Mandatory Reporting of Child Sexual Abuse Training Policy

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 (the policy)* establishes the minimum requirements for Health Service Providers (HSPs) to support staff to meet their legislative reporting requirements relating to child sexual abuse.

The onus of meeting these obligations rests with individual staff members. 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 for Health Service Providers under the *Clinical Services and Planning Policy Framework* pursuant to section 26(2)(c) of the *Health Services Act 2016.*

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 Health Service Provider. The State of Western Australia or Health Service Provider 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, nurses, midwives and psychologists employed in the WA health system in their clinical capacity (whether casual, fixed-term, full time, part-time, permanent or otherwise contracted, or providing consultancy or sessional services) complete the Mandatory Reporting of Child Sexual Abuse online training modules 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 modules within three months of commencing employment, and every three years to maintain currency. HSPs may require the completion of this training at a shorter interval, where it is deemed appropriate.

- HSPs must provide staff members that do not have access to the My Learning platform (ie external contractors, agency and casual staff) with access to the online web version of the training.

4. Compliance Monitoring

The System Manager, through the Strategy, Policy and Planning Directorate, will monitor HSP compliance with this policy by requiring that HSPs provide an annual report on the number and percentage of staff members that have completed the training within 3 months of commencing employment and every 3 years thereafter.

This information is to be provided by HSPs at the end of June each year to strategicsocialhealthpolicy@health.wa.gov.au. This information will be used to evaluate the effectiveness of the policy.

An annual report will be provided to the System Manager and other relevant persons regarding the findings of compliance monitoring activities.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- Mandatory Reporting of Child Sexual Abuse-Theory – 2024 (*eLearning module-MyLearning platform*)
- Mandatory Reporting of Child Sexual Abuse WEB-Overview (eLearning course)

6. Supporting Information

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

- Guidelines for Protecting Children 2020, Government of Western Australia, Child and Adolescent Health Service
- Mandatory Reporting Guide: Western Australia May 2024, Government of Western Australia, Department of Communities
- Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report Recommendations

7. Definitions

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

Term	Definition
Child	Pursuant to section 3 of the *Children and Community Services Act 2004,* child 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 *Health Practitioner Regulation National Law (Western Australia)* in the medical profession (other than as a student).
Psychologist	A person registered under the Health Practitioner Regulation National Law (Western Australia) in the psychology profession (other than as a student).
Midwife	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the midwifery profession (other than as a student).
Nurse	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession (other than as a student).
Sexual abuse	Pursuant to section 124A of the *Children and Community Services Act 2004*, sexual abuse, in relation to a child, includes sexual behaviour in circumstances where — a. the child is the subject of bribery, coercion, a threat, exploitation or violence; or b. the child has less power than another person involved in the behaviour; or there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.
Mandatory reporter	Pursuant to section 124B of the *Children and Community Services Act 2004*, and the *Child and Community Services Amendment Act 2021*, a mandatory reporter is a person who has a statutory duty to report sexual abuse of children. Relevant health professionals include doctor, nurse, midwife, psychologist. The Act identifies those specified persons, who: (a) 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 (b) forms the belief — (i) in the course of the person's work (whether paid or unpaid) as a specified person; and (ii) must report the belief as soon as practicable after forming the belief.
Medical practitioner	A medical practitioner engaged under a medical services agreement to provide medical services to public patients admitted to a public hospital.
WA health system	The WA health system is comprised of: (i) the Department; (ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service,

	Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and (iii) contracted health entities, to the extent they provide health services to the State.

8. Policy Contact

Enquiries relating to this policy may be directed to:
Title: Director, Strategic Social Health Policy
Directorate: Strategy, Policy and Planning
Email: strategicsocialhealthpolicy@health.wa.gov.au

9. Document Control

Version	Published date	Review date	Amendment(s)
MP 0166/21	22 July 2021	July 2022	Original version
MP 0166/21 v.1.0	19 October 2023	April 2024	Minor amendments as outlined below.
• Removed online training module link and inserted wording regarding access to the module on HSPs LMS platforms. • Removal of outdated Supporting Information – State-wide Protection of Children Coordination Unit (SPOCC) Training Calendar.			
MP 0166/21 v. 2.0	2 May 2024	May 2027	Policy review and amendments as listed below.
• Policy Requirements section updated to reflect amended legislation: *Child and Community Services Amendment Act 2021.* • Compliance Monitoring section updated to reflect current practice and monitoring requirements by the System Manager (policy owner). • Related Documents section updated to include the Mandatory Training of Child Sexual Abuse eLearning module and the Mandatory Reporting of the Child Sexual Abuse Web eLearning course. • Inclusion of supporting information documents: 'Mandatory Reporting Guide WA-May 2024' and 'Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report Recommendations.' • Definitions section: inclusion of Psychologist definition. Updated the following definitions – Midwife, Nurse and Mandatory reporter. • Policy contact amended to reflect updated policy owner contact.			

Note: Mandatory policies that exceed the scheduled review date will continue to remain in effect.

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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