

5. Child Abuse - What is it?

Everybody needs to report once they have formed a reasonable belief

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Ballarat Steiner School and Kindergarten will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service or the Police, depending on the allegation or disclosure made. Please see the Child Protection Reporting Obligations Policy

Ballarat Steiner School and Kindergarten has established simple and accessible procedures for anyone to report a child abuse concern internally to the School's Child Protection Officer, Svantje Mertens or the Education Facilitator.

Ballarat Steiner School and Kindergarten has developed and implemented procedures for Committee members, staff and volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for third party contractors, external education providers, parents/carers and other community members are also included in our Child Protection Reporting Obligations Policy which is available on our website and in the staff room.

This policy describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. These include:

- Managing Your Initial Response to a Child Protection Incident
- Reporting a Child Abuse Concern

All of the school's procedures for reporting and responding to allegation of child abuse are designed and implemented taking into account the diverse characteristics of the school community and the developmental stages of the child.

The school will respond to all allegations of child abuse in an appropriate manner including:

- Informing the appropriate authorities and fully cooperating with any resulting investigation.
- Protecting any child connected to the allegation until it is resolved and providing ongoing

- support to those affected.
- Taking measures in response to an allegation that concerns a culturally diverse child or a child with a disability.
- Securing and retaining records of the allegation and the school's response to it.

These points are clearly explained in the Department of Education template: Four critical actions for Schools. Responding to Incidents, Disclosures and Suspicions of Child Abuse.

Link: http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx

What is a 'reasonable belief'?

Most of the reporting provisions in the *CYFA* and *Crimes Act* prompt persons to report where they have formed a 'reasonable belief' or a belief on reasonable grounds. A 'reasonable belief' is considered to be more than a suspicion and is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. It results in a person being more inclined to accept, rather than reject, the idea they are contemplating. It is important to understand that proof is not required to support your claim.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused, is being abused, or is at risk of abuse
- you observe a child's behaviour, actions or injuries that may place them at risk of harm, or may lead you to suspect that abuse is occurring
- you are aware of persistent family violence, parental substance misuse, psychiatric illness or disability that is impacting on the child's safety, stability or development
- you observe signs or indicators of abuse, including non-accidental, unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- you become aware of possible harm via your involvement in the community, external to your professional role.
- signs of sexual abuse lead to a belief that the child has been sexually abused.

Identifying Abuse

Types of child abuse and indicators of harm

Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time. Child abuse includes physical abuse, sexual abuse, emotional abuse or neglect. In Victoria, under the Children, Youth and Families Act 2005 (Vic.) a child or young person is a person under seventeen years of age.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect and medical neglect
- family violence

A report should be made to DHS Child Protection in circumstances where, for example:

• the child is engaging in risk-taking behaviour

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- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

Physical Abuse

Physical abuse or injury may consist of any non-accidental form of injury or serious physical harm inflicted on a child by any person. Physical injury and significant harm to a child may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child by exposing the child to extremely dangerous or life-threatening situations. Examples of physical abuse may include:

- beating, shaking or burning
- assault with implements
- fabricated illness syndrome
- female genital mutilation (FGM).

Physical Indicators of physical abuse may include:

- Bruises or welts on facial areas and other areas of the body
- Bruises or welts in unusual configurations, or those that look like the object used to make the injury, i.e. fingerprints, handprints, buckles, iron or teeth
- Burns that show the shape of the object used to make them, i.e. iron, grill, cigarette
- Burns from boiling water, oil or flames
- Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered, or the type of injury possible at the child's age of development
- Cuts and grazes to the mouth, lips, gums, eyes, ears
- Human bite marks
- Bald patches where hair has been pulled out
- Multiple injuries, old and new
- Effects of poisoning
- Internal injuries.

Behavioural indicators of abuse may include:

- Disclosure of an injury inflicted by someone else or an inconsistent or unlikely explanation or inability to remember the cause of injury
- Unusual fear of physical contact with adults
- Wearing clothes unsuitable for weather conditions to hide injuries
- Wariness or fear of a parent, carer or guardian
- Reluctance to go home
- No reaction or little emotion displayed when being hurt or threatened
- Habitual absences from school without explanation
- Overly compliant, shy, withdrawn, passive and uncommunicative
- Unusually nervous, hyperactive, aggressive, disruptive and destructive to self and/or others
- Regressive behaviour

Sexual Abuse

A child is sexually abused when another person uses their authority or power over the child to engage in sexual activity.

Sexual activity may include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a finger, penis or any other object, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

Emotional Abuse

Emotional abuse occurs when a child is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Emotional abuse may occur with or without other forms of abuse.

The **cumulative harm** caused by repeated emotional abuse can have a profoundly damaging impact on a child's sense of self-worth, safety, stability and wellbeing. For example, if a child is told on a daily basis that he / she is stupid, ugly, unlovable, unwanted, and has ruined someone's life, the child may develop personality or behavioural disorders, and have difficulty in forming sustained and intimate relationships.

Emotional abuse should be reported to DHS Child Protection on the grounds that:

- the child has suffered, or is likely to suffer, emotional or psychological harm that has, or is likely to significantly damage the child's emotional or intellectual development, and
- the child's parents have not protected, or are unlikely to protect, the child from that harm.

Neglect and Medical Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

A child is neglected if he / she is left uncared for over long periods of time or is abandoned. The two types of neglect include:

- **serious neglect**: situations where a parent consistently fails to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe
- **medical neglect**: when a parent's refusal or failure to seek treatment or agree to a certain medical procedure, leads to an unacceptable deprivation of the child's basic rights to life or health.

Neglect of a child may be reported to DHS Child Protection on the grounds that:

- the child's physical development or health has been, or is likely to be, significantly harmed, and
- the child's parents have not provided or are unable or unlikely to provide or arrange for basic care, effective medical, surgical or remedial care for the child.

Family Violence.

Family violence is behaviour by a person 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.

Acts of family violence may give rise to concerns that:

- a child needs protection
- criminal offences are being committed.

All staff members have a duty of care to the students. Staff should make a report to DHS Child Protection if they form a reasonable belief that a child needs protection from any of the above forms of abuse. All school staff should also inform Svantje Mertens as the school's Child Safety Officer of their concerns.

Reporting a child displaying sexually abusive behaviours

The CYFA makes provision for reporting a child exhibiting sexually abusive behaviours who, as a result, may need therapeutic treatment. Any person who believes on reasonable grounds that a child who is over 10 but under 15 years of age may need therapeutic treatment should report their belief and the reasonable grounds for it to DHS Child Protection.

A child may exhibit sexually abusive behaviours by using their power, authority or status to engage another party in sexual activity that is:

- unwanted, or
- where, due to the nature of the situation, the other party is not capable of giving informed consent (this may include sexual behaviour with a family pet or other animal, or sexual behaviour involving another child who is younger or who has a cognitive impairment).

Physical force or threats may sometimes be involved but this is not a required feature. Sexual activity may include exposure, peeping, fondling, masturbation, oral sex, penetration of a vagina or anus using a penis, finger or object, or exposure to pornography. This list is not exhaustive.

Grooming

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity later.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity for
 example, it may only involve establishing a relationship with the child, parent or carer for
 facilitating sexual activity later.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as up-skirting and indecent behaviour in public.

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year-old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

The maximum penalty is 10 years imprisonment.

Child Abuse - What do we do?

Hearing a disclosure

If a child or young person makes a disclosure to you, it is important you respond in an appropriate and supportive manner. If a child discloses abuse, you should only ask appropriate questions to obtain further necessary information to form a belief on reasonable grounds. It is important not to use leading questions which may influence the child's answers.

You should reassure and support the child. You can do this by:

- Stating clearly that the abuse is not the child's fault.
- Reassuring the child that you believe them.
- Telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

A public disclosure occurs where you observe a child disclosing abuse to another child, or group of children. In this circumstance, you should use a strategy of "protective interrupting".

The aim of "protective interrupting" is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- Asking the child if you can talk privately.
- Moving the child away from the other students to a quiet space.
- Following the guidelines with respect to managing a private disclosure.

Once a disclosure is made you must report the matter internally to the School's Child Protection Officer as soon as possible. Please use the template PROTECT which will record all your observations, including disclosures and other details that led you to suspect the abuse. Please see the Child Protection and Reporting Obligations Policy.

- Stay calm and control expressions of panic and shock
- Try and separate the child from the other children discreetly and listen to them carefully
- Let the child use their own works to explain what has occurred
- State clearly that the abuse was not the child/young person's fault
 no matter what the circumstances
- Always accept what the child says, no matter how fanciful it may appear to you let them know you believe them
- Allow the child/young person to talk at their own pace, and use their own language.
- Listen attentively and only ask open-ended questions. Avoid using leading questions, and remember: you are not investigating the allegation.
- Do not pressure the child/young person into telling you more than they want to.
- Encourage the child/young person to talk about their concerns, as this can be helpful in dealing with difficult experiences.

- Not all the information will be necessarily expressed in one conversation or discussion.
- Tell the child/young person you are pleased they told you and they are doing the right thing
- At some point in the disclosure ensure that you inform the child or young person that you cannot
 offer absolute confidentiality or protection. Do not make promises that you may not be able to
 keep.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide the child with an incident report form to complete, or complete it together if you think the child is able to do this.
- Take careful notes throughout, if appropriate, or very soon after the child/young person has left. Keep to the facts, and use the words as they were spoken to you. Note date, time and place.
- You may wish to stop the interview if you think it is better handled by another person or staff member, or if it is too stressful for the child/young person.
- Avoid going over the information time and time again; you are only gathering information to help you form a belief on reasonable grounds that you to need make a notification to DHS Child Protection.

Victoria police are responsible for investigating the allegations after a notification to DHS Child Protection has been made.

Appropriate Questions include:

- When did this happen?
- What did the person do?
- Have you told anyone else?
- Where did this happen?
- How do you feel when this happens?
- Has this happened more than once?
- What do you mean by that?
- Would you like to tell me anything else?

These questions should be asked in a gentle, patient, non-confrontational manner, with the aim of providing an opportunity for the child or young person to disclose information in a safe environment. It is important that the child or young person does not feel they are being interrogated or accused of any wrong doing. If they become upset during the conversation, it may be appropriate to seek additional help or support to ensure the child or young person's wellbeing.

Parent/Carer Allegation

If a parent or a carer says their child has been abused in your organisation or raises a concern you should:

- Explain that we have processes to ensure all abuse allegations are taken very seriously
- Ask about the wellbeing of the child
- Allow the parent/carer to talk through the incident in their own works
- Advise the parent/carer that you will take notes during the discussion to capture all details
- Explain to them the information may need to be repeated to authorities or others, such as the
 organisations management or child safety officer, the police or child protection
- Do not make promises at this early stage except that you will do your best to keep the child safe
- Provide them with an incident report form to complete or complete it together
- Ake them what action they would like to take and advise them of what the immediate next steps will be
- Ensure the report is recorded accurately, and that the record is stored securely.

Third Party Disclosure

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation, you should:

- Listen to the person's concerns seeking clarification where required.
- Thank the person for raising their concern.
- Advise the person that we have procedures for dealing with situations this.
- Advise the person that you will discuss their concerns with the relevant authorities.
- As with Private Disclosure you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third-party disclosure is made you must report the matter internally to a School Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Support Following Disclosure

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made. The range of measures employed will depend on:

- The degree of severity of the situation.
- The risk of harm to the child.
- The capability and willingness of the parent to protect the child from harm.

After a disclosure is made:

- Do not promise the child that you will not tell anyone about the allegation.
- Reassure the child that it was the right thing to do to tell an adult.
- Tell the child what you plan to do next.
- Do not confront the person believed to be the perpetrator.
- Report the matter to one of the School's Child Protection Officers who will be able to assist you
 in developing additional support strategies.
- Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Further Duty of Care;

In line with our duty of care, school staff must continue to take steps to ensure that the student feels safe and supported at school or kindergarten. This may include the following actions:

Coordinating allied health and wellbeing supports and services for the affected student. This
could include, but should not be limited to, meeting with members of the community church,
the schools educational support person, curative eurythmy and or extra lesson support.

- Developing and implementing an individual management plan for the student, knowing that the trauma may affect the child's ability to learn and their behaviour
- Where appropriate, establishing regular communication between staff and the student's parent / guardian / carer that builds respect, trust and flexibility
- Ensure all decisions are made with the best interests of the child at the centre of the decision.
- Ensuring ongoing monitoring and follow-up of the student's health and wellbeing.

Being Aware of Diversity

We are aware that some people from culturally and /or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. Such as people from some cultures may experience anxiety when talking with police, and communication in English may be a barrier for some. We are sensitive to these issues and meet people's needs where possible such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an aboriginal child, we will need to ensure a culturally appropriate response. The Aboriginal Cooperative in Ballarat is contactable on 03 5331 5344. They will offer support for children in these situations.

If we enrol a student with a physical disability, we need to be mindful during their enrolment process of barriers these children may experience when disclosing an incident and ensure we have advice regarding communication with people with a disability. This information can be found of the Department of Health and Human Services website.

Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is imperative to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with Svantje Mertens, the School's Child Protection Officer. Svantje will be able to assist you in clarifying your concerns and managing the next steps.

You should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However, once a reasonable belief has been formed, it is not your role to investigate. This is the role of Child Protection or the Police.

Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely:

- The Obligation to Report a Sexual Offence.
- The Obligation to Act to Protect.
- The Obligation to Make a Mandatory Report.

Making a report

Schools must take immediate action in relation to concerns about potential child abuse. Staff should take steps to ensure the immediate safety of the student involved and ensure an appropriate level of care and supervision is provided for the student. If possible the report should be made on the day that the reasonable belief was formed.

In the case of an emergency, staff should contact Emergency Services on 000.

Depending on what kind of abuse is alleged, staff must report the abuse to DHS Child Protection.

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Phone | **5341 - 8188** ABN 87 514 837 927 Page 9 of 12 Staff members should inform Svantje Mertens as the school's Child Safety Officer of any report that has been made.

The State Government's Department of Education, has developed two templates for schools to utilise when responding to suspected child abuse. Ballarat Steiner School and Kindergarten will utilise these templates in responding to an allegation of child abuse.

The first is the 'Four Critical Actions for schools when responding to Incidents, Disclosures and Suspicions of Child Abuse. This applies all types of child abuse.

The second is "PROTECT". A template for to be filled in and kept on file when responding to an incident, disclosure or suspicion of child abuse. Both are included in this policy suite. They can also be found on the web:

http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf

Both these templates have been printed out and placed in a folder which can be found in the Kindergarten and in the College pigeon holes. When a response to an allegation of child abuse has been made, the continuing report file is to be locked in the front office file, to ensure the file is monitored and observed always. The filing cabinet is always to be locked and the front office is to be locked when it is unattended.

What if another person has already made a report?

Once a school staff member forms a belief on reasonable grounds that they should make a report to protect a child, their obligation to report is separate from the reporting obligations or actions of other people.

This means that you should make a report to protect a child even if:

- DHS Child Protection, Child FIRST, or Victoria Police were previously involved or are already involved with the child and / or their family
- you are aware that another party, such as a family member, has already raised concerns with the relevant authorities.
- regardless of whether the report is mandated by the CYFA or Crimes Act, all school staff owe a duty of care to their students. Making a report is consistent with this duty.
- you should also bear in mind that other people may not have access to the specific information held by school staff. The information you provide through your report may assist the relevant authority to take further action to protect the child.

What if I have already made a report?

- School staff should make a new report after each occasion on which they become aware of any further reasonable grounds for the belief.
- This means that although a report has already been made to the relevant authorities, if new information comes to light that constitutes new grounds for reporting a reasonable belief that warrants a report being made to protect a child, then a new report should be made.

Obtaining Advice or Support.

If you have a concern but are unsure if you should make a report to DHS Child Protection or Victoria Police or a referral to Child FIRST, you should discuss this with Svantje Mertens as the school's Child Safety Officer, a member of College of Teachers or a member of the school management team.

However, if you form and continue to hold a belief on reasonable grounds, even if other staff members do not agree with you, you should still make a report to the relevant authorities.

In the event that you are not sure whether to make a report, it is better to err on the side of caution and make a report.

Other Reporting Obligations

Although it is not mandatory to do so, any person should make a report to DHS Child Protection or Victoria Police on the basis of their reasonable belief that a child is in need of protection from significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type. Also, any person should make a report to DHS Child Protection on the bases of their reasonable belief that a child is in need of protection of the following, other grounds:

- Abandonment.
- Death or incapacity
- Emotional or psychological harm
- Harm to physical development or health.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with Svantje Mertens as the school's Child Safety Officer, and ensure any allegation is reported to Victoria Police, DHS Child Protection or Child FIRST as deemed appropriate.

Teachers and Staff can share information and make a referral to Child FIRST when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

Reporting to VIT.

Important Phone Numbers

Victoria Police 000

Child Protection (DHS Victoria)

During Business Hours Contact: 5333 6530 24 Hour Crisis Line 131 278

Ballarat Police

SOCIT Sexual Offences and Child Abuse Investigative Team 5336 6055

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College Chair

Svantje Mertens Child Safety Officer Svante@ballaratsteinerschool.com.au

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Department of Health and Human Services 1300 737 639

Glossary of Terms:

DHS The *Department of Human Services* is a Victorian Government department that is part of the Department of Health & Human Services (*DHHS*).

ChildFIRST (Family Information Referral and Support Team)

A family services community-based intake and referral service. ChildFIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection. http://www.cyf.vic.gov.au/family-services/child-first

Child Protection

- The statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm. http://www.cyf.vic.gov.au/child-protection-family-services/home

Department of Education and Early Childhood Development

DEECD is responsible for the learning, development, health and wellbeing of all young Victorians, from birth to adulthood. http://www.education.vic.gov.au/default.htm

Licensed children's service

A service providing care or education for four or more children under the age of 13 years in the absence of their parents, carers or guardians that is licensed under the Children's Services Act 1996.

Staff members

Staff employed in licensed children's services, government schools and regional offices, Catholic schools and independent schools.

Legislative frameworks

Charter of Human Rights and Responsibilities Act 2006 - The law that protects the human rights of all people in Victoria. The charter contains 20 rights reflecting four basic principles: freedom, respect, equality and dignity.

Children's Services Act 1996 - The law that provides for the licensing and regulation of all Victorian children's services to a set of required minimum standards.

Children's Services Regulations 2009 (Regulations) - A regulatory framework to ensure that all licensed children's services meet minimum service standards and requirements.

Children, Youth and Families Act 2005 (CYFA) - The legislative basis of the Victorian Government's 'Every Child Every Chance' reforms.

Education and Training Reform Act 2006 (ETRA) The legislative foundation and framework for Victoria's education system.

Education and Training Reform Regulations 2007 (ETRR) The regulations under the above Act.

Crimes Act 1958

Victorian Institute of Teaching Act 2001