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Child Protection - Abuse Identification and Initial Notification

Child Abuse (Maltreatment)

All children and young people have the right to be protected from abuse, maltreatment and harm.

Child abuse or maltreatment occurs when a child (a person under the age of 16), or young person (aged 16-17 years) has been subjected to:

- physical abuse
- sexual abuse
- serious emotional or psychological harm
- ill-treatment
- exposed to domestic or family violence
- neglect

which has resulted or is likely to result in harm to the child or young person's wellbeing.

Child abuse may involve ongoing, repeated or persistent abuse, or it may arise from a single incident.

It is possible for a child or young person to be maltreated by a parent or carer, another adult person or another child or young person who may or may not be older.

Grooming

Grooming is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or young person, or with a number of children or young people.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Perpetrators can groom a child, as well as other people in the child's life, for example parents/carers and other staff members at the School.

Grooming is a form of child abuse in NSW under the Crimes Act 1900 (NSW) and grooming behaviours are criminal offences and are identified as a form of sexual misconduct that is subject to reportable conduct and Mandatory Reporting obligations.

Malek Fahd Islamic School treats the commission of grooming behaviours on its premises, online, using School equipment, during its extra-curricular activities or in other related settings (e.g. the home of a teacher) as conduct which threatens the safety of students, and action must be taken as part of our Child Protection Program. A failure to reduce or remove the risk of a child becoming a victim of grooming may also constitute a criminal offence.

See our **Detecting, Reporting and Addressing Grooming Behaviours** and **Reportable Conduct of Staff, Volunteers and Others** policies.

Malek Fahd Islamic School's Policy

Malek Fahd Islamic School is committed to providing a safe environment for all our students.

It is our policy that:

- all staff are trained with respect to identification of child abuse and grooming and relevant procedures
- all suspected cases of child abuse or grooming are reported to FACS and/or the Police
- we maintain up-to-date procedures to assist staff in identifying and reporting child abuse or grooming
- we work collaboratively with relevant external agencies that may be involved in child protection
- we act immediately to ensure the safety of at risk or abused students
- we provide ongoing support and assistance to students who have been abused.

Indicators of Child Abuse (Maltreatment)

Children and young people in need of care and protection may show indicators of harm and maltreatment in their school environment. The following indicators may assist staff who are concerned about children or young people in their care:

Physical Abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other person.

It includes, but is not limited to, injuries which are caused by:

- excessive discipline
- severe beatings or shakings
- cigarette burns
- attempted strangulation
- female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child or young person around the head or neck and/or using a stick, belt or other object to discipline or punish a child or young person (in a non-trivial way) is a crime.

Indicators of physical abuse include:

- bruising to the face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds (including cigarette burns)
- multiple injuries or bruises
- explanation of injury offered by the child or young person is not consistent with the injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation e.g. having a 'special operation'.

Sexual Abuse

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically and psychologically to make them participate in the activity.

Child sexual abuse is a crime.

Indicators of sexual abuse include:

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or child's friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child or young person's age
- going to bed fully clothed
- regressive behaviour e.g. sudden return to bed-wetting or soiling
- self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- child or young person being in contact with a known or suspected paedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours including self-harm, suicide attempts.

Serious Emotional or Psychological Harm

Serious psychological harm can occur where the behaviour of their parent/carer damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Indicators of psychological abuse or harm include:

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

Neglect

Child neglect is the continued failure by a parent/carer to provide a child or young person with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Key indicators of neglect are:

- low weight for age and/or failure to thrive and develop
- untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay
- poor standards of hygiene i.e. child consistently unwashed
- poor complexion and hair texture
- child or young person not adequately supervised for their age
- scavenging or stealing food with a focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance.

Domestic or Family Violence

Domestic or family violence is behaviour towards a family member that may include:

- physical violence or threats of violence
- verbal abuse, including threats
- emotional or psychological abuse
- sexual abuse
- financial and social abuse.

As family violence can result in one or more forms of child abuse (being neglect, physical or sexual abuse or emotional or psychological harm) physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation. A child or young person's exposure to family violence also constitutes child abuse under the Family Law Act 1975 (Cth).

Managing a Student's Disclosure of Abuse

A student may disclose information about abuse or neglect privately to a staff member. Alternatively, a child or young person may make a public disclosure such as making a disclosure in class or to a group of other students.

Private Disclosure

If a student discloses a situation of abuse directly to a staff member their role is to reassure the student and support the student in their decision to disclose. The teacher must assure students that they have the right to feel safe and must listen actively to what the student is saying.

Disclosure of abuse can cause strong feelings in the person to whom the disclosure is being made. It is important for the staff member to be aware of, and control, their feelings.

Sometimes students may try and elicit a promise that a staff member not tell anyone about the disclosure. Do not make this promise.

The teacher is responsible for reporting the matter (refer to **Child Protection - Mandatory Reporting of Abuse**) and is not responsible for investigating the matter.

Public Disclosure

It is possible that a student may start to disclose in class or with a group of other students. In this circumstance, a teacher should use a strategy of 'protective interrupting' and:

- acknowledge that you have heard the student and stop further disclosure whilst maintaining support and encouraging the student to discuss the matter in a more private situation
- quietly arrange to see the student as soon as possible away from other students
- do not allow other students to ask questions and discourage them from making judgements.

Initial Reporting of Abuse

The identification of child abuse can be difficult especially where it is based upon the observation of multiple risk indicators that may often occur over a period of time.

Where a staff member forms a belief on reasonable grounds that neglect or abuse may be occurring, the Mandatory Reporter Guide (MRG) will be used to determine whether or not those concerns reach the suspected Risk of Significant Harm (ROSH) threshold. If they do reach that threshold, the concerns are then reported either to FACS on the Child Protection Helpline (132 111) or the Head of Agency (HOA).

At Malek Fahd Islamic School, the HOA is the Principal, however, should the allegation involve the Principal, the report is to be made to the School Board.

This obligation is part of the School's overall commitment to the safety, welfare and well-being of children. It also falls outside the scope of a staff member's mandatory obligation to report on reasonable grounds that a child is at risk of significant harm from abuse or neglect.

Initial Action Following Disclosure

Safety of students is paramount. Once disclosure has been made, the Principal, or appropriate person, may consult with the School counsellor, as the particular circumstances demand, and will determine a strategy to ensure the student's immediate safety. This process must be documented (refer to the 'Records' section below).

Mandatory Reporting of Abuse and Neglect

In NSW it is a requirement of the Children and Young Persons (Care and Protection) Act 1998 (NSW) that the reporting of abuse (including physical, sexual or psychological/emotional abuse and/or neglect/ill-treatment/exposure to family violence) of a child is mandatory. It is not mandatory to report the abuse of a young person (16-17 years), however, it is the School's policy to report concerns about the safety and wellbeing of all its students, including young persons.

Abuse and neglect must be reported where a teacher forms a belief, on reasonable grounds, that a child or young person is at risk of significant harm from abuse or neglect.

To make a report call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, 7 days a week).

For details of the process of Mandatory Reporting of child abuse and neglect refer to our **Child Protection - Mandatory Reporting of Abuse** policy.

Voluntary Reporting

Any person who believes, on reasonable grounds, that a child or young person is in need of protection may voluntarily report to FACS. You do not have to prove that abuse has taken place.

If you need to report an offence that requires immediate Police attention, call the Police on 000.

If you suspect on reasonable grounds that a child or young person is suffering abuse or neglect or you wish to discuss your concerns about a child or young person, call the Child Protection Helpline on 132 111 or the NSW Office of the Children's Guardian on 1800 212 936 (24 hours a day, 7 days a week).

Allegations against a Staff Member/Volunteer/Others

Where a matter that is subject to Mandatory Reporting also involves an allegation against a staff member or any person engaged by the School to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

Allegations against a staff member or volunteer that are not subject to Mandatory Reporting because the child or young person is not at 'significant risk of harm' but still involves sexual misconduct (including child pornography) or 'behaviour that causes psychological harm to a child' must also be reported to the NSW Ombudsman.

For details refer to our **Child Protection - Reportable Conduct of Staff, Volunteers and Others** policy.

Crimes Act 1900 (NSW) Offences

The following two offences impose duties on persons at the School to act in relation to a risk of child abuse occurring or in the event that they have information that a child abuse offence has been committed. A person's failure to:

- make a report using the Child Protection Helpline or to FACS, or
- notify the NSW Ombudsman of reportable conduct,

may result in the commission of offences under these provisions.

Section 43B: Failure to reduce or remove risk of child becoming victim of child abuse

A person commits an offence if:

- the person is an adult (person who is of or above the age of 18 years) who carries out work for an organisation, whether as an employee, contractor, volunteer or otherwise (a **position holder**), and

- the organisation is the employer of an adult worker, who engages in **child-related work**, and
- there is a serious risk that the adult worker will commit a child abuse offence against a child (a person under the age of 18 years) who is, or may come, under the care, supervision or authority of the organisation, and
- the position holder knows that the risk exists, and
- the position holder, by reason of their position, has the power or responsibility to reduce or remove that risk, and
- the position holder negligently fails to reduce or remove that risk.

“Serious risk” and “knows” are undefined in the legislation.

Child-related work has the meaning given in the Child Protection (Working with Children) Act 2012 (NSW) and includes education or religious services work that involves direct contact (physical contact or face-to-face contact) by the worker with the child or children, where that contact is a usual part of and more than incidental to the work.

Worker has the meaning given in the Child Protection (Working with Children) Act 2012 (NSW) and includes an employee, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), and a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.

Refer to **Child Protection - Working with Children Checks** for more information about the Child Protection (Working with Children) Act 2012 (NSW).

The list of **child abuse offences** that are captured by this provision is extensive and includes rape, sexual abuse, sexual touching, production of child abuse material and grooming offences as well as attempts to commit those offences.

Section 316A: Concealing child abuse offence

It is an offence under the Crimes Act 1900 (NSW) to conceal a child abuse offence. Under section 316A an adult (person who is of or above the age of 18 years):

- who knows, believes or reasonably ought to know that a **child abuse offence** has been committed against another person, and
- who knows, believes or reasonably ought to know that they have information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence, and
- who fails without reasonable excuse to bring that information to the attention of a member of the Police as soon as it is practicable to do so,

is guilty of an offence.

A person will have a "reasonable excuse" for failing to tell the Police if:

- they believe, on reasonable grounds, that the Police already know the information, or
- they have made a mandatory report under Mandatory Reporting laws or believe on reasonable grounds that another person has done so, or
- they have reported the information to the NSW Ombudsman under reportable conduct laws or believe on reasonable grounds that another person has done so, or
- they have reasonable grounds to fear for the safety of the person or any other person (other than the offender) if the information were to be reported to the Police, or
- the information was obtained by the person (by the person receiving it or otherwise becoming aware of it) when they were under the age of 18 years, or
- the alleged victim was an adult at the time that the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to Police.

The list of **child abuse offences** that are captured by this provision is extensive and includes rape, sexual abuse, sexual touching, production of child abuse material and grooming offences as well as attempts to commit those offences.

The reporting of an offence under section 316A by a person in good faith does not constitute unprofessional conduct or a breach of professional ethics and does not make the person subject to any civil liability (including liability for defamation).

Duty to Prevent Abuse

Section 6F of the Civil Liability Act 2002 (NSW) imposes a duty of care on the School to take reasonable precautions to prevent an individual associated with the School from perpetrating physical or sexual abuse of a child in connection with the School's responsibility for the child. If the School is involved in a negligence proceeding under the Civil Liability Act, the School is presumed to have breached its duty of care unless it establishes that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law.

In determining whether the School took reasonable precautions to prevent child abuse, a court may take into account any of the following:

- the nature of the School
- the resources reasonably available to the School
- the relationship between the School and the child
- whether the School has delegated in whole or in part the exercise of care, supervision or authority over a child to another organisation
- the role in the School of the individual who perpetrated the child abuse
- the level of control the School had over the individual who perpetrated the child abuse
- whether the School complied with any applicable standards in respect of child safety
- any other matters the court considers relevant.

Ongoing Management Plan

Together with FACS and/or the Police the School will develop and implement a management plan designed to provide ongoing support to the student who has been the subject of abuse or neglect.

Record Keeping

Where a staff member suspects child abuse but does not have enough information, written and dated records of their observations and concerns should be kept until reasonable belief is formed.

All verbal and written communications regarding child protection matters (including notes of observations, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

The records of child protection matters including allegations, investigations and findings must be stored securely.

This documentation is maintained by the Principal and located in the Principal's office.

Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse must keep such information confidential and secure and must not disclose this information unless required to do so as part of the ongoing investigation or by law.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. In particular, staff must not promise a student that they will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

Staff Responsibilities

Staff must ensure:

- reports of child abuse are made as soon as practicable to Principal
- they comply with their obligation for Mandatory Reporting of abuse or neglect
- they comply with their reportable conduct obligations
- they comply with their criminal law duties regarding the reduction or removal of child abuse risk and reporting child abuse offences
- confidentiality is maintained throughout the process
- immediate support is given to students making disclosures
- records of all verbal and written communication are maintained and stored securely
- no attempts to investigate the incident are made
- participation in training.

Signage

Posters of child abuse indicators, Mandatory Reporting processes and FACS contact details are displayed strategically in staff rooms at the School.

Implementation

This policy is implemented through a combination of:

- development of risk identification and reporting procedures
- the provision of counselling services
- staff training
- signage
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Malek Fahd Islamic School will take disciplinary action, including in the case of serious breaches, summary dismissal.