

CHILD PROTECTION POLICY AND PROCEDURES

MANDATORY NOTIFICATION OF CHILD ABUSE TO THE DEPARTMENT OF COMMUNITY SERVICES

From the 18 December 2000, the provisions of the Children and young Persons (Care and Protection) Act. 1998, will replace those of The Children (Care and Protection Act. 1987, with respect to the Notification of child abuse to the Department of Community Services (DCS).

The Key Legislative changes in respective of the Notification of child abuse to DCS are as follows:

1. A person who in the course of his or her professional work or other paid employment in the field of health care, welfare, education, children's services, residential services, or law enforcement, must report to DCS the name of any child when such a person has reasonable grounds to suspect that the child is at Risk of Harm.

2. A new single ground (basis) for Notification, including Mandatory Notification, to DCS will apply being: "a child or young person at Risk Of Harm".

3. The Notification process has been redefined and reconceptualised as "Reporting Risk of Harm" to DCS.

4. Reporting of Risk of Harm will be undertaken using a new, DCS Tele-Service. For Mandated Reporters 133627 24 hour DCS Helpline

5. Risk of harm can arise as a result of:

- ◆ Sexual abuse
- ◆ Physical abuse
- ◆ Psychological harm (emotional abuse)
- ◆ Neglect of basic physical needs
- ◆ Domestic violence
- ◆ Homelessness

6. The Mandatory Reporting of Risk of Harm applies to any child under the age of 16 years. It also applies to a "class of children" under 16 years of age, see 8 below.

7. Reporting of Risk Of Harm in respect of young persons between the ages of 16 and 18 years is discretionary. Such Reporting may be mandated by an employer. The Department of Education and Training, NSW, has mandated the reporting of risk of harm in respect of 'young persons' by all DET staff.

8. Reporting of Risk of Harm applies to both individual children and a "class of children or young people". A "class of children or young people" refers to more than one child or young person who may be at risk of harm because of their association with a person or situation identified as posing a risk of harm.

9. DCS has the authority to direct agencies (including non-government schools) to provide information relating to the safety, welfare and well being of a child or young person or a "class of children or young people". It should be noted that while from 18 December 2000 Mandatory Reporting of Risk of Harm will replace Mandatory Notification of Child Abuse and all existing procedures relating to:

- ◆ Role of the School Principal
- ◆ Legal protection for Reporters (Notifiers)
- ◆ Allegations of child abuse/harm related to the actions of a staff member which remain unchanged from the previous notification process.

Summary - When to Report to DCS

The Children and Young Person (Care and Protection) Act 1998 refers to reports being made when there are reasonable grounds to suspect risk of harm to the child or young person. A child or young person is at risk of harm if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence of one or more of the following circumstances:

1. The child's or the young persons' basic physical or psychological needs are not being met or at risk of not being met.
2. The parent or other carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
3. Sexually abused or ill-treated.
4. The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm.
5. A parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

(Section 23 children and Young Persons (Care and Protection) Act 1998)

A report can also be made if a child or young person is homeless (Sections 120 and 121 Children and Young Persons (Care and Protection) Act 1998). For a child this will form part of the risk of harm considerations. For a young person between 16 and 18 years of age, a report relating to homelessness needs to have the agreement of the young person.

If a staff member is concerned about a child or young person but is unsure about whether to report, he or she should consult with their principal or manager, or the DCS Helpline, phone 13 3627 . In the context of an ongoing case plan, local DCS staff may also be approached for advice.

Where it is suspected that a crime has been committed, irrespective of the age of the victim or the passage of time, the police must be advised.

CEC, NSW and CCER will rewrite and reissue their existing Guidelines for "Identifying and Notifying Child Abuse - Guidelines for Catholic School Personnel".

Reporting Young People aged 16-17 Years

Under the Children and Young Persons (Care and Protection) ACT) mandated reporters are only required by law to report risk of harm to children under the age of 16 years.

Those working with young people should endeavour to reduce vulnerability to risk of harm through the network of care and support services available. If they have concerns about the level of risk a young person is facing and are unsure if it warrants a report it is important to consult with the Department of Community Services. Where a practitioner is concerned that person aged 16 or 17 years is at risk of harm from abuse or neglect they should make a report. The young person should be involved in the decision to report, and the process of reporting, unless there are exceptional reasons for excluding them. If the young person is against the report being made, this information must be conveyed to the Department of Community Services, which must consider the young person's wishes in any assessments and investigations.

Refer: Sections 24, 27 and 31 Children and Young Persons (Care and and Protection) Act 1998.

The needs of young people can vary from the needs of children and workers will need to use their judgment about the risks a young person may face.

Young people may be vulnerable because of issues such as hazardous substance abuse, family breakdown or crisis, disability, homelessness or a violent relationship. They may be exhibiting criminal behaviours or be victims of crime. Vulnerable young people are often living with multiple risk factors and engaging in risk taking behaviours themselves.

Protective factors will also need to be taken into account when dealing with the issue of reporting risk of harm. For example, a young person may be homeless but because they are in a youth refuge with supportive adults around them they are therefore considered to be safe. If this young person leaves the refuge, the protective factors may disappear and a report may then be warranted.

In making a judgment about reporting young people, the risk of harm issues are not always clear. At times it is difficult to differentiate the origins of risk of harm that young people face. For example, a young person may be at risk of harm from hazardous substance abuse or self harming behaviours but it can be difficult to make a judgment as to whether the risky behaviour stems from abuse, neglect or homelessness. Sometimes practitioners may be working with a young person who exhibits a range of indicators or abuse or neglect. The young person may disclose past abuse that has been investigated previously and the matter closed, or they may not have disclosed abuse or neglect but their lifestyle indicates they are experiencing risk of harm from past abuse.

In weighing up whether to make a report practitioners need to ask themselves:

- ◆ Can the indicators be linked to risk of harm from abuse and neglect?
- ◆ What will happen if this young person is not reported?
- ◆ How do I negotiate the report with the young person who does not wish to be reported?
- ◆ How can I assist in reducing the risk of harm once the young person is reported?
- ◆ How can I work with the Department of Community Services to ensure that the report has positive outcomes for the young person?
- ◆ Can this young person's safety and welfare needs be met if I don't report?

Obligation to report to the Ombudsman

The NSW Ombudsman is responsible for overseeing and monitoring the handling of child abuse allegations and convictions against employees in all schools. Under the 1998 amendments to the Ombudsman Act 1974 Principals must notify the Ombudsman of any child abuse allegation or conviction against a school employee of which they become aware. Child abuse means:

- ◆ Assault (including sexual assault) of a child (being a person under the age of 18 years)
- ◆ Ill-treatment or neglect of a child
- ◆ Exposing or subjecting a child to behaviour that psychologically harms the child, whether or not, in any case, with the consent of the child.

The Principal must make the notification as soon as practicable and, in any event, within 30 days of becoming aware of the allegation or conviction. There is a form for the Principal to complete which will include details of the investigation being undertaken by the school.

The Ombudsman must determine whether the investigation has been properly conducted and whether appropriate action has been taken as a result of the investigation. The Ombudsman may observe interviews conducted by the school and may confer with those conducting the investigation about its progress. The Ombudsman may also conduct its own investigation into any child-abuse allegation or conviction or into the handling of, or response to, any child-abuse allegation or conviction.

Obligation of "prohibited persons" to disclose to employer

The Child Protection (Prohibited Employment Act 1998 (NSW), proclaimed in June 2000, prohibits the child-related employment of persons found guilty of committing certain serious sex offences (prohibited persons). All teaching staff must disclose to their employer whether or not they are prohibited persons. It is an offence for a prohibited person to apply for, or remain in, child-related employment. The Act applies to all new staff from the date of its commencement.

There are transitional provisions which give schools six months from the commencement of the Act to require current staff to make a disclosure. Teachers then have one month to respond.

Obligation for schools to notify the Commission for Children and Young People

The Commission for Children and Young People Act 1998 (NSW) establishes that the NSW Commission has a role in independent policy-making and advocacy for children and young people as well as a role in employment screening for child-related employment. Schools must carry out screening of teachers before employing them. Screening includes:

- ◆ Criminal record checks
- ◆ Apprehended violence checks
- ◆ Relevant disciplinary proceedings checks
- ◆ Relevant probationary checks
- ◆ Assessment of risk children
- ◆ Disclosure of results of check to employer.

Schools must notify the Commission of the name and particulars of an employee against whom relevant disciplinary proceedings have been completed, regardless of the outcome. Relevant disciplinary proceedings means completed proceedings involving child abuse, sexual misconduct or other acts of violence committed by the employee in the course of employment. Schools must also notify the Commission of anybody rejected primarily on account of the outcome of their employment screening result. Suspected risk of harm from child abuse or neglect should be reported

SOME INDICATORS OF CHILD ABUSE

Note: One indicator in isolation may not necessarily indicate abuse. Rather any indicator needs to be considered in the context of the child's personal circumstances.

Indicators of child sexual abuse:

- ◆ Describes sexual acts (eg: Daddy hurt my wee-wee)
- ◆ Direct or indirect disclosure
- ◆ Age inappropriate behaviour and / or persistent sexual behaviour
- ◆ Self-destructive behaviour, suicide attempts, self mutilation
- ◆ Persistent running away from home
- ◆ Eating disorders
- ◆ Going to bed fully clothed
- ◆ Regression in developmental achievements in younger children
- ◆ Child or young person being in contact with a known or suspected perpetrator of sexual assault
- ◆ Unexplained accumulation of money or gifts
- ◆ Bleeding from the vagina or external genitalia or anus
- ◆ Injuries such as tears or bruising to the genitalia or anus
- ◆ Sexually transmitted diseases
- ◆ Adolescent pregnancy
- ◆ Trauma to the breasts, buttocks, lower abdomen or thighs

General indicators of child stress should also be considered such as:

- ◆ Complaints of stomach aches and headaches with no physical findings
- ◆ Sleeping/bedtime problems e.g. nightmares, bed-wetting.

Indicators of Physical Abuse

- ◆ Facial, head and neck bruising.
- ◆ Lacerations and welts from excessive discipline or physical restraint.
- ◆ Explanation offered by the child is not consistent with the injury.
- ◆ Other bruising and marks which may show the shape of the object that caused it (e.g. a

hand print, buckle).

- ◆ Bite marks and scratches where the bruise may show a print of teeth.
- ◆ Multiple injuries or bruises.
- ◆ Ingestion of poisonous substances, alcohol or other harmful drugs.
- ◆ Ruptured internal organs without a history of major trauma.
- ◆ Dislocations, sprains, twisting.
- ◆ Fractures of bones.
- ◆ Burns and scalds.
- ◆ Head injuries where the child may have indicators of drowsiness, vomiting, fits or retinal hemorrhage suggesting the possibility of the child having been shaken.

General indicators of female genital mutilation which could include:

- ◆ Having a special operation associated with celebrations
- ◆ Reluctance to be involved in sport or other physical activities when previously interested.
- ◆ Request for assistance by child or parent/caregiver where physical abuse has occurred but where none of the above injuries are currently present.

Indicators of Emotional Abuse

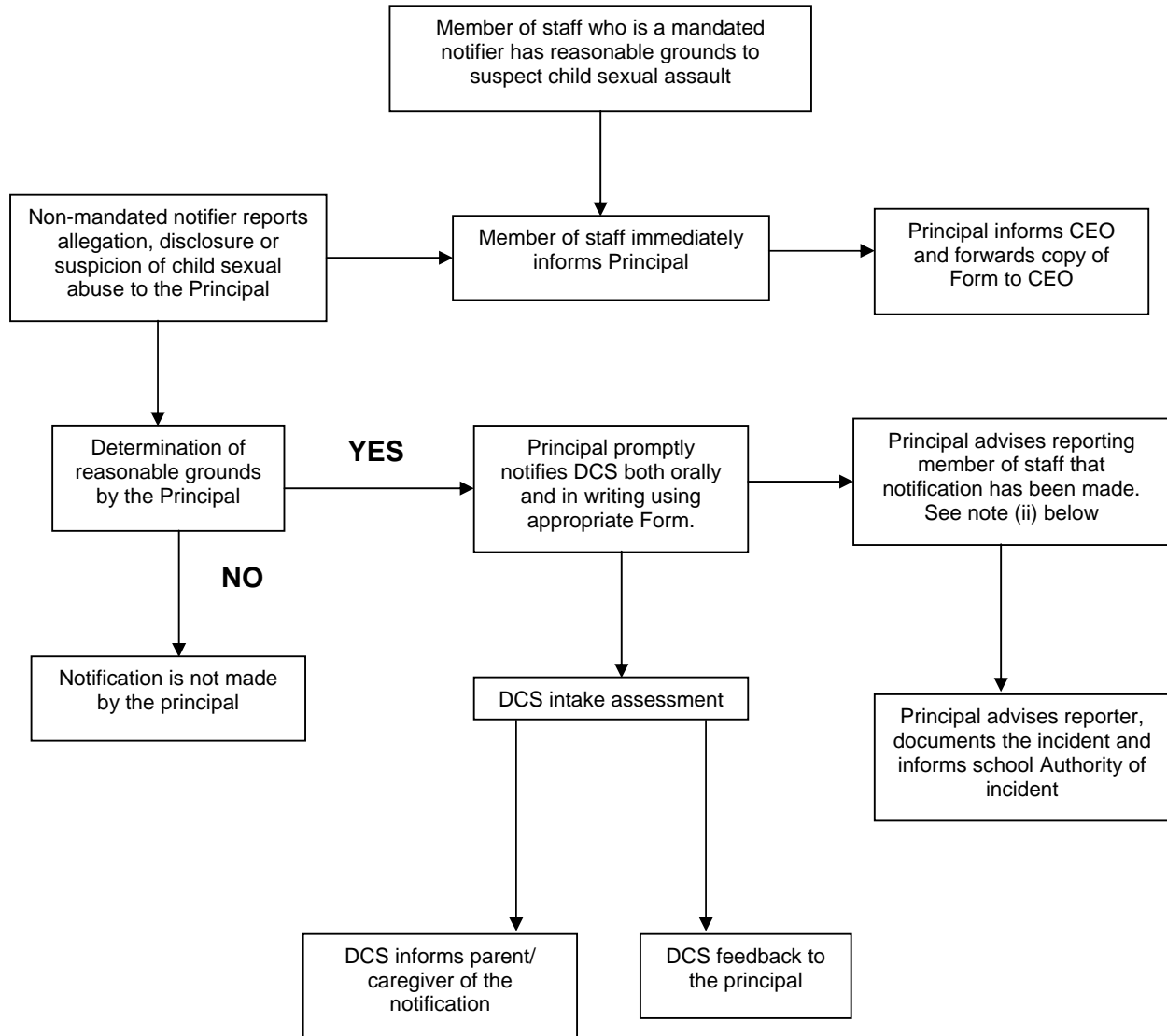
- ◆ Feelings of worthlessness about life and themselves.
- ◆ Inability to value others.
- ◆ Lack of trust in people and expectations.
- ◆ Lack of inter personal skills necessary for adequate functioning.
- ◆ Extreme attention seeking behaviour.
- ◆ Other behavioural disorders (e.g. disruptiveness, aggressiveness, bullying.)

Indicators of neglect

- ◆ Poor standards of hygiene leading to social isolation.
- ◆ Scavenging or stealing food.
- ◆ Non-organic failure to thrive/malnutrition.
- ◆ Extended stays at school, public places, other's homes.
- ◆ Being focused on basic survival
- ◆ Anxiety about being dropped or abandoned
- ◆ Loss of 'skin bloom'
- ◆ Poor hair texture
- ◆ Untreated physical problems
- ◆ Extreme longing for adult affection.
- ◆ A flat and superficial way of relating, lacking a sense of genuine interaction.
- ◆ Self comforting behaviour, eg: rocking, sucking
- ◆ Delay in developmental milestones

CHILD PROTECTION GUIDELINES – THE NOTIFICATION PROCESS

(See also Guidelines for Catholic School Personnel from the Catholic Education Commission)



The Principal ensures appropriate care and support is afforded to the student and reporting staff member at all times including maintenance of confidentiality.

Notes:

- (i) Documentation must be kept of each step
- (ii) If a Principal does not notify and the teacher still has reasonable grounds for suspicion then the teacher must notify

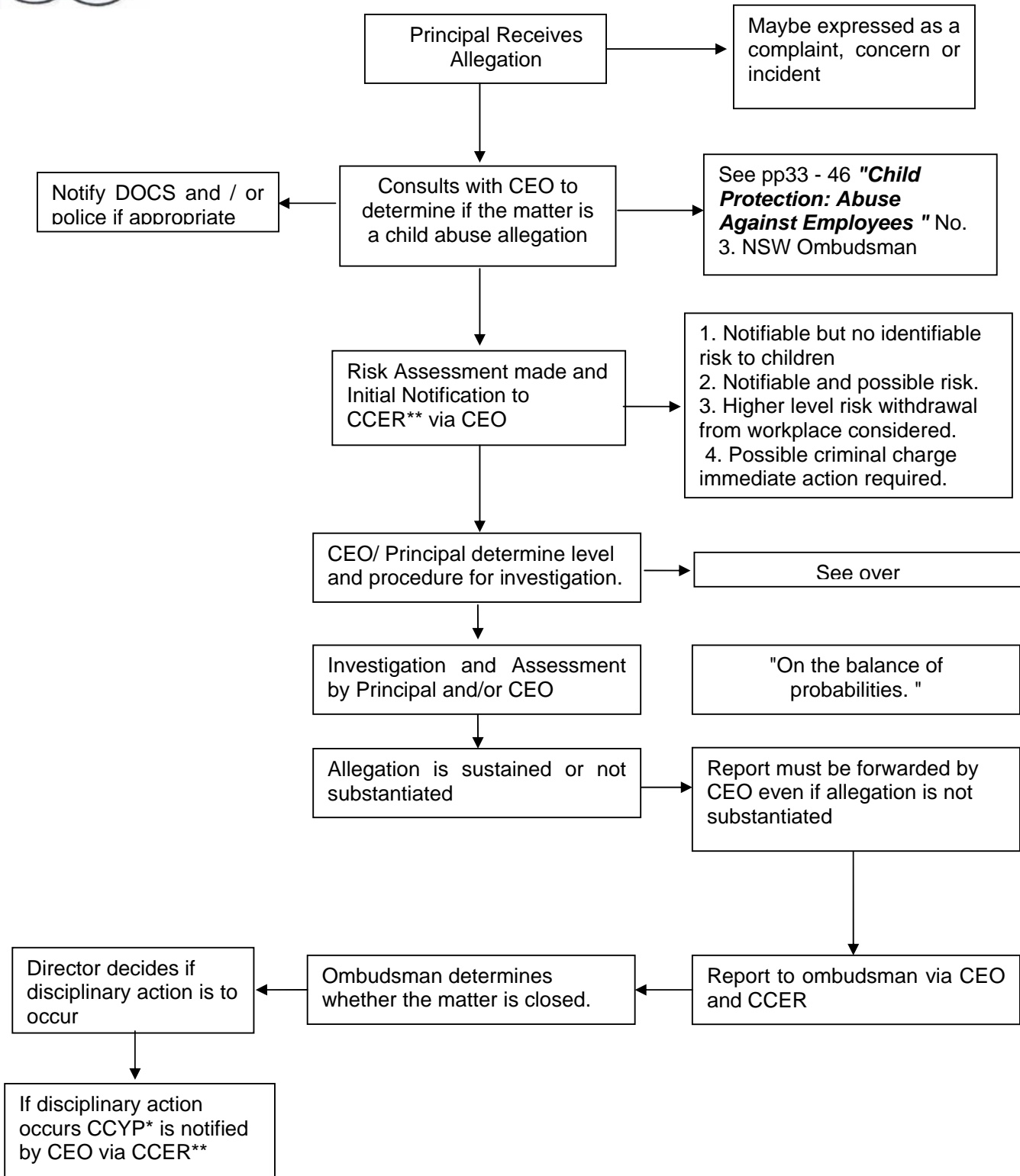
ALLEGATIONS OF REPORTABLE CONDUCTS

At all times the investigation must be conducted by adhering to the principles of confidentiality, natural justice, procedural fairness, and respect and support for the dignity of all involved.

- 1.** Following the report of an allegation to the CEO a risk assessment is made and an Initial Report is made to the Ombudsman's Office via CCER.
- 2.** After the initial risk assessment the CEO, after consulting the Principal, will determine who is to conduct the investigation.
- 3.** The Principal will meet with the employee and advise them that an allegation has been made and will:
 - (a) Provide as much detail concerning the allegation as is possible (if DCS/Police are involved the amount of information provided may be limited).
 - (b) Advise of the investigation process.
 - (c) Advise the outcome of the initial risk assessment.
 - (d) Offer support.
 - (e) Advise arrangements for the conduct of the investigation.
 - (f) Advise the employee that they may have a support person present during any interviews.
 - (g) Advise that all parties are bound by confidentiality.
- 4.** The investigator, in general, will:
 - (a) Clarify the allegation with the complainant and or victim and invite them to state the allegation in writing.
 - (b) Detail the allegation to the employee during an interview, either orally or in writing, and invite the employee to respond orally or in writing or both.
 - (c) Provide a written account of the interview to the employee. The employee may respond in writing to the record of interview.
 - (d) Interview the victim or witnesses or others, if necessary, before a finding is reached.
 - (e) If necessary obtain clarification from the employee.
 - (f) Determine a finding of sustained or not sustained based on the balance of probabilities.
 - (g) Advise the employee orally or in writing of the finding and any recommendations.
 - (h) Report to the Director of Schools the finding and any recommendations.
 - (i) Forward a report to the Ombudsman's Office via CCER.
- 5.** At all times during the process of the investigation the Director of Schools is to be kept informed.
- 6.** If disciplinary action occurs the Commission For Children and Young People is to be notified.



RESPONSE TO AN ALLEGATION OF REPORTABLE CONDUCT BY A TEACHER – CEO PROCESS



*CCYP Commission for Children and Young People.

** CCER - Catholic Commission for Employment Relations.

AND NOTIFYING - CHILD ABUSE SUMMARY OF KEY QUESTIONS, SEPTEMBER 1998

Identifying and Notifying Child Abuse

This document is designed to provide school principals and other school personnel with a summary overview of key issues and procedures involved in Identifying and Notifying Child Abuse. This summary statement should be considered in the context of the complete CEC, NSW document Identifying and Notifying Child Abuse: Guidelines For Catholic School Personnel (September 1998).

Disclaimer

This summary is not intended to be relied upon as constituting legal advice. Rather, the information provided is only intended to serve as a general guide to the duties placed upon school personnel by the NSW Children (Care and Protection) Act, 1987.

These guidelines have been finalised with the advice of the NSW Bishops Conference.

Identifying and Notifying Child Abuse - Notification Checklist for the Mandatory Reporting of Child Sexual Abuse

The information collected in completion of this checklist is to be treated as confidential to the Principal.

- ◆ Has the mandated staff member (teacher, school counsellor, social worker) who originally reported the suspected child sexual assault to the Principal (1) been informed, of the notification to DCS, and (2) been provided with the DCS notification rating?
- ◆ Has any non-mandated person who has raised concerns with the Principal been advised of the Principal's decision regarding notification to DCS?
- ◆ Has Form A - Form for the Notification of Suspected Child Abuse or Neglect - been completed and sent to DCS?
- ◆ Has the School Authority* been advised of the notification and been sent a copy of Form A?
- ◆ Has DCS, informed the Parent / Caregivers that a notification has been made?
- ◆ Has DCS advised the name of the DCS key worker assigned to the case?
- ◆ Has a school copy of Form A and any related documentation been filed in a secure and confidential place

Where any notification of abuse involves alleged improper conduct by clergy, religious, employees or volunteers working for the Catholic Church, then such allegations must be brought to the attention of the Professional Standards Office of the Catholic Church in NSW. The School Authority is the entity which appoints the school principal.

1. Principles for Notifying Suspected Child Abuse

Within Catholic schools procedures for the notification of suspected child abuse should be based on the following principles:

- ◆ All adults have a responsibility to care for children and to protect them from any kind of abuse as well as to promote their welfare in a positive manner
- ◆ In every preventative and / or protective action related to child abuse the best interests of the child is of paramount consideration
- ◆ The school should do its best to provide both a safe environment for children and services which foster their health, developmental needs, spirituality, self respect and dignity
- ◆ All reasonable action should be taken to protect children from all forms of violence, injury, neglect or exploitation
- ◆ The value of the family unit is to be respected but not to the detriment of the well being of the child
- ◆ At all times the legal principle of “presumption of innocence” as it applies to any accused person must be respected
- ◆ When developing child protection procedures all Catholic schools must address the principles and procedures detailed in ‘Towards Healing’
- ◆ Advice and assistance should be sought from Diocesan Centacare and like services
- ◆ All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect

2. What is Child Sexual Abuse?

- ◆ Child sexual abuse is the involvement of dependent children or adolescents in sexual activity with an adult or person older or bigger. The child is used as a sexual object for the gratification of the older person’s needs or desires and is unable to give consent due to the unequal power in the relationship. Child sexual abuse does not generally include peer sexual activity
- ◆ Child sexual abuse includes fondling genitals, masturbation, oral sex, vaginal and anal penetration by a finger, penis or any other object. It includes attempting any such act, or assault with such intent. It may also include pornography, exhibitionism and suggestive behaviour. In all cases, the offender has more power than the child and misuses that power to take sexual advantage of the child
- ◆ When considering alleged cases of child sexual abuse, age of consent issues are highly relevant considerations. In NSW, the age of consent for heterosexual sex is 16 and for homosexual sex is 18. The age under which a child cannot give consent in any circumstances is 10

3. Who is the Mandatory Notifier?

NSW Legislation makes the following school personnel mandatory notifiers of child sexual abuse

- ◆ Counsellors
- ◆ Social workers
- ◆ Principals
- ◆ Deputy Principal

This means that all school personnel occupying one of these positions, or performing the functions of the position, who in the course of any aspect of their professional duties, have reasonable grounds to suspect that a child under the age of 16 has been sexually assaulted, are required to comply promptly with the mandatory provisions of the Act unless they are also a Minister of Religion. A failure to comply with this statutory duty is an offence.

4. What are Reasonable Grounds to Suspect Child Abuse?

Reasonable grounds to suspect child abuse may occur when:

- ◆ A child speaks about being sexually assaulted - about what has happened, about how they feel
- ◆ Someone else (perhaps a relative, friend, acquaintance or sibling of the child) informs a member of staff that they suspect abuse and give some indication as to what concerns them
- ◆ A child tells a member of staff that they know someone who has been sexually abused (often the child is referring to his / herself)
- ◆ A member of staff observes a particular child's behaviour, physical appearance, condition or behaviour; or their knowledge of children generally leads to suspicion of child sexual abuse.
- ◆ A reasonable suspicion does not require:
 - Direct knowledge or evidence of abuse
 - The notifier to believe that abuse has taken place, suspicion based on reasonable grounds is sufficient.
- ◆ Reasonable suspicion must be based on a reasonable assessment of any suspicion. For a notifier to be acting on reasonable grounds his or her actions must not be motivated by ignorance, malice or vindictiveness.

5. How to report

Every school principal, deputy principal and all teachers, school counsellors, social workers and early childhood teachers are individually required by law to notify DCS where they have reasonable grounds to suspect that a child or young is exposed to sexual abuse.

In Catholic schools this legal duty will be carried out through the application of the following steps:

- ◆ Any member of staff who is a mandated notifier who has reasonable grounds to suspect that a student under 16 years of age has been, or is at risk of being sexually abused must immediately report this concern to the Principal. The Principal must promptly pass this notification to the Department of Community Services (DCS) without delay.
- ◆ If the person reporting the concern about suspected abuse is not a mandated notifier then the Principal must notify the DCS, once the Principal is satisfied that reasonable grounds to suspect sexual assault exist.
- ◆ Initial notification to DCS is to be made by phone to avoid delay but must be followed by notification in writing. Written advice must be immediately forwarded to DCS and also retained for school records.
- ◆ The Principal must inform the school authority of the notification. (The school authority is the entity which appoints the school principal.)
- ◆ Where the alleged offender is the School Principal the notifier is to report their suspicion to the school authority and the school authority must immediately notify DCS. (The school authority is the entity which appoints the school principal.)
- ◆ Any teacher has a legal right and duty to report any suspected case of child sexual assault direct to DCS, particularly when a principal or school authority does not transmit a notification to DCS.

6. How does Mandatory Notification apply to Students 16 years of age and over?

The Child Protection Legislation offers to students who are 16 or 17 the same protective intervention and access to care and support services as those provided by the Department of Community Services for younger children. It should be noted that the Department of Community Services has discretion rather than a duty to investigate a notification in respect of this age group.

When considering a notification involving a 16 or 17 year old it is important to take into account the young person's wishes, level of maturation and personal situation, while ensuring that the decision making responsibility for safety is not left entirely to the student. It is strongly recommended any student over 16 years of age should be informed of a decision to notify.

18 years and over

A student who has turned 18 years is legally an adult and therefore is no longer covered by the provisions of the Children (Care and Protection) Act. Notification to the Department of Community Services is not applicable.

The reporting of a crime to the Police may, however, be either desirable or necessary. If the student has been 'abused' within the meaning of the Act, it is possible that a crime has been committed. Where any citizen knows or believes that a crime has been committed, then, in accordance with Section 316 of the Crimes Act, this knowledge must be reported to the police. Section 316 of the Crimes Act does not, however, require the reporting of suspicions. Suspicion of Child Abuse is only required to be reported under The Children (Care and Protection) Act.

7. Who Notifies Allegations of Physical Abuse, Emotional Abuse and Neglect?

All Australian Ministers for Education have recently agreed (April 1998) that school personnel who are mandated notifiers of child sexual abuse should also be required to notify all other forms of child abuse. NSW Legislation establishes a reporting process whereby people who believe, on reasonable grounds, that a child is being, or is in danger of being abused and/or neglected, can give information to the Department of Community Services so that action may be taken to protect the child.

Any member of staff who has reasonable grounds for suspecting that a student has been, or is in danger of being, physically abused, emotionally abused or neglected, must report this concern to the Principal. Since the Principal is responsible for the administration and conduct of the school and all that relates to it, the Principal must be informed of all serious matters concerning the welfare of students, including suspected or disclosed incidents of physical abuse, emotional abuse and neglect.

As for suspected or disclosed sexual abuse, any suspected abuse of a student who is 16 or 17 years of age, may be notified to DCS. It should be noted that DCS has discretion rather than a duty to investigate a notification in respect of 16 and 17 year olds. In making a decision to notify in respect of a 16 or 17 year old, it is important to take into account the young person's wishes, level of maturation and personal situation, while ensuring that the decision making responsibility for safety issues is not left entirely to the student.

8. Do allegations of Assault / Abuse by Peers have to be Reported to Department of Community Services (DCS)?

Where a report has been made concerning alleged peer assault / Abuse and the Principal has reasonable grounds to suspect that it is appropriate to notify DCS or Police, procedures as for all assault / Abuse incidents should be followed. In this case, attention needs to be given to age of consent issues. In NSW, the age of consent for heterosexual sex is 16 and for homosexual sex is 18.

9. What Legal Protection do Notifiers have?

The Children (Care and Protection) Act includes the following safeguards for mandatory notifiers when they are acting on "reasonable grounds to suspect":

- ◆ The Notification cannot be held to constitute a breach of professional etiquette, ethics or conduct
- ◆ No liability for defamation can arise because of the making of the Notification.
- ◆ The Notification shall not be held to found a civil action for malicious prosecution or conspiracy.
- ◆ The Notification is not admissible as evidence in courts apart from children's courts dealing with the particular problem arising from the notification. No person can be compelled in any court or tribunal to produce the Notification or part thereof or to give evidence of its contents except in a children's court dealing with the subject, child.

It must be noted that these protections only apply to the Notification. Discussion, interviews and proceedings which precede or follow the Notification may fall outside these protections. Consequently, in some cases school personnel may be required to give evidence in court actions which arise from or are related to the notified incident.

School personnel should understand that the Legislation does not expressly state that the notification must be treated confidentially or that the anonymity of the reporter must be preserved. In practice officers of the Department of Community Services will, however attempt to preserve the anonymity of the notifier.

Section 115 of the Children (Care and Protection) Act makes the unauthorised disclosure of information relating to a notification of child abuse an offence.

10. How are Parents and/or Caregivers advised that a Notification has been made to DCS?

If a child discloses abuse while at school the Principal should make sure that the child is supported and cared for at school until the DCS advises the Principal on the course of action to be taken. It is the role of DCS to investigate notifications and inform parents or Caregivers that a notification has been made. The Principal must not make any contact with parents or Caregivers regarding the notification. Following any Notification to DCS the Principal must clarify the following matters with DCS who will take responsibility for informing the child's parents / Caregivers that an interview will take place or has taken place

What contact is to be made with the family by the school?

How will any interview with the student be conducted?

The ensuing action will depend on whether or not there is family or close friend of the family involved in the suspected abuse.

No suspected family or close friend of the family involved

When the allegation of Child Abuse involves suspected family or close family friend, DCS is required to inform the parent / caregivers that a notification has been made. The Principal must seek confirmation from the DCS that this has occurred and clarify if the parent / caregivers, or their nominee, will be attending the interview

Suspected family or close family friend Involved

When the allegation of Child Abuse involves a family member or a friend of the parent, or if the identity of the alleged offender is not known, then the parents/Caregivers are not to be informed by the school that either a Notification has been made or an interview is to take place. This is to permit the interview to take place free of family involvement. In these circumstances it is the obligation of DCS to inform parents/ Caregivers when such an interview has taken place. This DCS advice should be given as soon as possible after the initial interview. The school Principal must confirm that the parents/Caregivers have been advised by DCS of action arising from the Notification.

When a notifier suspects a Principal of child abuse, the notifier immediately notifies the School Authority and the School Authority immediately notifies DCS orally and in writing. The School Authority keeps the notifier informed of all action. The School Authority is the entity which appoints the Principal. Any teacher has a legal right and duty to report any suspected case of child sexual assault direct to DCS, particularly when a Principal or School Authority does not transmit a notification to DCS