 1<sup>st</sup> January 2009, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* came into effect and covers mandatory reporting of child sexual abuse in Western Australia. This amendment forms part of the *Children and Community Services Act 2004*.

In Western Australia, the mandatory reporters of child sexual abuse are the following professions in both the government and non-government sectors:

- doctors
- nurses
- midwives
- teachers
- police officers.

### ***Definition of 'teacher'***

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. Specific language teacher eg Arabic, Aboriginal etc.
- 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 staff in our college, whether mandatory reporters or not, should continue to report reasonable beliefs about all forms of abuse. Non-mandatory reporters at AIC, if appropriate can be included in the consultative process with the teacher in the case of sexual abuse.

**Please note that teachers are required to make the report, not the school principal.**

While the school principal may be involved in the discussion, the teacher is responsible for completing and submitting the report to the Mandatory Reporting Service. See flowchart later in document.

***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 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.

### ***When does a mandatory reporter make a report?***

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 (eg tutoring).

Section 124B of the Act places an obligation on certain people to make a report if they have a reasonable belief that a child is or has been subject to sexual abuse. The section provides:

#### *124B. Matters concerning sexual abuse of children to be reported by certain persons*

(1) A person who-

(a) is a doctor, nurse, midwife, police officer or teacher; and

(b) believes on reasonable grounds that a child-

(i) Has been the subject of sexual abuse that occurred on or after 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 doctor, nurse, midwife, police officer or teacher; and

(ii) On or after the commencement day, must report the belief as soon as practicable after forming the belief.

Section 124B(1) has 3 key elements, namely:

(a) It identifies to whom the section applies;

(b) That the person must believe on reasonable grounds that the child is or has been subject to sexual abuse; and

(c) That the person forms that belief '*in the course of their work*'.

### **What is 'in the course of work'?**

What is conduct that constitutes '*in the course of work*' is an issue of fact and requires a consideration of the facts in each particular set of circumstances. (It is also often described as '*in the course and scope of employment*'.)

With respect to teachers, the course of work is far wider than a teacher just teaching the core subject for which they are engaged to teach. For example, a teacher who is engaged to teach English but then takes on an Art class as a relief teacher is still acting in the course of their work whilst they are teaching in the Art class. Similarly, if that same teacher then was to supervise a group of students going on an external

function away from the school precinct, that would still be within the course of that teacher's work.

Some other examples of the phrase '*in the course of work*' are:

- (a) Teaching relief classes;
- (b) A teacher's DOTT time;
- (c) School yard duties/supervision;
- (d) Before and after the start of the school day (this is similar to the concept of duty of care teachers at the beginning and end of the school day);
- (e) Out of school functions such as school excursions and camps;
- (f) Coaching a school team at the weekend, where that role is part of the teacher's extra-curricular duties.

However, it is not within a teacher's course of work where a teacher in a voluntary capacity coaches their child's sport team at the local sports club, independent of the school. Similarly it would not include the situation where the teacher was at the local shopping centre or at the beach and met or observed a student of the school.

Whilst these can be no hard and fast rule on what is or is not in the course of the teacher's work, a '*rule of thumb*' test that can be applied is that if there is some link to the school, then it should be considered to be the '*course of work*'.

Failure to make a report can incur the maximum penalty of \$6,000.

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 3 of this document.

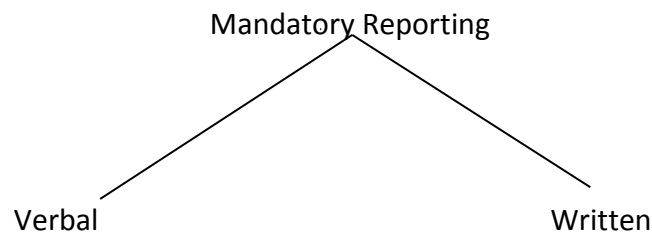
Teachers may wish to consider the following questions to assist them in deciding if their belief is based on reasonable grounds:

- Can you describe the reasons why you believe a child has been, or is being sexually abused?
- What has the child said or done to suggest they are being sexual abused?
- Have you observed, or been told about, the presence of any of the 'possible indicators' of sexual abuse?
- Did the child disclose sexual abuse? What did they say happened? Who did they disclose to and when?
- What other behaviours have you observed and/or interactions with the child are of concern to you? What is the frequency and severity of the behaviour? How long has it been occurring?

### ***How does a mandatory reporter make a report?***

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

There are two ways to make a report - verbal or written.



## **6. Process of Reporting**

A written report is preferred in the first instance, unless the child is at imminent risk or you wish to ask clarifying questions.

- To make a verbal report, the Mandatory Reporting Service can be reached on 1800 708 704.
- 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 of \$3,000.
- A written report form can be downloaded from the mandatory reporting website [www.mandatoryreporting.dcp.wa.gov.au](http://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](mailto:mrs@dcp.wa.gov.au)

Fax to: 1800 610 614

Post to: PO Box 8146

Perth BC WA 6849

### **After the report has been lodged:**

Once you have lodged a report, you will receive an acknowledgement receipt. This receipt is proof that you have made a report so it is important that you keep it.

- All notes made by the reporter are the property of that person. Any information regarding this issue is not to be kept in the child's file at school. It is recommended that the information be stored off-site with the reporter.
- 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 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.

Staff should remember that this also applies to them. If you are aware that another staff member has made a mandatory report, you are required to maintain that person's confidentiality and not reveal any information related to their identity.

## **7. How has the Freedom of Information Act (FOI) been varied to take into consideration the legislation?**

Australian Islamic College are not subject to the FOI Act and therefore the information which they will hold cannot be accessed by a third party under the FOI Act. The FOI Act only applies to Government Departments and statutory authorities.

Once the report under the Act is provided to the Department, then that report would be subject to the FOI Act but only to the extent the exemption in section 1495) of the FOI Act as shown below does not apply.

There are various materials, reports and documents which are exempt from the provisions of the FOI Act and cannot be the subject of an FOI application. These are set out in Schedule 1 of the FOI Act.

When the Act was enacted, Schedule 1 of the FOI Act was amended to include reports made under the Act and also information which the Department collects as a consequence of receiving a report.

*Section 14(5) of the FOI Act provides:*

*'a matter is an exempt matter if its disclosure would reveal or tend to reveal the identity of anyone as:*

*(c) A person who has made or a person who is mentioned in a report under the Children and Community Services Act 2004, section 124B(1) or*

*(d) A person who is a notifier as defined in the Children and Community Services Act 2004, section 240(1) or a person about whom the information mentioned in that definition is given'*

## **What is the teachers' obligation with respect to the storage and retention of notes and reports?**

That aside, under the Privacy Act a teacher, and also the school, do have obligations to keep secure and confidential any notes and reports that they prepare about individual students. These obligations apply irrespective of whether a report has been made to the Department. There are also other requirements with respect to collection, correction, use, access and transfer of information under the Privacy Act.

There is nothing within the Act which requires a teacher to provide the report or their notes to the school nor does it make them automatically the property of the school. However, many schools have in place school policies and procedures which require these types of documents and records to be provided to the Principal of the school and to be kept as school records. In which case the Principal and the school will also have obligations under the *Privacy Act* to keep confidential and secure any notes or reports it may receive.

Once the report has been provided to the Department for Child Protection, the report becomes a 'government record' held by the Department and must be treated by the Department in accordance with the requirements imposed on the Department by the Act and any other statutory obligations.

**Because the reporting obligations under the Act are obligations placed upon the teacher personally, it is recommended that the teacher:**

- (a) Keep a copy of the report and any notes the teacher provides to the Department for Child Protection in compliance with their obligations under the Act;
- (b) Keep a record of receipt by the Department for Child Protection of the report (this is usually in the form of receipt number) as evidence that the report was made to the Department for Child Protection;
- (c) Keep a copy of the report and any notes the teacher provides to the school;
- (d) Should retain copies of any notes, the report and the receipt of the report by the Department for Child Protection, when the teacher leaves the school.

### ***Where to go for information and assistance***

The Department for Child Protection is the agency responsible for the new legislation regarding the mandatory reporting of child sexual abuse. The Mandatory Reporting Service has been established by the Department to receive and investigate reports of sexual abuse.

Each teacher has been provided a booklet entitled 'A guide for mandatory reporters' through the Teacher Registration Board of Western Australia (TRBWA). AISWA has also provided this booklet and 9 fact sheets to all staff working in independent schools that have attended the information session on mandatory reporting.

The Department for Child Protection has established a website [www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au). Information on this website includes frequently asked questions and a copy of the report to download.

The Mandatory Reporting Service can also be contacted through the following ways:

Telephone: 1800 708 704

Email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Fax: 1800 610 614

Post: PO Box 8146, Perth BC, WA 6849

## 8. Cyber Predators

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.

As NetAlert describes on their website,

*"...paedophiles can socialise together, trawl for inappropriate content (such as child pornography) and easily make collections of this and distribute to others.*

*They can pretend to be people other than themselves and they find a sense of security by operating from the confines of their own homes.*

*Grooming children online with the intention to meet them in real life is an activity many undertake.*

*They often set up bogus email accounts and handles (a nickname for a person who uses the Internet) which protect their identity online.*

*Children need to think carefully about a handle they choose. Handles such as \*Angel-Babe\*, \*Sweet-Sixteen\* and \*SexyKid\* appear harmless on the outset, however can attract the wrong attention. Paedophiles are often attracted to people with these types of names.*

*Paedophiles may also erase the history of what they have done online from their personal computers, making it a lengthy task for authorities to charge them with an offence.*

### **Paedophiles conduct numerous activities online:**

- *Swapping child porn pictures in chat rooms or through email or P2P networks;*
- *Swapping personal information of children that they have collected;*
- *Participating in online communities with the intention to groom children for personal sexual gratification or to meet them in person;*
- *Forming networks with other paedophiles;*
- *Trading techniques on how to avoid the authorities."*

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.

The college is active in the education and awareness of CyberSafety through the colleges' policies on Bullying and Internet Usage which further reinforce the importance of this issue for the college community. The college is a regular participant in Cyberbullying initiatives and these issues are addressed and supported through regular professional development for staff and targeted programs for students.

## 9. The role of the Department for Child Protection and WA Police

Mandatory reporting is now a requirement in Western Australia for certain occupations including teachers to make reports when they have a reasonable belief that sexual abuse is occurring or has occurred. For other forms of child abuse mandatory reporting is not yet a requirement, however, schools have a duty of care and a moral obligation to follow the recommended procedures in cases of suspected child abuse.

The *Department for Child Protection (DCP)* [formerly the Department for Community Development] is the government department with the statutory authority to investigate concerns in Western Australia. It is not the school's role to investigate child maltreatment issues, including concerns of sexual abuse. That is the DCP's responsibility. All disclosures or strong concerns of abuse or neglect should be **reported** to DCP by the Principal or teacher. The DCP will then decide on how to proceed. See other sections of this document for detailed information on reporting procedures. ***Please note that the reporting requirements for sexual abuse differ to those for other forms of suspected child abuse.***

The *Western Australian Police* also have a role in responding to allegations of child abuse and neglect. The WA Police Service Child Abuse Investigation Unit intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid. In the case of a report of child sexual abuse, DCP will forward all reports to the WA Police.

Where abuse and neglect has occurred within a family and there is the possibility of criminal charges being laid, the police and the DCP may undertake a joint investigation to reduce the trauma of the interviewing process to the child or young person.

Under section 129 of the *Children's and Community Services Act 2004*, people who give information, in good faith, to the Department of Child Protection and Family Support (CPFS) are protected from incurring any civil or criminal liability, from having breached any confidentiality imposed by law, or from having breached any professional ethics or standards.

The school should be aware that the powers of the DCP under the *Children and Community Services Act 2004* includes:

- **Apprehension of children in need of care and protection** (without warrant)
- **Interviewing the child:** DCP has the authority to interview the child at school before contact is made with the parent/caregiver. Before doing so, the principal or 'person in charge' at the school must be

notified. The child should have the option of having support at the interview from a staff member of their choosing.

- **Removal of children from the school:** DCP officers may remove a child from the school if they have the permission of the parent/caregiver or if they have apprehended the child. The Principal should satisfy themselves that all conditions have been met before this occurs and document all conversations.
- **Medical examination:** DCP may require that a medical examination occur as soon as possible so that bruising, marking and other symptoms can be recorded for future reference. This would normally take place at either PMH or the Community Child Health Services Centres. This examination can only take place if permission has been obtained from the parent/caregiver or the child has been apprehended (when parent/carer permission is not obtained).

### **Police**

Strong concerns and disclosures of abuse and neglect from a person who is not the parent/caregiver should be advised to the police. Principals should also notify the DCP as they can offer support to the student and family, and risk assess other children in the community.

The Police are also notified by the Mandatory Reporting Service of DCP of all reports of child sexual abuse.

The following page outlines the Australian Islamic College notification steps for reporting of abuse.

## 10. Reporting Procedures and Notification Steps

Listed below are the steps to follow in submitting a report.

- Step 1** The individual teacher makes observations and keeps note of concerns that exist that have led them to the belief that a report may be necessary.  
OR  
A student discloses abuse or neglect of the types listed below:
- i. Disclosure of abuse or neglect from someone with a responsibility to care for the student;
  - ii. Alleges sexual contact by staff;
  - iii. Show indication of abuse or neglect;
  - iv. Sexual contact by another student.

*Note: It may assist teachers to think in terms of reporting a behaviour or a series of behaviours and concern/s rather than reporting an individual family.*

- Step 2** The teacher's observations or the child's disclosure should be discussed, in the first instance, with **the Principal**, (except mandatory reporting)  
It is not the role of the teacher to investigate child abuse or neglect matters. They must report concerns to the Principal. For suspected cases of sexual abuse refer to Step 3A.

*Note: It is vital to remember that confidentiality is paramount and that disclosure of this information should only be discussed with those in the school who are required to know.*

### **Step 3A In cases of suspected SEXUAL ABUSE:**

**The teacher is the mandated reporter required to make a report to the Department for Child Protection through the Mandatory Reporting Service.**

#### **Department of Child Protection and Family Support (CPFS)**

In cases of child sexual abuse the teacher will submit a report (verbal and written) to the Mandatory Reporting Service of DCP. The Mandatory Reporting Unit will provide a feedback letter to the reporter outlining which DCP local office is involved, and what action has been taken. The Mandatory Reporting Service is required to forward all reports on to the WA Police.

**Step 3B In cases of other forms of child abuse and neglect:**

The Principal may be the appropriate person who will then decide the appropriate actions to take and who should be contacted.

For other forms of abuse, the Principal should report all disclosures or strong concerns to the DCP of abuse or neglect arising from the actions or inactions of parents/caregivers and maintain a written record of this communication and subsequent actions. The DCP will then decide how to proceed. The decision to progress the matter further is the responsibility of the DCP. The DCP is required to provide feedback to people making reports on child abuse. The Principal should seek undertakings from the DCP that they will be kept informed within the bounds of confidentiality. The Principal's initial contact with the DCP will be through the Duty Officer at the Local District Office closest to where the child lives (all offices are listed in the White Pages). All calls from school concerning students are taken very seriously and it may be appropriate if the emergency occurs after hours to explain to the switchboard operator that it is an emergency so they can speak to the Duty Officer promptly. When reporting to the Duty Officer, note his/her name and position.

**Very important!** To avoid interfering with any investigative process initiated by DCP or the Police, the Principal or teacher must seek advice from DCP or Police prior to informing the parent/carer of a concern of abuse or neglect.

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

**Step 4** If following a report, a family approaches the school, it is recommended that any interview be conducted with a minimum of 2 school members present (eg. The Principal and one other) to provide support.

*Note: It is important to remember that the focus of the meeting should be the welfare of the child.*

In cases of child sexual abuse, the legislation provides protection for the person reporting. Disclosure of the reporter's identity or identifying information to parents or any other party can incur a fine of \$24,000 and two years imprisonment.

**Step 5** The Principal should undertake ongoing support for the teacher, the student and anyone else affected. The need for ongoing support could be necessary as the teacher continues in their role with the student and the DCP's role may continue for a while.



## REPORTING STAGES

### In cases of child sexual abuse



**STAGE 1:** The teacher will submit a report followed by a written report to the Mandatory Reporting Service of DCP.



**STAGE 2:** The Mandatory Reporting Service will provide a feedback letter to the reporter outlining which DCP local office is involved, and what action has been taken.



**STAGE 3:** The Mandatory Reporting Service will forward all reports on to the WA Police.

### For other forms of abuse,

**STAGE 1:** the Principal should report all disclosures or strong concerns to the DCP of abuse or neglect arising from the actions or inactions of parents/caregivers and maintain a written record of this communication and subsequent actions.



**STAGE 2:** The DCP will then decide how to proceed. The decision to progress the matter further is the responsibility of the DCP.



**STAGE 3:** The DCP is required to provide feedback to people making reports on child abuse. The Principal should seek undertakings from the DCP that they will be kept informed within the bounds of confidentiality. The Principal's initial contact with the DCP will be through the Duty Officer at the Local District Office closest to where the child lives (all offices are listed in the White Pages).

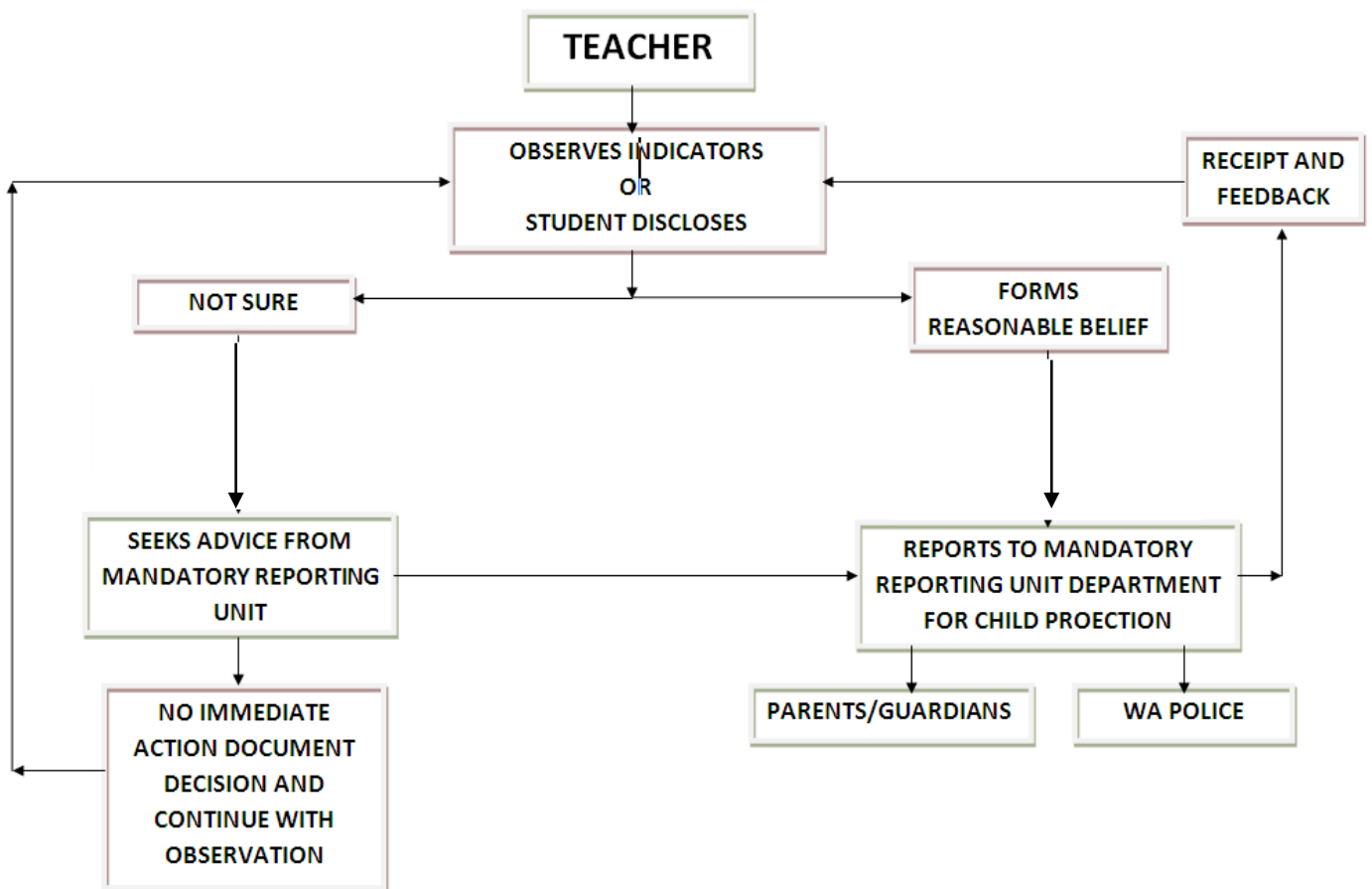


**STAGE 4:** All calls from school concerning students are taken very seriously and it may be appropriate if the emergency occurs after hours to explain to the switchboard operator that it is an emergency so they can speak to the Duty Officer promptly. When reporting to the Duty Officer, note his/her name and position.

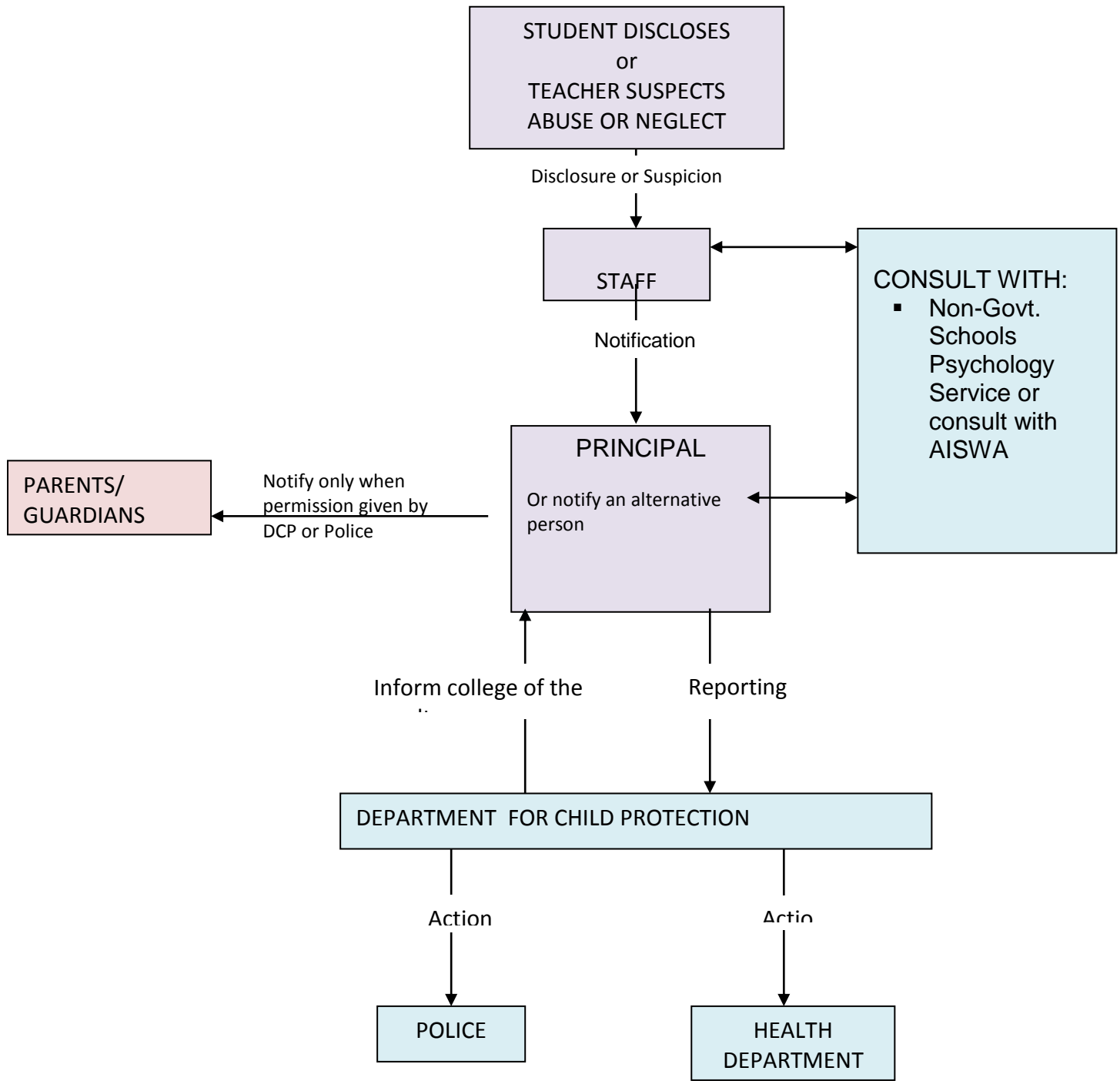
## Notification Process for Mandatory Reporting

**Note:** If you are unsure on the following procedure please refer to the school Principal. Please note that the College’s internal processes require teachers directly to inform cases of suspected sexual abuse to the Mandatory Reporting Service of the Department of Child Protection and Family Support (CPFS).

### NOTIFICATION STEPS FOR INDEPENDENT SCHOOLS



**Notification Process for physical, emotional, psychological abuse and neglect and non-mandatory reporters of sexual abuse.**



## 11. Response to disclosure of abuse or neglect

There may be times when a student makes a disclosure of abuse or neglect. 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 OK 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; and
- 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; or
- 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.

Staff must be aware that a disclosure can arouse in them strong feelings of shock, anger and helplessness. It is important to control these feelings; they can be worked through after the disclosure.

**Children left at the College**

It is imperative that the college exhausts all avenues in attempting to contact the child's family and emergency contacts.

In some cases, the Principal will decide someone reliable to drive the child home to establish contact with the family. It would be wise in some circumstances to ask a staff member to accompany the Principal or the staff who is taking the child home.

If the school is unable to make any contact with the child's family, the Principal should contact the Local District Office of the DCP and explain it is an emergency. After hours, the Crisis Care Line, also operated by the DCP, is to be contacted.

## 12. Recruitment and Selection of Staff, Volunteers and Contractors

The College has effective human resource practices in place to ensure all new employees, volunteers and contractors are adequately screened, trained and supervised.

### ***Working with Children Check***

To strengthen the protection of children in WA, the State Government introduced legislation, the *Working with Children (Criminal Record Checking) Act 2004* (the Act), that requires people who start or continue in “child-related work” to have a national criminal record check called a Working with Children Check (WWC Check).

Work is “child-related work” if the ***usual duties*** of the work involve, or are likely to involve, contact with a child ***in connection with at least one the 19 categories of work*** listed under the Act. A “child” is a person under the age of 18 years. Detailed information on this legislation and its application to the Education Sector is contained in the ‘Duty of Care’ document in AISWA’s Policy and Procedures Manual.

The College will sight and retain a copy of the Working with Children Card of all staff, any volunteers or self-employed people used by the school.

### ***Police Clearances***

#### *TRBWA registered teachers*

TRBWA registered teachers are required as part of their TRBWA registration to have both WWC Checks and a Criminal Record Check. This check is part of the TRBWA assessment process to determine whether a person is suitable for registration as a teacher. Information completed on the form will be forwarded to the CrimTrac Agency, other Australian police services or other law enforcement agencies for checking.

The teacher will be asked to disclose whether they are the subject of any criminal charges still pending before the Court, or whether they have been the subject of any convictions or findings of guilt before a Court.

Under Western Australian legislation (Spent Convictions Act 1988 (WA)), spent convictions are not disclosed as part of the criminal history checks. However, TRBWA has received an exemption that allows them to receive information on ALL criminal convictions or findings of guilt, including spent convictions in WA. Spent convictions in other states will only be released if the State based legislation in that state allows them to release it.

### Other School Staff

Other school staff are also required to have a WWC Check if the usual duties their work involve, or are likely to involve contact with a child. The College requires all staff to also have a criminal check/police clearance. The Australian Federal Police administer the National Police Certificate through the CrimTrac Agency.

A National Police Certificate is a list of your disclosable Court outcomes and pending charges sourced from the databases of all Australian Police Jurisdictions. Certain convictions may not be disclosed on a NPC in accordance with the legislation and policies of various police jurisdictions (eg Spent Convictions and most traffic and juvenile convictions). National Police Certificates are commonly used for employment or licensing purposes. To obtain a National Police Certificate, collect a form from a participating Post Office [Bank@Post Australia](mailto:Bank@Post Australia) [Post outlet](#)

### *What is CrimTrac?*

CrimTrac provides national criminal history checks for a range of organisations across the country. These services involve checking the criminal history of potential employees on behalf of employers, such as government agencies, and non-government organisations.

A national criminal history check involves identifying and releasing any relevant criminal history information (CHI) subject to relevant spent convictions/non-disclosure legislation and/or information release policies. CrimTrac facilitates about 2.5 million national criminal history checks a year through a decentralised process involving all Australian police services evaluating relevant police records with a view to determining the type and extent of CHI that can be released.

### *What is a spent conviction?*

A spent conviction is a conviction for either a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the **individual** has not re-offended during the 10 year (5 years for child offenders) waiting period: and;
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner.

### 13. Relevant Legislation and Authority

The relevant sections of the legislation listed below can be viewed on [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

- 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 (Cyber Predators) Act 2006  
(changes to s204B of The Criminal Code)

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.

Under the section 129 of the *Children's and Community Services Act 2004*, people who give information, in good faith, to the Department of Child Protection and Family Support (CPFS) are protected from incurring any civil or criminal liability, from having breached any confidentiality imposed by law, or from having breached any professional ethics or standards.

Details of the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* are covered in section 6 of this document.



## 14. Where to go for further information

The Department for Child Protection is the state government department responsible for issues specifically related to the protection of children, including the handling of abuse and neglect cases. This website contains some excellent material for professionals, and parents and friends. Of particular interest is the information on 'Identifying and responding to child abuse and neglect – a guide for professionals'.

<http://www.community.wa.gov.au/>

The sexual abuse reports, the Mandatory Reporting Service must be contacted through one of the following means:

Telephone: 1800 708 704

Email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Fax: 1800 610 614

Post: PO Box 8146

Perth BC WA 6849

This unit is available 24 hours a day, 7 days a week for make a report or to raise concerns.

Details regarding mandatory reporting can be obtained through

[www.mandatoryreporting.dcp.wa.gov.au](http://www.mandatoryreporting.dcp.wa.gov.au)

To contact DCP for assistance with a specific case that does not involve sexual abuse, the school will need to speak to the Duty Officer at the local office, available during office hours. All offices are listed below

Office	Address	Telephone
<b>Armadale</b>	145 Jull Street, Armadale WA 6112	(08) 9497 6555
<b>Cannington</b>	Cnr Grose and Lake Street Cannington WA 6107	(08) 9351 0888
<b>Fremantle</b>	25 Adelaide Street, Fremantle WA 6160	(08) 9431 8800
<b>Gosnells</b>	88 Lissiman Street, Gosnells WA 6110	(08) 9498 9300
<b>Joondalup</b>	Joondalup House, 8 Davidson Terrace Joondalup WA 6027	(08) 9301 3600
<b>Midland</b>	281 Great Eastern Highway Midland WA 6056	(08) 9274 9411
<b>Mirrabooka</b>	6 Ilkeston Place, Mirrabooka WA 6061	(08) 9344 9666
<b>Perth</b>	641 Wellington Street, Perth WA 6000	(08) 9214 2444
<b>Rockingham</b>	8 Leghorn Street, Rockingham WA 6168	(08) 9527 0100

### After hours

#### Child Abuse Services WA

9223 1111/1800 199 008

### Crisis Care

9223 1111/1800 199 008 (a 24 hour telephone service for people in crisis and needing urgent help)

### **WA Police Service Child Abuse Investigation Unit**

If the matter is urgent and the safety of a child is at risk, call 000. If you are a victim of child abuse or paedophilia, or if you have information about someone else being abused, you should contact police on **131 444**. You can also report child abuse to the Child Protection Squad on **9492 5444** or email them on [Child.Abuse.Investigation@police.wa.gov.au](mailto:Child.Abuse.Investigation@police.wa.gov.au) , or ring Crime Stoppers on **1800 333 000** or go to your local police station.

**WA Police Cyber Predator Team** can be contacted on 9492 5444 or complaints can be lodged on the WA Police Website [www.police.wa.gov.au](http://www.police.wa.gov.au)

The websites below contain information on cyber predators for both parents, teachers and students to use.

[www.acma.gov.au](http://www.acma.gov.au)

[www.constablecare.org.au](http://www.constablecare.org.au)

[www.cybersmartkids.com.au](http://www.cybersmartkids.com.au)

[www.netalert.net.au](http://www.netalert.net.au)

[www.virtualglobaltaskforce.com](http://www.virtualglobaltaskforce.com)

### **The National Association of the Prevention of Child Abuse and Neglect (NAPCAN)**

NAPCAN is an Australian organisation that seeks to resource and network child welfare professionals and practitioners working to prevent child abuse and neglect from happening before it starts, through the provision of parenting brochures, training, support networks and information. [www.napcan.org.au](http://www.napcan.org.au)

**Protective Behaviours WA (Inc)** is a preventative life skills program that assists people of all ages to develop the skills to help them deal with difficult or hostile situations. The program has a voluntary committee made up of representatives from government and non-government agencies as well as interested members of the community. AISWA is a group member of Protective Behaviours and is able to purchase resources at a discount for interested schools.

Protective Behaviours can be contacted on (08) 9356 0514 or email: [pbwainc@hotmail.com](mailto:pbwainc@hotmail.com)

*The following support service is available for staff at schools who may experience personal issues resulting from making a report:*

### **Prime Corporate Psychology Services**

Offers an employee assistance program including counselling, management and referrals.

9492 8900/1800 674 188

Each school may already have an assistance program available to their staff to provide help in overcoming problems that may cause difficulties in their work or personal lives.

*The following services and organisations can provide help, advice and support to the school, parents or children who are affected by the effects of abuse and to prevent abuse from recurring:*

**Department for Child Protection** (see previous page for details)

**Parenting Line**

9272 1466/1800 654 432

**Family Helpline** is a free confidential telephone counselling and information service for families with relationship difficulties.

9223 1100/1800 643 000

**Men's Domestic Violence Helpline** provides a free telephone, referral and counselling service for men to help them change their violent behaviour toward female partners.

9223 1199/1800 000 599

**Women's Domestic Violence Helpline** provides a free 24 hour telephone support and counselling service for women experiencing family and domestic violence.

9223 1188/1800 007 339

**Child Health and Community Health Services**

Refer to the White Pages for contact details of local Child Health Centres

**Child and Adolescent Mental Health Services**

1800 220 400 – 24 hour mental health advice line

**Princess Margaret Hospital for Children**

9340 8222

**State Child Development Centre**

9481 2203

**Disability Services Commission**

9426 9200/1800 998 214

**Kids Helpline** is a free and confidential telephone counselling service for 5 to 25 year olds in Australia available 24 hours a day, 7 days a week.

1800 551 800

**Sexual Assault Resource Centre Counselling Line** offers a free, 24 hour emergency service for people aged 13 or over who have been sexually assaulted or sexually abused recently (within the last two weeks).  
9340 1828/1800 199 888

**Lifeline Australia** offers a service 24 hours a day, 7 days a week and can provide information about other support services, if required. 13 11 14

The following sites can provide a wide range of background information on child abuse for schools that are interested.

<http://www.aifs.gov.au/nch/afsapubs.html>

This site lists recent publications relating to information on child abuse that have been updated on the web site of the National Child Protection Clearinghouse.

<http://www.aic.gov.au/publications>

This is the Australian Institute of Criminology site and has links to the criminal aspect of child abuse.

The Australian Islamic College acknowledges with gratitude the contribution made to this document by the Association of Independent Schools of Western Australia (AISWA).

Implementation date: [February 2017]

Approved by: [Executive Principal]

Next review: [February 2018]