Child Protection Policy –
Sexual Abuse & Mandatory Reporting

2011
1. POLICY

1.1 Policy Statement

Guildford Grammar School is committed to the care, safety and protection of all of its students from Kindergarten through to Year 12. The responsibility of the School extends beyond academic success to the intellectual, physical, social and emotional development of children and the provision of a caring and supportive learning environment. To this end, it recognises that it is essential that the safety, health, welfare and well-being of its students are safeguarded at all times when in the care of the School, its teachers, staff and volunteers.

Every person working at Guildford Grammar School (the School) is responsible for the care and protection of its students. This includes reporting information about child maltreatment concerns such as sexual abuse. As of the 1st of January 2009, it is mandatory for all doctors, nurses, midwives, police officers and teachers to report a belief formed on reasonable grounds that a child is being or has been subjected to sexual abuse.

The policy and procedures contained in this policy apply to all persons employed in Guildford Grammar School and not only to teachers. All Guildford Grammar staff must familiarise themselves with this Policy Document, including the Guidelines section, and respond appropriately and in accordance with the provisions of this Policy to concerns of sexual abuse. Guildford Grammar requires all staff, whether or not they are legally required to do so, to report sexual abuse to the Department of Child Protection (DCP).

1.2 Purpose

Guildford Grammar School aims to promote a safe learning environment for students by:

- providing information and direction for teachers, staff, volunteers and others to recognise sexual abuse;
- assisting teachers, other staff and volunteers to follow appropriate notification procedures when reporting alleged sexual abuse of students.
2. RELEVANT LEGISLATION AND AUTHORITY

This policy is consistent with relevant sections of the following legislation:

- Children and Community Services Act 2004 (WA)
- Working with Children (Criminal Record Checking) Act 2004;
- School Education Act 1999 (WA)
- Family Court Act 1997 (WA)
- Censorship Act 1996 (WA)
- Family Law Act 1975 (Cth)
- Criminal Code Act 1913 (WA)

3. DEFINITIONS

3.1 Sexual Abuse:

This refers to a wide range of behaviours that expose or subject a student to sexual activity that is illegal and/or inappropriate to a student’s developmental level. These behaviours include observation of or involvement with inappropriate touching of a student’s body, making a student touch an adult’s genitalia, showing pornographic material to a student, the use of inappropriate sexual verbal language or non-verbal gestures and sexual penetration of the student.

According to s124A of the Children and Community Services Act (the Act), sexual abuse, in relation to a child (young person under age 18), 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;

3.2 Guildford Grammar School staff or Staff:

Both terms refer to all persons providing services to Guildford Grammar School clients, students and facilities, including Out of School Care staff.
4. STAFF RESPONSIBILITIES

4.1 Responsibilities of School Staff

Section 124A of the Children and Community Services Act 2004 (WA) states that 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 commencement day, must report the belief as soon as practicable after forming the belief.

Therefore, all teachers and nurses on Guildford Grammar School staff have a legal responsibility to make a report to DCP if they believe on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse (whether during or outside school hours).

Guildford Grammar School requires all School staff members, whether required by the legislation or not, who have formed a belief on reasonable grounds of sexual abuse, or who have had a student disclose sexual abuse directly to them or indirectly through a friend, to as soon as practicable report to DCP and then as soon as practicable thereafter inform the Headmaster or Head of Preparatory School.

Staff must be aware of the immediate needs of students making disclosures and will respond accordingly (See Guideline 2).

The maintenance of confidentiality is paramount in order to preserve the integrity of the process and to allow all stakeholders to maintain their dignity whilst working through the process. These concerns must not be the subject of general common room discussion of any kind and inappropriate disclosures of this nature will subject those involved to disciplinary action by the Headmaster. However, the teacher may wish to discuss the matters confidentially with the School Counsellor, School Chaplain, School Nurse, Head of School or Headmaster.

Staff must keep records of all verbal and written communications regarding concerns or disclosures of sexual abuse in a secure place. Such information must be lodged in the Headmaster’s secure file or database.
Alternatively, in the case of a Preparatory School student the information must be lodged in the Head of the Preparatory School’s file or database. Access to this information will be limited to the Headmaster, Head of the Senior School and Head of the Preparatory School.

The staff member must not personally or in any way investigate or attempt to determine whether maltreatment or neglect has occurred. This is the role of the DCP and/or the police.

The staff member who is concerned that sexual abuse may be occurring but does not have enough information to have yet formed a reasonable belief must keep brief, written and dated records of their observations and concerns. These will be lodged in the database. If the student is from the Senior School then the staff member will consult with the Head of Senior School and may consult with the School Counsellor. If the student is from the Preparatory School then the staff member will consult with the Head of the Preparatory School or the Preparatory School Counsellor.

A separate electronic database will be maintained to record suspicions and allegations against staff. This will be kept separate from employee files and may only be accessed by the Headmaster, Head of Senior School and Head of the Preparatory School. The person recording the allegation must note the date, name of child, year, class and class teacher. If concerns of sexual abuse relate to a member of staff, that staff member must be advised that an allegation against him or her has been entered into the database.

The School will use its best endeavours to support students who have disclosed, or students about whom there is a concern. DCP staff are available to assist in designing an appropriate School care plan.

4.2 Responsibilities of the Headmaster
The Headmaster has ultimate responsibility for both enacting and ensuring that there is strict adherence to this Policy. The only exception is if the allegation of sexual abuse is against the Headmaster, in which case the Chairman of Council is responsible.

Once a teacher has informed the Headmaster that he or she has made a report, the Headmaster will work with DCP to ensure that the best possible outcome for the student in question is obtained.

If an allegation is made against a parent/caregiver then it is recommended that the advice of the DCP is sought before the parent/caregiver is informed of the allegation. This is to ensure that the subsequent investigations that DCP undertake are not jeopardised, and/or the safety of the student in question is not compromised.
In addition, the Headmaster must ensure that:

- all Guildford Grammar staff and people working at the School are thoroughly conversant with the procedures and responsibilities stipulated in this policy document;
- staff are aware that they may not accede to a student’s requests for confidentiality or requests that parents, police or other agencies not be informed when sexual abuse has been disclosed;
- written records of all concerns of sexual abuse and disclosures that form the basis of a sexual abuse report are securely stored;
- all concerns for the welfare of students believed to have been sexually abused will be discussed with DCP;
- victims of sexual abuse are appropriately supported. The management plan may well involve consultation with the School Counsellor or Chaplain and, if necessary, DCP;
- an undertaking from the DCP is sought that any feedback given to the reporter of the sexual abuse is passed on within the bounds of confidentiality.
- victims of sexual abuse are protected from student scrutiny by discouraging the victim from discussing the disclosure with other students.

4.2.1 DCP Powers

The Children and Community Services Act 2004 (WA) empowers the DCP and the Western Australian Police Service to take action to ensure the immediate well-being and safety of children and young people suspected to be in need of care and protection.

More specifically, the Children and Community Services Act 2004 (WA) gives DCP the authority to:

- interview a child at School before contact is made with the parent(s)/caregiver(s). The DCP will advise the Headmaster of the intention to interview the child, at which time the Headmaster will sight the DCP officer’s identification. If such an interview is to take place on School premises without the parent(s)/caregiver(s) knowledge then the Headmaster may choose to provide the child with the option of having support at the interview from a staff member with whom he or she feels comfortable. The Headmaster will also request an explanation as to why an interview is to be conducted at the School.
- remove a child from the School if the DCP officer has permission from the parent(s)/caregiver(s) or if the officer has apprehended the child. The Headmaster will satisfy himself/herself that these conditions have been met before allowing the removal of a student from the School.
have a medical examination conducted so that any bruising, marking and other symptoms can be recorded for future reference. The DCP would normally make such a referral to a specialist hospital such as Princess Margaret Hospital (PMH) or to Community Child Health Services Centres. If parent(s)/caregiver(s) permission has not been obtained for the medical examination then DCP may apprehend the student.

5. PROCEDURES

5.1 Allegation, Disclosure, Discovery or Reasonable Belief formed of Sexual Abuse Committed by a Non-Staff Member at Anytime

5.1.1 Staff member will Inform DCP:
The staff member will immediately contact DCP and provide DCP with an oral or written report (if the report is oral, the legislation requires the reporter to follow up with a written report). DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

5.1.2 Informing the Headmaster:
The staff member must then immediately advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

5.1.3 Written Records to Headmaster:
Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.

5.1.4 Headmaster Informs Parent(s)/Caregiver(s):
In relation to the allegation and to any proposed police action, unless notification would compromise the safety of the child, the Headmaster will notify the parent(s)/caregiver(s).

5.1.5 Headmaster Informs Chairman of Council:
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

5.1.6 Headmaster Informs Department of Educational Services (DES):
Any mandatory report is considered a critical incident thus a report needs to be made to DES.

5.1.7 Support is Offered:
Support will be offered to the victim. This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.
5.1.8 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parent(s)/caregiver(s) are unwilling, or contacting the parents/caregivers about the allegation or disclosure poses a risk to the student, the Headmaster will consult with the DCP as to an appropriate course of action.

5.2 Allegation, Disclosure, or Discovery of Sexual Abuse Committed by a Staff Member at Anytime

5.2.1 Staff member will Inform DCP:
The staff member to whom the allegation or disclosure was made or who has formed a reasonable belief (that a child has been the subject of sexual abuse or is the subject to ongoing sexual abuse) will immediately contact DCP and provide DCP with an oral or written report (if the report is oral, the legislation requires the reporter to follow up with a written report). DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

5.2.2 Informing the Headmaster:
The staff member must then advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

If the allegation is against the Headmaster, the staff member will advise the Chairman of Council who will take over from the Headmaster in regards to the following procedures:

5.2.3 Written Records to Headmaster:
Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.

5.2.4 Ceasing Student Contact:
If the Headmaster is satisfied that there are reasonable grounds to support the allegation, the employee is to be removed from all contact with students. If the employee is suspended from duty, he/she will usually remain on full pay unless summarily dismissed. The staff member against whom the allegation is made will immediately be removed from all contact with the Guildford Grammar School community, pending an investigation by the relevant authorities.
5.2.5 Headmaster Informs Parent(s)/Caregiver(s):
It is the responsibility of the DCP or the Police Service to notify the child’s parent(s)/caregiver(s) of the allegation and any proposed police action. However, the Headmaster may, after consultation with the Police, notify the parent(s)/caregiver(s), the Guildford Grammar School staff and the Guildford Grammar School community. The victim’s identity must remain confidential.

5.2.6 Headmaster Informs Chairman of Council:
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

5.2.7 Headmaster Informs Department of Educational Services (DES):
Any mandatory report is considered a critical incident thus a report needs to be made to DES.

5.2.8 Headmaster Seeks Further Advice:
The Headmaster will then seek further advice, usually from the police and/or the DCP on the appropriate action to take in respect of the alleged offender, the child, and the child’s parent(s)/caregiver(s).

5.2.9 Support is Offered:
Support will be offered on advice from DCP to the victim, and the alleged perpetrator. (See the Allegations of Misconduct Against Employees policy). This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.

Headmaster to organise appropriate support for the staff member making the report.

5.2.10 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parents/caregivers are unwilling, the Headmaster will consult with the DCP as to an appropriate course of action.

6. **Self Harm**

A Guildford Grammar School staff member who is concerned that a student may be at risk of self-harm or even suicide must act decisively to reduce the risk. The staff member must immediately inform the Headmaster or the Head of the Preparatory School. The Headmaster will consult with the School Counsellor or in the case of the Head of Preparatory School the Preparatory School Counsellor to help design and implement an action plan. It is also recommended that PMH, or Swan District Hospital or Child and Adolescent Mental Health Services be contacted to seek advice.
The Headmaster or the Counsellor will contact the parent(s)/caregiver(s) as soon as possible, unless it is considered that this course of action may directly place the student at increased risk of self-harm or suicide. It is important that a staff member, preferably the School Counsellor, stay with the student until the parent(s)/caregiver(s) arrive or medical attention is available.

In situations where the suspected self-harm or suicide is triggered by abuse from parent(s)/caregiver(s), the Headmaster will contact DCP.

The Counsellor may be required to assess the risk, and then the Counsellor or the Headmaster will advise the parent(s)/caregiver(s) that it is in their best interests to seek specialist assessment or support. The Headmaster cannot compel parent(s)/caregiver(s) to follow this advice.
GUIDELINE 1

Indicators of Child Maltreatment or Neglect

The following list of indicators is not exhaustive but contains those that will be of most use to staff. Students frequently show indicators from more than one category, and the examples listed are not necessarily exclusive to a single category of maltreatment. Any of these indicators may suggest that a student is being maltreated, neglected or at risk of harm. Indicators should be considered in the context of the student's age, medical history, developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families are also indicators of possible abuse and neglect.

<table>
<thead>
<tr>
<th>Sexual Abuse</th>
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<tbody>
<tr>
<td><strong>Physical Indicators:</strong></td>
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<tr>
<td>• bruises or bleeding from external genitalia, vagina or anal regions;</td>
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<td>• blood stained underwear;</td>
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<td>• pregnancy or fear of pregnancy;</td>
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<tr>
<td>• signs of pain, itching or discomfort in the genital area; and</td>
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<td>• urinary tract infections.</td>
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<td><strong>Behavioural Indicators:</strong></td>
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<td>• demonstrated sexual knowledge that is inconsistent with developmental level;</td>
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<td>• disclosure of involvement in sexual activity made to an adult, indirectly to a friend or in a disguised way, 'I know a person who…';</td>
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<td>• persistent and inappropriate sexual play with peers, toys, animals or themselves e.g. child habitually inserting objects in her vagina or sexually aggressive behaviour with others, e.g. a young boy humping toys in sexual positions;</td>
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<tr>
<td>• regression to infantile behaviour, e.g. excessive clingingness in preschool children, the sudden onset of soiling or wetting when these were not formerly a problem, or baby talk thumb sucking;</td>
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<td>• inappropriate expressions of affection;</td>
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<td>• inappropriate sexual behaviour such as public disrobing or public masturbation;</td>
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<td>• recurrent physical complaints or self-mutilation;</td>
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<td>• inappropriate interest in sexual themes in artwork, stories or play;</td>
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<td>• possession of pornographic materials;</td>
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<td>• promiscuity, exposure or sexual behaviour towards others;</td>
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<td>• reluctance to change clothes in front of others;</td>
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<td>• fear states, eg. Anxiety, depression, obsessively neat, socially withdrawn, or overly compliant behaviour.</td>
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</table>
GUIDELINE 2
Response to Disclosures of Sexual Abuse
School staff need to be aware of the immediate needs of students making disclosures and respond accordingly.

The staff member will:
• use ‘protective interrupting’ if a student begins to disclose in class or in a public area.
• acknowledge that the student has been heard and will stop them from disclosing any further;
• be supportive and will gently indicate that they might tell the staff member about it in a more private situation;
• quietly arrange to see the student as soon as possible, in a situation away from other students;
• listen attentively;
• listen to a student in a private location within the school;
• be supportive and understanding;
• be empathetic to the student’s feelings;
• acknowledge that it is difficult to talk about such things;
• try to identify the student’s fears; but do not put words in his/her mouth;
• let student tell the event in his or her own words;
• accept what is said, keeping in mind that only the minimum of information is required before reporting potential sexual abuse;
• reassure student that by telling they are doing the right thing;
• be calm and non-judgemental, conceal any facial expression that may result from what the student is telling you;
• allow the student the option of support during any agency interview;
• reassure them of the availability of continuing support;
• document the disclosure as soon as possible after the disclosure was made as well as subsequent discussion and actions;
• explain what will happen next and make every effort to stay with the student until necessary steps have been taken to ensure the safety and support of the student.

Staff will be mindful that they must not:
• push for details or conduct an investigation, understanding that other agencies have this responsibility;
• express judgement of the student, perpetrator or family;
• get angry, upset or display shock;
• blame students;
• put words in the student’s mouth or interrogate, understanding that this could jeopardise the interviewing process of the DCP or the police;
• promise not to tell;
• give a lecture about right and wrong;
• say ‘forget it’, ‘you’ll get over it’ or other such minimalising statements;
• give excessive pity; and
• engage in general staff room discussion or gossip about the disclosure.
Staff should be aware that a disclosure could elicit strong feelings of shock, anger and helplessness. As it is important to understand these feelings, the School will provide an opportunity for these to be worked through after the disclosure. Support will be available to School staff from the School Counsellor or School Chaplain or executive staff.
GUIDELINE 3
Required Notification Steps – Mandatory Reporting of Sexual Abuse

STUDENT
(discloses or teacher has formed reasonable belief that sexual abuse is occurring or has occurred)

Disclosure or suspicion

STAFF

MAY CONSULT WITH:
School Counsellor
School Chaplain
School Nurse
Head of Preparatory School
Headmaster

DEPARTMENT OF CHILD PROTECTION (DCP)

Inform School of the result

HEADMASTER

If appropriate notifies

PARENT(S)/CAREGIVER(S)

POLICE

HEALTH DEPARTMENT
GUIDELINE 4

Reporting Concerns of Sexual Abuse, Maltreatment or Neglect

A staff member who is concerned that sexual abuse may be occurring but does not have enough information to have yet formed a reasonable belief, as required by the legislation, must keep brief, written and dated records of their observations and concerns and notify a senior member of staff in accordance with the following:

- Preparatory School Staff notifies
  - Head of Preparatory School
    - Headmaster

- Senior School Staff notifies
  - Head of Senior School
    - Headmaster

- Boarding Staff notifies
  - Headmaster
Child Protection Policy – Maltreatment & Neglect

2011
1. POLICY

1.1 Policy Statement

Guildford Grammar School is committed to the care, safety and protection of all of its students from Kindergarten through to Year 12. The responsibility of the School extends beyond academic success to the intellectual, physical, social and emotional development of children and the provision of a caring and supportive learning environment. To this end, it recognises that it is essential that the safety, health, welfare and well-being of its students are safeguarded at all times when in the care of the School, its teachers, staff and volunteers.

Every person working at Guildford Grammar School (the School) is responsible for the care and protection of its students. This includes reporting information about all child maltreatment concerns, such as sexual, physical or emotional abuse or neglect. As of the 1st of January 2009, it is mandatory for all doctors, nurses, midwives, police officers and teachers to report a belief formed on reasonable grounds that a child is being or has been subjected to sexual abuse. (Please refer to the Child Protection – Sexual Abuse and Mandatory Reporting Policy for SPECIFIC policies and procedures in relation to the reporting of sexual abuse.)

The policy and procedures apply to all persons employed in Guildford Grammar School. All Guildford Grammar staff must familiarise themselves with this Policy Document, including the Guidelines section, and respond appropriately and in accordance with the provisions of this Policy to concerns of maltreatment or neglect.

1.2 Purpose

Guildford Grammar School aims to promote a safe learning environment for students by:

- providing information and direction for teachers, staff, volunteers and others to recognise maltreatment and neglect;
- assisting teachers, other staff and volunteers to follow appropriate notification procedures when reporting alleged maltreatment or neglect of students.
2. RELEVANT LEGISLATION AND AUTHORITY

This policy is consistent with relevant sections of the following legislation:
• Children and Community Services Act 2004 (WA)
• Working with Children (Criminal Record Checking) Act 2004;
• School Education Act 1999 (WA)
• Family Court Act 1997 (WA)
• Censorship Act 1996 (WA)
• Family Law Act 1975 (Cth)
• Criminal Code Act 1913 (WA)

3. DEFINITIONS

3.1 Maltreatment:
This refers to when a child has been subjected to physical, psychological/emotional abuse, the severity and/or persistence of which has resulted in or is likely to result in significant harm. A child witnessing or experiencing serious family and domestic violence also fits under this definition.

3.1.1 Physical Abuse:
This refers to the persistent and/or severe physical harm of a student. 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. Female genital mutilation as a part of cultural practices is included in this definition.

3.1.3 Psychological/Emotional Abuse:
This is a constant attitude or behaviour by a person towards a student that causes emotional and or psychological harm. It can include rejection, abandonment, refusal by a parent/caregiver to accept a student, terrorising, bullying, isolation, continued belittlement and exposure to domestic violence.

3.1.4 Neglect:
Failure of a parent/caregiver to provide a student with the basic necessities of life such that his/her development is or is likely to be significantly damaged. These include adequate supervision, adequate nutrition, suitable clothing, adequate medical care, maintenance of physical safety and emotional security.

3.2 Guildford Grammar School staff or Staff:

Both terms refer to all persons providing services to Guildford Grammar School clients, students and facilities, including Out of School Care staff.
4. STAFF RESPONSIBILITIES

4.1 Responsibilities of School Staff

If a student discloses maltreatment or neglect directly to any staff member or indirectly through a friend; if a student shows signs of potential abuse or neglect, if there are allegations of maltreatment of a student by a staff member; or if a staff member witnesses acts of maltreatment of a student by anyone, the staff member must as soon as practicable report to Department for Child Protection (DCP) and then inform the Headmaster or Head of Preparatory School. Staff must be aware of the immediate needs of students making disclosures and will respond accordingly (See Guideline 2).

The maintenance of confidentiality is paramount in order to preserve the integrity of the process and to allow all stakeholders to maintain their dignity whilst working through the process. These concerns must not be the subject of general common room discussion of any kind and inappropriate disclosures of this nature will subject those involved to disciplinary action by the Headmaster. However, the teacher may wish to discuss the matters confidentially with the school counsellor, school chaplain or school nurse.

Staff must keep records of all verbal and written communication regarding concerns or disclosures of maltreatment or neglect in a secure place. Such information must be lodged to the Headmaster’s file or database.

Alternatively, in the case of a Preparatory School student the information must be lodged in the Head of the Preparatory School’s file or database. Access to this information will be limited to the Headmaster, Head of the Senior School and Head of the Preparatory School.

The staff member must not personally or in any way investigate or attempt to determine whether maltreatment or neglect has occurred. This is the role of the DCP and/or the police.

The staff member who is concerned that maltreatment or neglect may be occurring but does not have enough information to have yet formed a reasonable belief must keep brief, written and dated records of their observations and concerns. These will be lodged in the database. If the student is from the Senior School then the staff member will consult with the Head of Senior School and may consult with the School Counsellor. If the student is from the Preparatory School then the staff member will consult with the Head of the Preparatory School or the Preparatory School Counsellor.

A separate electronic database will be maintained to record suspicions and allegations against staff. This will be kept separate from employee files and may only be accessed by the Headmaster, Head of Senior School and Head of the Preparatory School. The person recording the allegation must note the date, name of child, year, class and class teacher. If concerns of sexual abuse relate to a member of staff, that staff member must be advised that an allegation against him or her has been entered into the database.

The School will use its best endeavours to support students who have disclosed, or students about whom there is a concern. DCP staff are available to assist in designing an appropriate School care plan.
4.2 Responsibilities of the Headmaster

The Headmaster has ultimate responsibility for both enacting and ensuring that there is strict adherence to this Policy. The only exception is if the allegation of maltreatment or neglect is against the Headmaster, in which case the Chairman of Council is responsible.

Once a teacher has informed the Headmaster that he or she has made a report, the Headmaster will work with DCP to ensure that the best possible outcome for the student in question is obtained.

If a serious allegation is made against a parent/caregiver then it is recommended that the advice of the DCP is sought before the parent/caregiver is informed of the allegation. This is to ensure that the subsequent investigations that DCP undertake are not jeopardised, and/or the safety of the student in question is not compromised.

In addition, the Headmaster must ensure that:

- all Guildford Grammar staff and people working at the School are thoroughly conversant with the procedures and responsibilities stipulated in this policy document;
- staff are aware that they may not accede to a student’s requests for confidentiality or requests that parents, police or other agencies not be informed when maltreatment or neglect has been disclosed;
- written records of all concerns of maltreatment or neglect and disclosures that form the basis of a maltreatment or neglect report are securely stored;
- all concerns for the welfare of students believed to have been maltreated will be discussed with the Department for Child Protection;
- victims of maltreatment or neglect are appropriately supported. The management plan may well involve consultation with the School Counsellor or School Chaplain and, if necessary, DCP;
- an undertaking from the DCP is sought that any feedback given to the reporter of the maltreatment or neglect is passed on within the bounds of confidentiality;
- victims of maltreatment or neglect are protected from student scrutiny by discouraging the victim from discussing the disclosure with other students.

4.2.1 DCP Powers

The Children and Community Services Act 2004 (WA) empowers the DCP and the Western Australian Police Service to take action to ensure the immediate wellbeing and safety of children and young people suspected to be in need of care and protection.
More specifically, the *Children and Community Services Act 2004 (WA)* gives DCP the authority to:

- interview a child at School before contact is made with the parent(s)/caregiver(s). The DCP will advise the Headmaster of the intention to interview the child, at which time the Headmaster will sight the DCP officer’s identification. If such an interview is to take place on School premises without the parent(s)/caregiver(s) knowledge then the Headmaster may choose to provide the child with the option of having support at the interview from a staff member with whom he or she feels comfortable. The Headmaster will also request an explanation as to why an interview is to be conducted at the School.

- remove a child from the School if the DCP officer has permission from the parent(s)/caregiver(s) or if the officer has apprehended the child. The Headmaster will satisfy himself/herself that these conditions have been met before allowing the removal of a student from the School.

- have a medical examination conducted so that any bruising, marking and other symptoms can be recorded for future reference. The DCP would normally make such a referral to a specialist hospital such as PMH or to Community Child Health Services Centres. If parent(s)/caregiver(s) permission has not been obtained for the medical examination then DCP may apprehend the student.

5. **PROCEDURES**

5.1 **Allegation, Disclosure, Discovery or Reasonable Suspicion formed of Maltreatment or Neglect Committed by a Non-Staff Member at Anytime**

5.1.1 Staff member will Inform DCP:
- The staff member will immediately contact DCP and provide DCP with an oral or written report. DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

5.1.2 Informing the Headmaster:
- The staff member must then immediately advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

5.1.3 Written Records to Headmaster:
- Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.
5.1.4 Headmaster Informs Parent(s)/Caregiver(s):
In relation to the allegation and to any proposed police action, unless notification would compromise the safety of the child, the Headmaster will notify the parent(s)/caregiver(s).

5.1.5 Headmaster Informs Chairman of Council
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

5.1.6 Support is Offered:
Support will be offered to the victim. This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.

5.1.7 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parent(s)/caregiver(s) are unwilling, or contacting the parent(s)/caregiver(s) about the allegation or disclosure poses a risk to the student, the Headmaster will consult with the DCP as to an appropriate course of action.

5.2 Allegation, Disclosure, or Discovery of Maltreatment Committed by a Staff Member at Anytime

5.2.1 Staff member will Inform DCP:
The staff member to whom the allegation or disclosure was made or who has formed a reasonable belief will immediately contact DCP. DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.

5.2.2 Informing the Headmaster:
The staff member must then advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

If the allegation is against the Headmaster, the Chairman of Council will be advised and will take over the reporting procedures.

5.2.3 Written Records to Headmaster:
Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.
5.2.4 Ceasing Student Contact:
If the Headmaster is satisfied that there are reasonable grounds to support the allegation, the employee is to be removed from all contact with students. If the employee is suspended from duty, he/she will usually remain on full pay unless summarily dismissed. The staff member against whom the allegation is made will immediately be removed from all contact with the Guildford Grammar School community, pending an investigation by the relevant authorities.

5.2.5 Headmaster Informs Parent(s)/Caregiver(s):
It is the responsibility of the Police Service to notify the child’s parent(s)/caregiver(s) of the allegation and any proposed police action. However, the Headmaster may, after consultation with the Police, notify the parents/caregivers, the Guildford Grammar School staff and the Guildford Grammar School community. The victim’s identity must remain confidential.

5.2.6 Headmaster Informs Chairman of Council
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

5.2.7 Headmaster Informs Department of Educational Services (DES):
Any mandatory report is considered a critical incident thus a report needs to be made to DES.

5.2.8 Headmaster Seeks Further Advice
The Headmaster will then seek further advice, usually from the police and/or the DCP on the appropriate action to take in respect of the alleged offender, the child, and the child’s parent(s)/caregiver(s).

5.2.9 Support is Offered:
Support will be offered to the victim, and the alleged perpetrator. (See the Allegations of Misconduct Against Employees policy). This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.

Headmaster to organise appropriate support for the staff member making the report.

5.2.10 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parents/caregivers are unwilling, the Headmaster will consult with the DCP as to an appropriate course of action.
6. SELF HARM

A Guildford Grammar School staff member who is concerned that a student may be at risk of self-harm or even suicide must act decisively to reduce the risk. The staff member must immediately inform the Headmaster or the Head of the Preparatory School. The Headmaster will consult with the School Counsellor or in the case of the Head of Preparatory School the Preparatory School Counsellor to help design and implement an action plan. It is also recommended that Princess Margaret Hospital (PMH), or Swan District Hospital or Child and Adolescent Mental Health Services be contacted to seek advice.

The Headmaster or the Counsellor will contact the parent(s)/caregiver(s) as soon as possible, unless it is considered that this course of action may directly place the student at increased risk of self-harm or suicide. It is important that a staff member, preferably the Counsellor, stay with the student until the parent(s)/caregiver(s) arrive or medical attention is available.

In situations where the suspected self-harm or suicide is triggered by abuse from parent(s)/caregiver(s), the Headmaster will contact DCP.

The Counsellor may be required to assess the risk, and then the School Counsellor or the Headmaster will advise the parent(s)/caregiver(s) that it is in their best interests to seek specialist assessment or support. The Headmaster cannot compel parent(s)/caregiver(s) to follow this advice.
GUIDELINE 1

Indicators of Child Maltreatment or Neglect

The following list of indicators is not exhaustive but contains those that will be of most use to staff. Students frequently show indicators from more than one category, and the examples listed are not necessarily exclusive to a single category of maltreatment. Any of these indicators may suggest that a student is being maltreated, neglected or at risk of harm. Indicators should be considered in the context of the student’s age, medical history, developmental history, and capabilities. In addition, mental illness, substance abuse and domestic violence within families are also indicators of possible abuse and neglect.

<table>
<thead>
<tr>
<th>Physical Abuse</th>
<th>Sexual Abuse (See Child Protection – Sexual Abuse and Mandatory Reporting Policy 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical Indicators:</strong></td>
<td><strong>Physical Indicators:</strong></td>
</tr>
<tr>
<td>• bruises, broken bones;</td>
<td>• bruises or bleeding from external genitalia, vagina or anal regions;</td>
</tr>
<tr>
<td>• burns;</td>
<td>• blood stained underwear;</td>
</tr>
<tr>
<td>• hair missing in tufts;</td>
<td>• pregnancy or fear of pregnancy;</td>
</tr>
<tr>
<td>• lacerations and abrasions (especially to the eyes,</td>
<td>• signs of pain, itching or discomfort in the genital area; and</td>
</tr>
<tr>
<td>lips, gums and mouth);</td>
<td>• urinary tract infections.</td>
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<tr>
<td>• missing or loosened teeth;</td>
<td></td>
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<tr>
<td>• welts.</td>
<td></td>
</tr>
<tr>
<td><strong>Behavioural Indicators:</strong></td>
<td><strong>Behavioural Indicators:</strong></td>
</tr>
<tr>
<td>• fear of adults;</td>
<td>• demonstrated sexual knowledge that is inconsistent with developmental level;</td>
</tr>
<tr>
<td>• frequent absences, with or without explanations</td>
<td>• disclosure of involvement in sexual activity made to an adult, indirectly to a</td>
</tr>
<tr>
<td>from parent(s)/caregiver(s);</td>
<td>friend or in a disguised way, ‘I know a person who…’;</td>
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<tr>
<td>• guarded or evasive answers to questions about the</td>
<td>• persistent and inappropriate sexual play with peers, toys, animals or themselves</td>
</tr>
<tr>
<td>causes of obvious injury;</td>
<td>e.g. child habitually inserting objects in her vagina or sexually aggressive</td>
</tr>
<tr>
<td>• injuries that are not consistent with student’s</td>
<td>behaviour with others, e.g. a young boy humping toys in sexual positions;</td>
</tr>
<tr>
<td>explanation of them;</td>
<td>• regression to infantile behaviour, e.g. excessive clingingness in preschool</td>
</tr>
<tr>
<td>• disclosure of maltreatment directly to an adult</td>
<td>children, the sudden onset of soiling or wetting when these were not formerly a</td>
</tr>
<tr>
<td>or indirectly to a friend;</td>
<td>problem, or baby talk thumb sucking;</td>
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<tr>
<td>and</td>
<td>• inappropriate expressions of affection;</td>
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<tr>
<td>• fear of going home.</td>
<td>• inappropriate sexual behaviour such as public disrobing or public masturbation;</td>
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<tr>
<td><strong>(cont’d….)</strong></td>
<td></td>
</tr>
<tr>
<td>Psychological/Emotional Abuse</td>
<td>Neglect</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Physical Indicators:</strong></td>
<td><strong>Physical Indicators:</strong></td>
</tr>
<tr>
<td>• depression;</td>
<td>• abandonment;</td>
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<tr>
<td>• eating disorders (anorexia or bulimia);</td>
<td>• poor hygiene;</td>
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<tr>
<td>• lethargy or fatigue;</td>
<td>• lack of adequate or suitable clothing;</td>
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<tr>
<td>• symptoms of stress;</td>
<td>• inadequate nutrition;</td>
</tr>
<tr>
<td>• evidence of drug abuse or dependence;</td>
<td>• lack of medical or dental care;</td>
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<tr>
<td>• wetting, soiling, or smearing;</td>
<td>• constant fatigue;</td>
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<tr>
<td>• frequent psychosomatic complaints e.g. stomach aches, headaches.</td>
<td>• developmental delays;</td>
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<tr>
<td></td>
<td>• untreated sore, boils or lice;</td>
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<tr>
<td><strong>Behavioural Indicators:</strong></td>
<td>• lack of adequate supervision.</td>
</tr>
<tr>
<td>• aggressive or delinquent behaviour;</td>
<td>• falling asleep in school;</td>
</tr>
<tr>
<td>• attempted suicide;</td>
<td>• poor school attendance or alternatively always attends school even when sick;</td>
</tr>
<tr>
<td>• excessively compliant or passive behaviour;</td>
<td>• poor academic performance;</td>
</tr>
<tr>
<td>• low self esteem;</td>
<td>• steals or begs for food;</td>
</tr>
<tr>
<td>• fire setting;</td>
<td>• dull, apathetic appearance;</td>
</tr>
<tr>
<td>• truancy or school avoidance;</td>
<td>• engages in vandalism; and</td>
</tr>
<tr>
<td>• deliberate harming or animals; and poor peer relations.</td>
<td>• early arrival at school or reluctance to leave.</td>
</tr>
</tbody>
</table>
GUIDELINE 2
Response to Disclosures of Maltreatment or Neglect

School staff need to be aware of the immediate needs of students making disclosures and respond accordingly.

The staff member will:
- use *protective interrupting* if a student begins to disclose in class or in a public area.
- acknowledge that the student has been heard and will stop them from disclosing any further;
- be supportive and will gently indicate that they might tell the staff member about it in a more private situation;
- quietly arrange to see the student as soon as possible, in a situation away from other students;
- establish clear limits on confidentiality, e.g. *‘What you say to me will not leave this room unless you say something that could involve hurting yourself or hurting someone else then I will need to inform the Headmaster and possibly your parents’*;
- listen attentively;
- listen to a student in a private location within the school;
- be supportive and understanding;
- be empathetic to the student’s feelings;
- acknowledge that it is difficult to talk about such things;
- try to identify the student’s fears; but do not put words in his/her mouth;
- let student tell the event in his or her own words;
- accept what is said keeping in mind that only the minimum of information is required before reporting potential maltreatment or neglect;
- reassure student that by telling they are doing the right thing;
- be calm and non-judgemental, conceal any facial expression that may result from what the student is telling you;
- tell the student that a report will be made to the Headmaster who will provide protection;
- allow the student the option of support during any agency interview;
- reassure them of the availability of continuing support;
- document the disclosure and subsequent discussion and actions;
- explain what will happen next and make every effort to stay with the student until necessary steps have been taken to ensure the safety and support of the student.

Staff will be mindful that they must **not**:
- push for details or conduct an investigation, understanding that other agencies have this responsibility;
- express judgement of the student, perpetrator or family;
- get angry, upset or display shock;
- blame students;
- put words in the student’s mouth or interrogate, understanding that this could jeopardise the interviewing process of the DCP or the police;
- promise not to tell;
- give a lecture about right and wrong;
- say ‘forget it’, ‘you’ll get over it’ or other such minimalising statements;
- give excessive pity; and
- engage in general staff room discussion or gossip about the disclosure.
Staff should be aware that a disclosure could elicit strong feelings of shock, anger and helplessness. As it is important to understand these feelings, the School will provide an opportunity for these to be worked through after the disclosure. Support will be available to School staff from the School Counsellor or School Chaplain or executive staff.
GUIDELINE 3

Domestic Violence
Children have often been described as the silent victims of domestic violence. They are in a position of great risk of suffering by being exposed to domestic violence. Domestic violence is an abuse of power, usually by men against women, either during a relationship or after separation. The abuse of power most commonly manifests as physical, sexual and/or emotional abuse.

Child maltreatment and domestic violence often co-exist. Children in households with domestic violence are not just ‘witnessing’ a tragedy; they are involved in various ways in the violent incident. Trauma of this nature is thought to create additional harm because it overwhelms the child’s developing sense of coping mechanisms. Feelings of helplessness, fear of death and a state of constant alertness are the daily burden of children living with chronic violence and maltreatment. Overall, research indicates a consistent finding that child witnesses exhibit a host of behavioural and emotional problems when compared to other children.

The effect of the violence varies according to the age of the young person, the frequency of the violence and the level of support provided by external agencies. The effects of witnessing chronic or extreme violence between parents/caregivers can be just as debilitating as other forms of maltreatment. Preschoolers, in general, believe that they are the cause of the violence; primary school children begin to learn that violence is an acceptable means of conflict resolution; and secondary students see the violence as their parents/caregivers’ problem and often regard the victim as responsible. Continued exposure to domestic violence through the secondary years has a significant influence on development and future adult behaviour.

Physical and/or behavioural indicators
Preschool children may:
• blame themselves for the violence (this may be a developmental phase phenomenon indicative of egocentricity);
• have loss of newly acquired developmental skills, e.g. speech, motor and social skills;
• have signs of fear/terror, e.g. yelling, irritability, hiding, running away, stuttering, or being jumpy;
• have psychosomatic complaints, e.g. stomach aches, headaches etc.
• experience regressive behaviour, e.g. wetting pants;
• show reluctance to separate from parent and go to stranger, e.g. may whine, cry and cling;
• experience social isolation;
• may show extremes in behaviour, e.g. aggressive versus passive behaviour.
Primary school age students may:
- blame themselves for the violence at home or feel responsible;
- exhibit poor school performance, e.g. concentration difficulties and memory;
- experience fluctuating moods and may be sad and withdrawn, nervous and fearful, or may seem emotionally detached;
- experience social isolation;
- be secretive about the family, i.e. shame and embarrassment about the family secret;
- be aggressive with peers;
- rebel against adults;
- experience psychosomatic complaints;
- be uncooperative, suspicious or guarded.

Adolescent students may:
- exhibit acting out behaviour, e.g. school truancy, early sexual activity, substance use, and delinquency;
- experience school performance problems;
- exhibit poor interpersonal skills, e.g. lack of respect for others, intolerance of difference and lack of empathy;
- respond aggressively or be withdrawn;
- be depressed and anxious;
- develop psychosomatic/physical symptoms;
- exhibit quick temper and explosive behaviour;
- be unable to accept responsibility and blame others for their behaviours;
- be disconnected from others, be mistrustful, or defensive;
- have low self esteem.

Given the strong co-existence between child maltreatment and domestic violence, the staff will act if they have genuine concerns, based on reasonable grounds, that maltreatment or neglect may be occurring. These actions are described in section 5 of the policy document.
GUIDELINE 4
Required Notification Steps – Mandatory Reporting of Sexual Abuse

STUDENT (discloses or teacher has formed reasonable belief that sexual abuse is occurring or has occurred)

Disclosure or suspicion

STAFF

Notifies Reports

DEPARTMENT OF CHILD PROTECTION (DCP)

Inform School of the result

Action

HEADMASTER

Police

Action

Health Department

MAY CONSULT WITH:
- School Counsellor
- School Chaplain
- School Nurse
- Head of Preparatory School
- Headmaster

If appropriate notifies

PARENTS/ CAREGIVERS
GUIDELINE 5
Reporting Concerns of Sexual Abuse, Maltreatment or Neglect
A staff member who is concerned that sexual abuse may be occurring but does not have enough information to have yet formed a reasonable belief, as required by the legislation, must keep brief, written and dated records of their observations and concerns and notify a senior member of staff in accordance with the following:

Preparatory School Staff

notifies

Head of Preparatory School

notifies

Headmaster

Senior School Staff

notifies

Head of Senior School

notifies

Headmaster

Boarding Staff

notifies
ALLEGATION OF MISCONDUCT AGAINST EMPLOYEES IN GUILDFORD GRAMMAR SCHOOL

Allegation of Misconduct
against Employees in Guildford Grammar School

Policy and Procedures
2011
Allegations of Misconduct against Employees in Guildford Grammar School: Policy and Procedures

SECTION 1: PURPOSE AND PRINCIPLES

1.1 Purpose
This document provides advice on the policy and procedures to be followed by Guildford Grammar School in response to allegations of misconduct made against persons employed in the School.

The policy and procedures apply to all persons employed in Guildford Grammar School and not only to teachers.

The policy is not limited to alleged offences or actions occurring within School hours or on School property, but extends to include misconduct by employees generally where it affects their ability to effectively carry out their duties in the School.

These policies and procedures acknowledge both the special responsibility of School employees towards the children in their care and the importance of respecting the dignity of employees and their civil rights.

1.2 Principles

The following principles underlie policy and procedures:

• All adults have a responsibility to care for children, to protect their welfare, and to protect them from abuse.
• All children have the right to an education in personal safety, including safety in relationships.
• All employees have the right to a healthy, safe work environment, and to be protected from abuse within the School and from the public at large.
• The employer is responsible for the management of staff under his/her control and to investigate adequately allegations of misconduct made against School employees.
• Allegations against staff should be dealt with promptly and with due regard for the rights of the staff member concerned, and the reputation of the School.
• While the possibility of a malicious, false or exaggerated allegation is acknowledged, the employer has no choice but to investigate promptly and objectively all allegations of misconduct and to refer matters, where appropriate, to the appropriate civil and legal authorities.
• Where allegations of misconduct relate to students of the School or other minors, the employer has a particular duty of care and a responsibility to deal with the allegations in a way designed to ensure that harm to the child(ren) is minimised. To this end, confidentiality should be observed where possible and appropriate.
• The employer will ensure that adequate support, counselling and assistance is offered to employees and/or students as appropriate.
• Prior to taking action, the Headmaster should consult with the Chairman of the School Council, and other appropriately qualified persons as appropriate.

1.3 The Rights of the Employee

1.3.1 Employees against whom allegations are made are entitled to all reasonable care and consideration, due process and the presumption of innocence. Human beings do make mistakes and errors of judgment which they regret; they do show remorse and seek forgiveness, and they do repent.

Without condoning or excusing misconduct, it is appropriate to offer Christian love and support for those accused of inappropriate and illegal conduct, and to show compassion to them.

1.3.2 Accordingly, employees against whom allegations are made should be made aware of their rights, and should be assured of their entitlement to procedural fairness and due process. Where appropriate, they should be encouraged to seek legal and other expert advice.

1.3.3 The identity of the alleged victim and the alleged perpetrator, and the nature of the alleged offence should not be made public by the school authorities. An employee against whom an allegation is made should be advised as soon as possible of the nature of the allegation by the appropriate authorities.

SECTION 2: DEFINITIONS AND PROCEDURES

2.1 Person Employed by the School

2.1.1 Includes: Persons employed by the School, regardless of position occupied, hours of duty or whether employed full-time, part-time, casually or sessionally.

2.1.2 Excludes: Independent contractors who may provide tuition or other services for remuneration but who are self-employed; Persons employed by others; Volunteers, helpers, coaches, tutors and the like.

Note: If an allegation is made against someone who is involved with the School but is not employed by the School, the matter is to be referred to the Police Service and for Department of Child Protection (DCP) as appropriate.

Termination of the School’s association or relationship with persons who are not employees is a matter for the Headmaster or another authorised person.
2.2 Serious Misconduct

2.2.1 “Misconduct” is defined as behaviour or conduct of a member of staff which, in the Headmaster's opinion, may adversely affect their ability to carry out effectively their duties in the School and/or which is likely to bring the School into disrepute.

2.2.2 “Misconduct” is behaviour or conduct which does not meet the definition of "serious misconduct" (see below).

2.2.3 The term “serious misconduct” is defined as unlawful and/or improper conduct by an employee of such a serious nature that after due process accorded to the staff member concerned his/her contract of employment may be terminated summarily.

2.2.4 The following examples of serious misconduct are illustrative only and are not meant to be exhaustive:

- Criminal charges have been laid which, upon conviction, may result in more than 12 months' imprisonment;
- Sexual abuse, including sexual touching either over or under clothing; oral sex; sexual penetration; possession of films, photographs, electronic material or videos of children involved in sexual activity; or physical intimacy association with suggestions of a sexual nature;
- Sharing or disclosing printed or electronic material with explicit sexual images and/or references;
- Physical abuse including action by the employee causing physical injury or harm to another, or the use of corporal punishment;
- Emotional abuse, behaviour or demeanour by the employee towards another which is calculated to cause them emotional or intellectual development, including terrorising, isolating or constant belittling of another.
- Repetition of acts of misconduct making evident a wilful intention by a staff member to repudiate his/her contract of employment.

2.3 Allegation

2.3.1 An allegation may be defined as:

(a) information received from a third party that misconduct may have occurred;
(b) observation of events which suggest that misconduct may have occurred; or
(c) direct disclosure from an individual that indicates misconduct may have occurred.
2.3.2 Procedures Proceeding an Allegation

Guildford Grammar School has in existence a **Complaints Advisory Committee**.

This committee is made up of the following people:

1. Archbishop’s Representative on the School Council
2. School Chaplain
3. President of the CRA
4. Senior Medical Centre Sister
5. School Counsellor

The purpose of this committee is to:
- receive and listen to complaints made against any member of Guildford Grammar School
- to offer advice to the person making the complaint as to what course of action he/she could take.

It is important to emphasise:
- the committee acts in complete confidentiality
- the committee will act only in an advisory capacity
- the committee will not offer advice if the complaint is one of serious misconduct or if there is any allegation that the Law has been broken.

Persons wishing to seek advice from some or all members of the Committee may approach any committee member.

2.4 Procedures Following an Allegation

A person to whom an allegation is made should document the allegation and their response. Where the person to whom an allegation is made is not the Headmaster of the School, the matter should be reported to the Headmaster (or in the event the Headmaster is absent or that the allegation involves the Headmaster, to the next most senior, available member of staff).

In the case of 2.3.1 above, the third party should be requested to write a statement. In the case of (b) or (c) above, the person to whom the allegation is made should write and date the statement him/herself.

Should the allegation take the form of a disclosure of maltreatment or abuse from a child, the following procedures will apply;

2.4.1 Staff member will inform the DCP:
The staff member will immediately contact DCP. DCP is available to provide support to the student, his/her family, and to enable a risk assessment to be made for other students in the community.
2.4.2 Informing the Headmaster:
The staff member must then advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

If the allegation is against the Headmaster, the Chairman of Council will be advised and will take over the reporting procedures.

2.4.3 Written Records to Headmaster:
Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.

2.4.4 Ceasing Student Contact:
If the Headmaster is satisfied that there are reasonable grounds to support the allegation, the employee is to be removed from all contact with students. If the employee is suspended from duty, he/she will usually remain on full pay unless summarily dismissed. The staff member against whom the allegation is made will immediately be removed from all contact with the Guildford Grammar School community, pending an investigation by the relevant authorities.

2.4.5 Headmaster Informs Parent(s)/Caregiver(s):
It is the responsibility of the Police Service to notify the child’s parent(s)/caregiver(s) of the allegation and any proposed police action. However, the Headmaster may, after consultation with the Police, notify the parents/caregivers, the Guildford Grammar School staff and the Guildford Grammar School community. The victim’s identity must remain confidential.

2.4.6 Headmaster Informs Chairman of Council:
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

2.4.7 Headmaster Seeks Further Advice:
The Headmaster will then seek further advice, usually from the police and/or the DCP on the appropriate action to take in respect of the alleged offender, the child, and the child’s parent(s)/caregiver(s).

2.4.8 Support is Offered:
Support will be offered to the victim, and the alleged perpetrator. This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.
2.4.9 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parent(s)/caregiver(s) are unwilling, the Headmaster will consult with the DCP as to an appropriate course of action.

2.5 Action where Misconduct or Serious Misconduct has occurred

2.5.1 Where the Headmaster forms the opinion after due consideration that an employee’s conduct or action constitutes misconduct, he/she has available a range of measures including counselling, formal warnings, ongoing review, demotion, dismissal or termination as per the relevant Award.

2.5.2 Where the Headmaster forms the opinion after due consideration that an employee’s conduct or action constitutes serious misconduct, summary dismissal or termination according to the provisions of the relevant Award may result.

SECTION 3: ALLEGATIONS AGAINST EMPLOYEES OF BEHAVIOUR OF A SEXUAL NATURE

Acknowledgment:

The following policy and procedures follow closely those of the Education Department of Western Australia, whose assistance in the preparation of this document is acknowledged.

3.1 Definition

School employees are in a position of special trust and authority with respect to children. It is illegal for an employee to have any form of sexual contact with a student. Behaviour of a sexual nature encompasses kissing, fondling, encouraging sexual touching, oral sex, penetration of any kind, and photographing or possession of films, photographs, or videos of children involved in sexual activity.

3.2 Legal Considerations

3.2.1 According to the Criminal Code, a child is not able to give consent to any activity of a sexual nature in any relationship involving an adult.
3.2.2 The Criminal Code defines a child as:

(a) any boy or girl under the age of 18 years; and
(b) in the absence of positive evidence as to age, any boy or girl apparently under the age of 18 years.

The Criminal Code provides severe penalties for sexual offences against children under the age of 16 years.

3.2.3 In relation to children between the ages of 16 and 18 years, it is a criminal offence under Section 322 of the Criminal Code (Acts Amendment: Sexual Offences' Act 1922) for a person in authority to have a sexual relationship with a person under 18 years of age.

3.2.4 The law does not allow for the age of consent of 16 years to be a reasonable excuse when the person is in authority in regard to a child.

3.2.5 Under the terms of this policy, Guildford Grammar School will regard it as serious misconduct for an employee to have a sexual relationship with a student over the age of 18 years when they are in a position of authority to the student.

3.3 Procedures

3.3.1 When an allegation of behaviour of a sexual nature involving a child, or a student over whom they are in a position of authority, is made against an employee of Guildford Grammar School, or there is a strong suspicion that sexual contact has occurred, the following procedures will apply:

3.3.1.1 Staff member will Inform DCP:
A person to whom an allegation is made should document the allegation and their response. If the matter causes them to form a suspicion on reasonable grounds that sexual abuse is or has occurred, they must immediately contact DCP to report the matter.

3.3.1.2 Informing the Headmaster:
Whether or not there are sufficient grounds to report to DCP at that stage, the staff member must then advise the Headmaster or, in the case of a Preparatory School student, the Head of the Preparatory School. In the latter case, the Head of the Preparatory School will advise the Headmaster at the earliest possible convenience.

If the allegation is against the Headmaster, the Chairman of Council will be advised and will take over the reporting procedures.
3.3.1.3 Written Records to Headmaster:
Written records of the allegation, disclosure or discovery will be provided to the Headmaster as soon as possible, including identifying authorship and relevant dates.

3.3.1.4 Ceasing Student Contact:
If the Headmaster is satisfied that there are reasonable grounds to support the allegation, the employee is to be removed from all contact with students. If the employee is suspended from duty, he/she will usually remain on full pay unless summarily dismissed. The staff member against whom the allegation is made will immediately be removed from all contact with the Guildford Grammar School community, pending an investigation by the relevant authorities.

3.3.1.5 Headmaster Informs Parent(s)/Caregiver(s):
It is the responsibility of the Police Service to notify the child’s parent(s)/caregiver(s) of the allegation and any proposed police action. However, the Headmaster may, after consultation with the Police, notify the parents/caregivers, the Guildford Grammar School staff and the Guildford Grammar School community. The victim's identity must remain confidential.

3.3.1.6 Headmaster Informs Chairman of Council
The Headmaster must inform the Chairman of Council of the allegations. Where it appears that more than one child may have been the subject of abuse, co-ordinated action must be taken at the School level, in consultation throughout with the Chairman of Council.

3.3.1.7 Headmaster Informs Department of Educational Services (DES): Any mandatory report is considered a critical incident thus a report needs to be made to DES.

3.3.1.8 Headmaster Seeks Further Advice
The Headmaster will then seek further advice, usually from the police and/or the DCP on the appropriate action to take in respect of the alleged offender, the child, and the child’s parent(s)/caregiver(s).

3.3.1.9 Support is Offered:
Support will be offered to the victim, and the alleged perpetrator. This support may be in the form of in-house support by the School Counsellor or School Chaplain and/or outside agencies. Such support will not in any way impact the other responsive actions set out in this policy document.

Headmaster to organise appropriate support for the staff member making the report.
3.3.1.10 Legal Action:
Any decision to take legal action is a matter for the family. In circumstances where the student wishes to take legal action and the parent(s)/caregiver(s) are unwilling, the Headmaster will consult with the DCP as to an appropriate course of action.

Note: To ensure natural justice for both alleged offender and alleged victim, it is essential that confidentiality is maintained by all parties concerned from the time an allegation is made.

SECTION 4: CHARGING AND JUDICIAL PROCESSES

4.1 The Employee is Charged

(a) An employee may be charged by arrest or by summons.

(b) An employee should advise the employer of the nature of the charge and the date of the first court appearance.

(c) On receipt of information that an employee has been charged, the Headmaster is required to make a judgement about whether or not to suspend from duty or dismiss the employee.

(d) Unless summarily dismissed (see earlier procedure and the provisions of the Award) an employee usually remains on full pay, unless there are exceptional circumstances, in which case the Chairman of Council must be consulted.

4.1.1 Where an employee is suspended, with or without pay, it is appropriate to undertake a periodic review of the situation to determine whether events have occurred which may lead the Headmaster to vary his/her original decision in relation to suspension.

4.1.2 Where an employee is charged by police, the police may wish to interview students at the School. Separate guidelines have been developed by the Commission to cover “police requests to interview students” (see attachment 1). These guidelines have been examined and approved by a senior legal practitioner.
4.2 Acquittal by a Court

4.2.1 A person who has been charged may be acquitted in one of three ways:

(a) by the decision of a magistrate, judge or jury that they are not guilty;

(b) by the decision of a court that there is no case to answer; or

(c) by the decision of the Prosecution to withdraw the charges against the person.

4.2.2 Ordinarily, an employee acquitted by a court will resume their normal duties in their normal position. However, the decision of a court to acquit an employee charged with a criminal offence may not necessarily result in his/her employment resuming (see 4.2.5).

4.2.3 In such an event, responsibility lies with the employer to examine the situation thoroughly and to determine whether it is appropriate in all the circumstances for the employee to resume his/her normal duties.

4.2.4 In criminal proceedings, the burden of proof is “beyond any reasonable doubt” whereas in employment law, the burden of proof is “on the balance of probabilities”, i.e. the civil standard of proof.

4.2.5 The Headmaster/employer is entitled to satisfy him/herself that an employee is a fit and proper person to perform their duties. Thus, the Headmaster/employer may conclude that the employee's services should be terminated or that the employee should not be reinstated (notwithstanding his/her acquittal) taking into account all the circumstances, including the likely effect on the employee.

4.2.6 In such a situation, prior to taking action to terminate or not reinstate an employee, the Headmaster will consult with the Chairman of the School Council, and give every assistance and support in providing employment for the individual concerned.

4.3 Conviction by a Court

4.3.1 A conviction in a court on a matter within the definition of “serious misconduct” (see section 2.2) will result in the summary dismissal of the employee.

4.3.2 Where an employee is convicted of an offence which does not fall within the definition of “serious misconduct”, the conviction may still result in the dismissal of the employee. Please refer to sections 4.2.4 and 4.2.5 in relation to the responsibilities of the Headmaster/employer to satisfy him/herself that an employee is a fit and proper person to perform their duties.
4.3.3 Where a change is found to be proven but there is no conviction; i.e. where the court exercises its discretion not to record a conviction (the term “dismissed” or “no penalty” or “spent conviction order” may be used by the court in these cases), the employer will take that decision into account in deciding whether dismissal, termination or reinstatement is appropriate (see section 4.2.4).

SECTION 5: TERMINATION

5.1 Where the Headmaster/employer has determined that termination of an employee’s services is appropriate, the procedures to be followed are laid down in the relevant Award.

5.2 If the Headmaster is uncertain of the procedure to follow or it is not clearly stated in the relevant Award, the Headmaster is to consult the Chairman of Council and obtain legal advice.
Guidelines -
Police Request to Interview Students
2011
Preamble

Occasionally, members of the Police Service may seek permission to interview a student at School or off campus during school hours. The following guidelines have been drawn up to assist Headmasters and senior staff to respond appropriately to such requests. They have been drawn up by the Commission and vetted by a senior legal practitioner.

Although it is expected that School personnel will cooperate with members of the Police Service in the proper exercise of their policing responsibilities and powers, School personnel are encouraged to take a critical view of requests to interview students at School or during school hours.

In particular, your attention is drawn to the opportunity for malicious or vexatious complaints to be made to the Police by non-custodial parents and others.

In considering any request by members of the Police Service to interview a student at School or off-campus during school hours, the Headmaster should have regard to the presumption of innocence and the best interests of the student.

If in doubt as to the propriety of an interview taking place at school or off-campus during school hours, the Headmaster should decline the request and refer the Police to the student’s parent(s) or legal guardian(s).

Guidelines

1. If a member of the Police Service seeks permission to interview a student at the School, (or to take a student away from the school during regular school hours), the Headmaster or the most senior available staff member must be advised.

2. The Headmaster should first determine whether it is appropriate for the interview to take place at the School or away from school during regular school hours. School staff may not obstruct police in the execution of their duties but should consider the urgency of the matter, the nature of any alleged offences, and the appropriateness of the interview taking place on school premises or away from school during school hours.

3. The matter about which police wish to interview a student may be such that it is not appropriate for the School to first contact the student’s parent(s) e.g. in cases of suspected abuse involving the parent(s).

4. In all cases where it is appropriate to first contact the parent(s), all reasonable efforts should be made to do so. If the parent(s) cannot be contacted and the Headmaster agrees that it is appropriate for the interview to take place at the School or off campus, a senior member of staff must be present throughout the whole interview.

   The staff member attending should be appropriate to the circumstances (taking into account the nature of the matter, the age and sex of the student etc) and should be a person with whom the student is familiar and/or in whom the student has confidence. The staff member should indicate their willingness to participate/assist in this way.
5. Where a student is being interviewed in relation to an alleged offence by the student, the staff member may terminate the interview if for any reason the student indicates, by words or actions, that he/she is unwilling to continue the interview. Members of the Police Service are permitted to interview suspects as long as the interview is voluntary, and the suspect is not threatened, intimidated or offered inducements to participate in or continue the interview.

6. The staff member is there to give support to the student, not to assist the police in their enquiries (although a staff member may not obstruct the police in the proper exercise of their duties).

As soon as possible after the interview, the staff member should make notes of the interview, particularly as to the student’s demeanour and willingness to be interviewed. The staff member may be summoned to give evidence in subsequent legal proceedings.