

# Mandatory Reporting of Child Sexual Abuse Training Policy

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## 1. Purpose

The *Children and Community Services Act 2004* governs the care and protection of children in Western Australia. Section 124(b) of this Act confers a mandatory duty on prescribed health professionals to report concerns of child sexual abuse to the Department of Communities.

The *Mandatory Reporting of Child Sexual Abuse Training Policy* establishes the minimum requirements for Health Service Providers (HSPs) to support staff to meet their legislative reporting requirements as they relate to child sexual abuse.

The onus of meeting these obligations rests with individual employees. However, to meet this obligation, and to manage organisational risk, it is incumbent upon HSPs to ensure relevant staff complete appropriate education and training to fulfil their legislative requirements.

This policy is a mandatory requirement under the *Clinical Services Planning and Programs Policy Framework* pursuant to section 26(2)(c) of the *Health Services Act 2016*.

This policy supersedes OD 0606/14 *Guidelines for Protecting Children 2015*.

## 2. Applicability

This policy is applicable to all HSPs that provide clinical services and the NurseWest unit of Health Support Services.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or HSP. The State of Western Australia or HSP contract manager is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

## 3. Policy Requirements

- HSPs must ensure all doctors (including contracted medical practitioners), nurses and midwives employed in the WA health system in their clinical capacity (whether casual, full time, part-time, permanent or contracted basis, or providing consultancy or sessional services) complete the Mandatory Reporting of Child Sexual Abuse online

training module located on the My Learning platform, or local learning management system, of each HSP.

- HSPs must ensure these professionals complete the Mandatory Reporting of Child Sexual Abuse online training module within 3 months of commencing employment, and every 3 years to maintain currency. HSPs may require the completion of this training at a shorter interval, where it is deemed appropriate.

#### 4. Compliance Monitoring

HSPs are responsible for ensuring compliance with this policy.

Compliance for Mandatory Reporting of Child Sexual Abuse training is measured through the preparation of an annual report for each financial year, to be approved by the Board and made available to the System Manager by email.

The System Manager, through the Strategy, Policy and Planning Directorate, will carry out compliance audits to ascertain the level of HSP compliance with this policy and will provide updates to the Director General and other relevant persons regarding the findings of compliance monitoring activities.

#### 5. Related Documents

The following documents are mandatory pursuant to this policy:

- N/A

#### 6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [Guidelines for Protecting Children 2020](#)
- [State-wide Protection of Children Coordination Unit \(SPOCC\) Education and Training website](#)

#### 7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Child	Pursuant to section 3 of the <i>Children and Community Services Act 2004</i> , <b>child</b> means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.
Doctor	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession.

Midwife	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the midwifery profession.
Nurse	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing profession.
Sexual abuse	Pursuant to section 124A of the <i>Children and Community Services Act 2004</i> , <b>sexual abuse</b> , in relation to a child, includes sexual behaviour in circumstances where — <ul style="list-style-type: none"> <li>a. the child is the subject of bribery, coercion, a threat, exploitation or violence; or</li> <li>b. the child has less power than another person involved in the behaviour; or</li> <li>c. there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.</li> </ul>
Mandatory reporter	Pursuant to section 124B of the <i>Children and Community Services Act 2004</i> , a <b>mandatory reporter</b> is a person who has a statutory duty to report sexual abuse of children. The Act identifies those persons as: A doctor, nurse, midwife, police officer, teacher or boarding supervisor; who <ul style="list-style-type: none"> <li>(a) believes on reasonable grounds that a child — <ul style="list-style-type: none"> <li>(i) has been the subject of sexual abuse that occurred on or after commencement day; or</li> <li>(ii) is the subject of ongoing sexual abuse;</li> </ul> and </li> <li>(b) forms the belief — <ul style="list-style-type: none"> <li>(i) in the course of the person’s work (whether paid or unpaid) as a doctor, nurse, midwife, police officer, teacher or boarding supervisor; and</li> <li>(ii) must report the belief as soon as practicable after forming the belief.</li> </ul> </li> </ul>
Medical practitioner	A medical practitioner engaged under a medical services agreement to provide medical services to public patients admitted to a public hospital.

## 8. Policy Contact

Enquiries relating to this policy may be directed to:

Title: Manager, Child Safeguarding  
Directorate: Strategy, Policy and Planning  
Email: [childsafeguarding@health.wa.gov.au](mailto:childsafeguarding@health.wa.gov.au)

## 9. Document Control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0166/21	22 July 2021	22 July 2021	July 2022	Original version
MP 0166/21	19 October 2023	19 October 2023	July 2022	Minor amendments as outlined below.
<ul style="list-style-type: none"><li>• Removed online training module link and inserted wording regarding access to the module on HSPs LMS platforms.</li><li>• Removal of outdated Supporting Information – State-wide Protection of Children Coordination Unit (SPOCC) Training Calendar.</li></ul>				

## 10. Approval

Approval by	Nicole O'Keefe, Assistant Director General, Strategy and Governance, Department of Health
Approval date	21 July 2021

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