

Child Protection for Educators and Principals: A Moral and Legal Obligation

Child maltreatment has reached ‘epidemic’ proportions globally. Defined in the Australian context child maltreatment refers to,

“any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse)” (Bromfield, 2005; Christoffel et al., 1992).

Whilst it is difficult to ascertain the exact incidence of child maltreatment, overwhelming evidence indicates the magnitude of the problem is significant. Studies highlight that 25-70 percent of children around the world experience physical abuse, 20 percent of female children and 5 to 10 percent of male children suffer sexual abuse and 24 to 30 percent of children experience emotional abuse (ISPCAN International Congress on Child Abuse and Neglect, 2012). In Australia from 2014-2015, 320,169 child protection notification were received, 152,086 of those were investigated and 56,423 were substantiated, resulting in 48,730 children on child protection orders and 43,399 of those children entering out of home care (Australian Institute of Family Studies, 2016). In recent years there has been an influx of media attention, government inquiries into departmental responses to child abuse and neglect and a host of research identifying the prevalence of abuse and neglect in our society. Schools are arguably on the front-line, holding a front row seat to the detection and reporting of child maltreatment. As our society becomes more complex, and the responsibilities of educators more diverse and welfare oriented, the legal terrain for educators and educational leaders becomes more ambiguous. Educators are perfectly positioned to detect, respond to and advocate for vulnerable children, prior to the point of crisis. It is of great importance that educators and educational leaders are equipped with the necessary knowledge and skills to navigate their legal and moral obligations.

This chapter aims to provide education professionals with an overview of the legal issues commonly encountered in the professional context, the nature of mandatory reporting obligations and the often conflicting moral and ethical considerations. The chapter will explore the attitudes and deterrents to educators fulfilling these obligations and role of preservice education in adequately preparing professionals for the complexities of their role on the front line of child protection.

On the Front Line: The Role of Educators

Educators are in the invaluable position to identify and respond to suspected child maltreatment, in many cases, prior to statutory involvement and intrusive tertiary interventions. Schools afford students, especially those most vulnerable, a place of safety and security, of routine and predictability; likewise, educators hold a position of trust with children and their families. As caretakers, educators often maintain a close and consistent relationship with children and their families and can receive a great deal of personal and privileged information. Alternatively, when there is limited history available to the educator, the professional must rely on their skills of observation and their understanding of development and attachment in order to be effective in responding to child maltreatment in the first instance. This perspective strengthens the argument for the value of comprehensive child protection education for pre service and practicing teachers. This information offers insight on which to base assessment of needs and risk and allows educators to advocate for children and access programs and services which may strengthen vulnerable families. With children spending most of their waking hours in the care of education professionals and with education departments identified as the second most common notifier of child abuse and neglect, an education institution's role in child protection seems clear (Australian Institute of Health and Welfare, 2015).

A range of factors have been identified in research to highlight the key role educators hold in child protection. The body of time teachers spend with children is greater than any other professional or non-familial adult and is comparable to that of the child's own family (Riley, 2009). Due to their specific knowledge and skills, including targeted observation and comprehensive understanding of human development, teachers are well placed to identify delays, changes and anomalies in behaviour, appearance and progress. They are also well positioned to detect indicators or risk factors of abuse and neglect (Walsh et al, 2005). Rapport and accessibility are also factors which often result in teachers receiving disclosures of maltreatment directly from children, as well as from family and other concerned community members. A British study of adolescents' experiences of social work services found that for many young people, teachers were a preferred confidante, as compared to social workers (Triseliotis et al., 1995, p. 140). Seidman et al identified educators as a group of "unrelated adults who are able to serve as 'listeners' and 'valuers' for young people (1994, p.519). Schools and educational staff within these institutions have become such an acknowledged source of monitoring and support for children that child protection

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departments recognise schools as a ‘protective factor’ in risk assessment practices (Centre for Disease Control, 2016; Queensland Government, 2015)

There is a clear and definite link between the duration, frequency and severity of abuse and its impact on the child (Bromfield & Miller, 2007). ‘Cumulative harm’ is experienced by a child as a result of “a series or pattern of harmful events and experiences that may be historical, or ongoing, with the strong possibility of the risk factors being multiple, inter-related and co-existing over critical developmental periods” (Victorian Government, 2007, p.1). According to Higgins (2004) there is a growing body of evidence suggesting that a significant proportion of maltreated individuals experience not just repeated episodes of one type of maltreatment, but are likely to be the victim of other forms of abuse or neglect. The Adverse Childhood Experiences Study (ACEs) conducted in the United States of America from 1995 to 1997, one of the largest investigations of child abuse and neglect and lifespan wellbeing, identified that 87% of maltreated individuals had experienced two or more types of adverse childhood experiences (CDC, 2016). They also concluded that the more ACEs a person has, the higher the risk of medical, mental and social issues as an adult (CDC, 2016). Nurcombe et al (2000) argue that due to the important relationship between duration and frequency of maltreatment and the negative impact on the individual, the timing of the action taken by educators is critical to interrupting the cycle of abuse and neglect. Identifying and responding to early indicators of maltreatment and disadvantage may lower the risk of reoccurring maltreatment and negate the need for intrusive tertiary level interventions. Similarly, educational institutions have been identified as ‘capacity builders’ for children, with schools adopting a “social inoculation role in strengthening the capacity of children to cope effectively with adversity and to resist the impact of negative experiences” through school-based prevention programs (Gilligan, 1998, p.15). The value of early detection, prevention and intervention by educational institutions, prior to the invasive involvement of statutory child protection departments, lies in addressing concerns prior to the issues becoming enduring and entrenched (Walsh et al, 2005).

Arguably the most crucial role of education professionals in child protection is that of reporting suspected maltreatment to necessary statutory authorities. Educators in many countries around the world are mandated to report allegations of abuse and neglect. This process of reporting concerns is termed ‘notifying’. According to Warner and Hansen “notifying is considered a ‘critical antecedent’ to addressing the harm and injustices caused by child abuse and neglect. (1994, p.11)

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Research in the field (Taylor 1997; Taylor & Hodgkins, 2001; Kenny, 2004, Walsh & Farrell, 2008; Baginsky, 2003; Bourke & Maunsell, 2015) has long argued for the inclusion of child protection ‘training’ in teacher education due the escalating prevalence of child abuse and neglect in Australia and globally. With the rise of statistics, comes an equally widespread intensification of responsibilities of educators, due to their placement at the forefront of detection of and response to children identified as ‘at risk’ or vulnerable to abuse and neglect. Research loudly articulates educators experiences of ‘weighing up’ the consequences of failing to meet the legal obligations versus the impact of mandatory reporting on the teacher, the family and the parent-child-teacher relationship. Educators are situated within a confusing and daunting intersection of moral and legal obligation.

Educators are bound by a vast array of legislation and policy, outlining their conflicting responsibilities. The UN Convention on the Rights of the Child (1989) outlines a social justice perspective, a ‘decent human-being’ perspective so to speak, highlighting a moral and ethical obligation to ensure the wellbeing and safety of all children. Legalisation, often both federal and state, and institutional policy outline the legal and statutory demands placed on teachers, including mandatory reporting requirements and duty of care. Health promotion initiatives such as the National framework for Protecting Australia’s Children (2009), lies somewhere in between, offering a middle ground between moral and legislative requirements, however offering yet another perspective to further confuse education professionals attempting to traverse the vague landscape.

Legal Concerns and Professional Responsibilities

A Legislated Perspective

There are often three sources of authority dictating an educators obligations regarding child protection, these include common law duty of care, policy associated with the educational institutions and their governing bodies and state and federal legalisation.

Duty of Care

The legal concept of duty of care is historically derived from the common law of torts, specific to the field of tort law referred to as negligence and operated within civil liability legislation (Mathews & Walsh, 2014). The essence of this multifaceted legal area, with regard to the educational context, is that an education professional owes a student a duty of

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care and must not breach that duty and harm the student by their actions or omissions (Mathews, 2011; Mathews & Walsh, 2014). If the educator's duty of care includes a duty to report suspected child maltreatment, failure to do so may render the educator liable, should the omission result in further harm to the child (Mathews, 2011; Mathews & Walsh, 2014). This scenario may unfold when an educator has knowledge or reasonable suspicion of abuse or neglect of a child, fails to report the concerns to the relevant authorities and the maltreatment continues, further compounding the impact on the child, physically and emotionally.

In the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia in 2014, a Queensland primary school was investigated regarding the adequacy of their responses to allegations of child sexual abuse (Commonwealth of Australia, 2015). A public hearing was held to inquire whether the staff had upheld their duty of care and legislated responsibilities in responding to the allegations made against a teacher. The alleged abuse had taken place in a school which had both internal procedures and legally mandated reporting obligations for responding to suspected abuse. Multiple allegations were made to the principal, who attempted to contact the governing education authority in the district regarding the reports, however did not report the allegations to police. The findings of this incident confirm the principal failed to meet his duty of care and obligations to report and avoided his responsibilities by attempting to pass the information to the local education authority. Subsequent allegations were made to the school leadership staff and were also not recorded or reported to necessary authorities. The school did not take any disciplinary action against the teacher against whom the allegations were made; he was in fact reemployed as a relief teacher following his retirement. The teacher was later arrested after a parent reported concerns to police, he was sentenced to 10 years imprisonment after pleading guilty to 44 sexual abuse offenses against 13 girls aged eight to ten years. The principal's employment was terminated due to his breach of duty of care and failure to meet his reporting obligations. It is reported in the findings of the Inquiry regarding this case that more than \$2.25 million has been paid in damages, costs and administration fees to nine victims and some of their families (Commonwealth of Australia, 2015).

Policy

An educational institution and their governing bodies, such as the colleges and boards which regulate standards of practice, will usually have a host of policies and procedures

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regarding student protection and wellbeing, which run parallel to both duty of care and legislated obligations. The occupation-based policies often replicate, but also broaden the scope of the legislative obligations and closely reflect common law duty of care (Mathews and Walsh, 2014). Failure to abide by student protection policies may result in institutional disciplinary action (Mathews, 2011) as well as breach common law duties and liability may ensue. A review of Australian student protection policies indicates they align with both state child protection and education legislation and reflect relevant codes of conduct and standards of practice. The policies generally cover reporting obligations, student support and wellbeing, record keeping, training and adult conduct (Department of Education Queensland 2016; Department of Education and Training Victoria, 2016; Department of Education and Child Development South Australia, 2016; Department of Education Northern Territory, 2016; Department of Education Western Australia, 2016; New South Wales Department of Education, 2016; Department of Education, Australian Capital Territory, 2016). Non-State school such as faith-based and independent institutions align closely with the policies outlined in State documentation. Generally, non-state institutions demand compliance with child protection legislation, and employ processes which reflect the legal and pastoral responsibilities of the staff (Queensland Catholic Education Commission, 2016; Catholic Education Commission NSW, 2016; Catholic Education South Australia, 2016; Independent School Qld, 2016). Policies encompass both legal responsibilities as well as broader student wellbeing considerations. Governing education bodies, responsible for regulation and registration, such as the Queensland College of Teachers in Australia, also have requirements which dictate the actions employees must take when a student is deemed at risk of harm. These regulatory bodies align with the legislated requirements of mandatory reporting but also require professionals to ‘reports’ their concerns directly to the regulatory body.

Legislation

The United Nations Convention on the Rights of the Child (UNCRC, 1989) names government as the body responsible for upholding and safeguarding children’s rights to protection, participation and provision. Bourke and Maunsell state “ in the case of education, schools and teachers may be seen as the ‘arms’ and ‘eyes’ of the government, both in terms of ensuring children’s rights are upheld and identifying situations where these rights have been violated” (2015, p.3). In order to consistently and effectively meet these obligations to uphold the rights of children to protection and safety, educators, along with a host of helping professionals, are bound by government legislation which underpins their roles and

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responsibilities. In Australia, education professionals are bound by both education legislation and child protection legislation, which differs somewhat, from state to state. In Queensland, for example, teachers are guided by the *Education (General Provisions) Act* (2006) which stipulates the obligations to report child sexual abuse and the *Child Protection Act* (1999) which is a legal framework guiding child protection across all agencies providing services to children and their families. This child protection legislation also outlines the mandatory reporting obligations of educators.

Mandatory reporting laws require designated persons to report suspected child maltreatment to government authorities. Mathews and Walsh (2015) identify the motivating principle underlying these laws as a desire to increase the likelihood that vulnerable children experiencing significant harm will be brought to the attention of helping professionals.

Mandatory reporting was first implemented in Australia in response to the murder of Daniel Valerio (Saunders & Goddard, 2002). The goal was to increase the number of cases of child maltreatment reported to encourage earlier intervention (Mathews & Kenny, 2008). Legal protection was applied in order to safeguarded notifiers from breaches of privacy and dilemmas of professional ethics, thus removing obstacles that may have hindered the reporting of suspected maltreatment (Denham, 2008). The desired outcome of mandatory reporting is to protect children from harm as well as to reduce recidivism by supporting parents and caregivers (Mathews & Walsh, 2015). Failure to comply with mandatory reporting legislation can result in monetary penalty and possibly imprisonment. Mathews, Walsh, Butler and Farrell clarify “all statutes confer immunity for mandatory reporters from legal liability in any proceeding brought concerning the report, provided the report is made in good faith” (2006, p.9)

Mandatory reporting laws were initially established in the United States in the 1960's, following the identification of “the battered child syndrome” by paediatrician Henry C Kempe and his colleagues in 1962. “Battered child syndrome” referred to the intentional harm inflicted on young children, causing severe physical injury (Kempe et al, 1962). Kempe and his colleagues (1962) also noted the reluctance of medical professionals to acknowledge parental responsibility for non-accidental injury to a child and thus an aversion to report suspicions. This prompted the first mandatory reporting laws requiring medical professionals to report physical abuse.

According to Mathews and Kenny (2008) the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) surveyed 161 countries regarding their reporting

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obligations. 49 of the 72 countries who responded, indicated they had legislated reporting requirements and 12 specified voluntary reporting for professionals. The United Kingdom (England, Wales and Scotland) and New Zealand have chosen not to legislate mandatory reporting and countries including Brazil, France, Israel, Malaysia, Mexico, South Africa and many Scandinavia countries have broad and generalised legislative reporting duties (Mathews & Kenny, 2008). Similarly, the General Teaching Council for Scotland Standards for Registration outline mandated knowledge and understanding of “the legal and professional aspects of a teacher’s position of trust in relation to learners” (2012, p. 10). Australia first imposed mandatory reporting obligations in South Australia in 1969, with each state and territory retaining autonomy in child protection legislation. Whilst all states and territories in Australia have enacted mandatory reporting laws, this has created some dysfunction across jurisdictions due to variances in reporting responsibilities (Matthews, Goddard, Lonne, Short, & Briggs, 2009).. This is a consistent theme across jurisdictions internationally, resulting in a broad spectrum of mandatory reporting approaches. The main differences lie in who is obligated to report and what abuse types have to be reported (CFCA, 2016). Countries such as Saudi Arabia apply the legislation only to health professionals (Mathews, 2014). In contrast, USA, Canada and Australia, the nations who have given significant attention to the implementation of these laws, have an extensive range of mandated reporters, in some cases applying the legislation to all citizens (Mathews & Kenny, 2008). There are also differences, most notably in Australian legislation, in the ‘state of mind’ which motivates the reporting duty and the authority to which the report must be delivered (Hayes & Higgins, 2014). These inconsistencies have contributed to the debate regarding the validity and effectiveness of mandatory reporting.

Mandatory Reporting: A policy of worth?

Mandatory reporting legislation is one approach to identifying and responding to significant child maltreatment. Few academics have focused their research on mandatory reporting (Ainsworth, 2002; Harries & Clare, 2002; Mathews, 2012) however, there is an almost equally distributed debate regarding the validity and value of mandatory reporting in managing the endemic nature of abuse and neglect. Mathews, Bromfield, Walsh and Vimpani (2015) identify a lack of consensus regarding the global merits of the laws with contrasting arguments commonly proposed on the same themes. Arguments promoting mandatory reporting state it can prevent child death and injury, identify at risk children, protect children’s rights, increase community awareness of positive child treatment and

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provide reporters with a safety net (Harries and Clare, 2002). Opposing arguments stress the approach can cause increased inaccurate and false reports, burden the child protection system, cause undue trauma to wrongly accused families, breach privacy and trust in communities, inhibit self-disclosure and discriminate against vulnerable persons (Harries and Clare, 2002).

The most significant criticism of mandatory reporting is the notion that they increase the number of inaccurate and unsubstantiated reports of abuse and neglect, overloading an already overburdened child protection system. Critics argue that the ripple effect of this increased workload results in a reduction in the quality of service delivery and resources for vulnerable families (Mathews & Bross, 2008). As the United States broadened the scope of their policies, increasing the types of abuse and reporting professionals included in legislation, a surge in notifications was received, less than half of which were substantiated (McDaniel, 2006). This raised the question as to the effectiveness of the legislation and whether mandated reporting drained an already diminished pool of resources, at the expense of those most in need (Ainsworth, 2002; Lindsey, 2004). Melton referred to mandated reporting as a “policy without reasoning” and argued that empirical research illustrates a “bankrupt policy” (2005, p.15). Melton (2005) draws our attention to a review conducted by the US Advisory Board on Child Abuse and Neglect in the 1990s, which laid blame on mandatory reporting for the “chronic and critical multiple organ failure” of the child protection system (1990, p.2).

“The most serious shortcoming of the nation’s system of intervention on behalf of children is that it depends upon a reporting and response process that has punitive connotations and requires massive resources dedicated to the investigation of allegations.it has become far easier to pick up the telephone to report one’s neighbour for child abuse than it is for that neighbour to pick up the telephone and receive help before the abuse happens” (US Advisory Board on Child Abuse and Neglect, 1990, p. 80).

Scott (2002) argues that mandatory reporting does result in an overloaded system, creating lengthy timeframes for investigations or a triage system which results in high false positives, due to the focus of statutory intervention on evidence rather than statistical risk. A submission made to the Child Protection Review in South Australia in 2003 by the Richard Hillman Foundation stated;

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“..whilst important to ensuring early intervention in child abuse, mandatory reporting as it is currently used/acted upon is resulting in the “fish net” being cast so far and so wide as to now be useless in catching predominantly/exclusively those persons who are a genuine risk to children” (Layton, 2003, p.10.5)

Briggs and Hawkins (1997) stressed the extra pressure that would be applied to educators under this legislation may in fact result in fear-based over-reporting, motivated by the threat of prosecution or disciplinary action for failing to report. Mathews and Walsh (2004) also make mention of the criticism which focus on the impact on families who are unjustly accused, as a result of the over reporting phenomenon. The argument made against extending the mandated obligation to educators, highlights the potential damage to reputation, career and family as a result of false and inaccurate reports (Mathews & Walsh, 2004).

Whilst the opposing arguments illustrate an imperfect system, with the best interest of the child paramount, as is outlined in the UNCRC, and drawing on global research, mandatory reporting holds a position of value as a means of identifying at-risk families and directing them to helping professionals. The most vocal critic of mandatory reporting, Melton (2005), proposed voluntary help-seeking as an alternative to legislation. However he went on to acknowledge that a potential consequence of relying solely on voluntary reporting, would be accepting that severe abuse and neglect would be experienced by those children who would remain hidden from the helping professions (Melton, 2005). The introduction of mandatory reporting in Western Australia, the last state in Australia to adopt the legislation, was considered a “significant milestone in strengthening the child protection system” (Government of Western Australia, 2008, p.3).

Mandatory reporting is recognised as a critical aspect of child protection practice and is deemed necessary to protecting the rights of children who are unable to advocate for themselves (Mathews & Walsh, 2004). The role mandatory reporting plays in protecting children who are unable to self-protect, due to age, status, disability or general circumstance, is a sentiment reflected in much of the theoretical arguments supporting mandatory reporting and is consistent with the articles of the UNCRC and reflected in common law duty of care. Mathews and Bross state “without proven alternatives in place, abandoning mandated reporting would ignore children’s subjective experience and sacrifice many children’s rights to dignity and security” (2008, p.10).

It is widely agreed that childhood trauma and adversity results in a significant social and financial burden on the individual, society and state. A commissioned report in Australia

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concluded that the annual cost of childhood trauma to the government is \$16 billion (Kezelman Am, Hossack, Stavropoulos & Burley, 2015).

“Early, active, and comprehensive intervention could result in a minimum saving of \$6.8 billion from addressing of the impacts of child sexual, emotional and physical abuse in adults, alone. A minimum of \$9.1 billion could be gained from addressing the problem of childhood trauma more generally in the 5 million Australian adults affected by it” (Kezelman Am, Hossack, Stavropoulos & Burley, 2015, p.43).

There is a direct relationship between the economic cost of abuse and neglect and the impact trauma has on the individual across the lifespan, with adverse childhood experiences affecting physical and mental health, substance use, graduation rates, academic achievement, employment and poverty (Felitti et al, 1998). Therefore mandatory reporting plays a significant role in ensuring the detection and thus early intervention, of abuse and neglect, lessening the contribution to the national cost of childhood trauma. Smallbone and Wortley (2001) acknowledge the role of mandatory reporting in reducing criminal recidivism especially in child sexual offending, through prevention of repeat victimisation of a particular child and other children. Mathews and Walsh (2004) argue that the overwhelming prevalence of child sexual abuse presents the strongest argument for legislated mandatory reporting.

Whilst mandatory reporting legislation has been enacted in many countries, recent research indicates reporting inconsistencies, with many educators unaware of their legal duties or reluctant to adhere to their reporting obligations, due to a range of attitudes and deterrents.

Teachers’ Attitudes, Behaviour and Hesitations in Detecting and Responding to Child Maltreatment

Despite the majority of countries worldwide enacting some form of legislated mandatory reporting, professionals often fail to comply with this obligation. According to Walsh, Farrell, Schweitzer and Bridgstock (2005), 75 % of Australian primary school educators had suspected child maltreatment during their careers, however only 49 % of the educators who had suspected child abuse and neglect had ever reported their suspicions. In The United States, 84% of suspected child abuse cases are not reported to the mandated authorities (Kesner & Robinson, 2002). Numerous studies in the US reflect these inconsistencies in compliance with mandated reporting, with up to 40% of staff across the United States acknowledging a reluctance or avoidance of their reporting obligations (Romano et al, 1990; Abrahams et al, 1992; Crenshaw et al, 1995; Kenny, 2001). This is

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consistent with findings from Ireland, where despite significant support and guidance offered in relation to legislated mandatory reporting, educators struggled with decision making in matters of child maltreatment, resulting in non-compliance (Francis et al, 2012). In Dublin, a study of educators' understanding of child maltreatment identified that 23% had suspected child sexual abuse but only half (50%) of these teachers had reported their suspicions to mandated authorities (Smyth, 1996). In Taiwan, most professionals have never reported a case of child abuse or neglect and many admit to failing to report when they have suspicions of maltreatment (Feng, Huang & Wang, 2010; Feng & Levine, 2005).

The prevalence for non-compliance with mandatory reporting stems from dilemmas that educators face when balancing their legal obligations with what they consider to be the best interests of the child or family (Francis et al, 2012). A host of research endeavours have explored the deterrents and motivators associated with meeting mandatory reporting obligations which range from understanding and knowledge, moral and ethical dilemmas, fear of repercussion, limitations in agency feedback following reporting, concerns for privacy and a lack of confidence in the child protection system (Walsh et al, 2005; Blaskett & Taylor, 2003; Kenny, 2000; Goebells et al, 2008; Alvarez et al, 2003; Francis et al, 2012).

Attitudes and Behaviour as a Deterrent to Meeting Legislated Obligations

Goddard (1996) suggested, in references to practices in Australia, that the unwillingness of professionals to report suspected child maltreatment often stems from entrenched social myths surrounding child abuse. Beliefs, values and perceptions of abuse and neglect continue to inform responses to child maltreatment internationally. Blaskett and Taylor (2003) argue discriminatory attitudes have been shown to influence reporting responses of mandated professionals, including educators. Perpetuated stereotypes regarding family types, victims and perpetrators of abuse heavily influenced decisions to report, especially in cases of child sexual abuse (Portwood, 1998; Keen & Dukes, 1991). Beliefs regarding 'culpability' of a victim to provoke or incite maltreatment, especially relating to sexual abuse, contributes to the degree of empathy felt for the victim, therefore influencing the reporting behaviour of the professional (Blaskett & Taylor, 2003).

Similarly, individual perceptions regarding severity and 'reportability' of abuse types influences professionals' decisions to report. Child neglect is often overlooked due to the subtle and often hidden nature of the maltreatment, with many educators citing 'no physical evidence' as their reason for not reporting suspicions of maltreatment (Alvarez et al, 2003).

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An American study identified a pattern in which had educators ranked sexual abuse as the most severe abuse type and highest priority to respond to in a timely manner, neglect was identified as the lowest priority with physical and emotional abuse falling somewhere in the middle (Morejohn, 2006). When making judgements regarding child abuse, educators rely on professional discretion and this behaviour often results in underreporting, especially in cases which involve physical abuse, an older child or a child with positive behaviour (Webster et al, 2005). A child who exhibits high personal resilience may be overlooked, however Bromfield, Lamont, Antcliff and Parker argue “we must not focus on resilience to the extent we ignore the risk for the child” and misinterpret internalizing or normalising as coping (2014, p.8). Interestingly, Blaskett and Taylor (2003) emphasise the influence of the media on reporting behaviours, arguing that the visibility of child abuse in the media can heighten awareness of child protection issues and motivate professionals to report. Lonne and Gillespie (2014) also argue the Australian media plays a pivotal role in public opinion and in generating political support for policy reform.

Educators are largely motivated by a desire to act in the best interests of the child, therefore concerns for a negative consequence or outcome for the child, as a result of reporting, is a powerful deterrent. Educators commonly hold concerns that their report may exacerbate an already volatile familial situation and destabilise the family structure should prosecution or removal of a child result from their notification (Alvarez et al, 2003). Concerns regarding the potential removal of a child also influences educators reporting behaviour due to negative perceptions of child protection agencies and services. Educators have acknowledged perceived systemic inadequacies, such as lengthy response timeframes, inconsistent screening and decision making and general inaction, as deterrents to reporting (Alvarez et al, 2003; Melton 2005; O’Toole & Webster, 1999). An Australian study identified a lack of confidence in responses by child protection services, contributed to non-compliance by mandated reporters (Goddard et al, 2002).

Due to the nature of the teacher-child-family relationship, educators are often reluctant to meet their mandated obligations for fear reporting concerns may damage these partnerships and alliances and have ongoing consequences for all involved. Educators build rapport with both the child and the caregiver and often feel a sense of loyalty to all parties involved, causing the professional to feel conflicted and influencing their reporting behaviour. Feng et al (2012) highlight the challenge of sympathy versus responsibility, in which professional’s often sympathise with a family’s hardship or circumstance and engage

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in rationalisation of intentions to justify unacceptable behaviour. Kenny (2001) found that many educators are concerned for the legal repercussions should their suspicions be inaccurate. Hawkins and McCallum (2001) assert teachers are often concerned with the validity of their suspicions and tend to postpone reporting in favour of gathering further evidence to support their concerns.

Professional attitudes to reporting have been likened to ‘whistleblowing (Taylor, 1998) and educators often perceive reporting as a breach of a family’s privacy and a violation of the trust relationship (Blaskett & Taylor, 2003). Confusion regarding their professional duty to maintain confidentiality versus their legal responsibility to report suspected maltreatment undermines decision making. The fear of reprisal and retaliation in response to making a report also promotes hesitation in reporting, especially in rural, remote and small communities. Francis et al (2012) identified that the increased visibility experienced by teachers in small communities exacerbated apprehension regarding reporting suspected child abuse and neglect. In a study conducted by Jervis-Tracey, Chenoweth, McAuliffe and O’Connor (2012), difficulty in managing professional identity was identified as a common theme in all of the tensions identified by professionals undertaking statutory roles in rural and remote communities. Blaskett and Taylor (2003) concur with this perspective, stating recrimination resulting from the making of a mandatory report influences reporting behaviours and is exacerbated in rural communities. Studies conducted in rural communities in both Australia and in the United States emphasise the impact of locale on reporting behaviour, due to the lack of anonymity, close relationship between professionals and families, visibility in the community and multiplicity of roles (Blaskett & Taylor, 2003; Jervis-Tracey, Chenoweth, McAuliffe and O’Connor, 2012).

Characteristics of the reporter have also been known to influence reporting behaviours. Gender, parental status and professional experience have all been identified as potential influencing factors in decision making in relation to mandatory reporting (Walsh et al, 2005). Some US studies argue that males are less tolerant of abuse and more likely to detect and report it more readily (O’Toole et al, 1999). In contrast, conflicting US research has found females to be more likely to report and assist others to make reports (Kenny, 2001). Conversely, Sundell (1997) concludes there are no significant gender related differences in reporting and non-reporting tendencies. According to O’Toole et al (1999), parental status lessens the likelihood that teachers will detect or report abuse and teachers who have interacted with large cohorts of children can more accurately detect abuse but will be less

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inclined to report it. In comparison, Kenny (2001) argues the more experienced a teacher is, the more likely they are to report and assist others, with special education teachers particularly inclined to meet their reporting obligations. Culture also contributes to reporting behaviours and presents potential contradictions between ethical and legal duties. Feng et al state “in a culture emphasizing parental rights and family privacy, reporting child abuse can contradict societal norms and values” (2012, p.278). Physical discipline is identified as a particularly sensitive terrain for educators to navigate, considering the vast array of cross cultural discipline practices and approaches to admonishment. Professionals often feel powerless and hesitant to involve themselves in such matters of culture-specific parenting practice, adding to the confusion between parental rights and mandatory reporting obligations (Feng et al, 2012).

In summarising the conflicting demands faced by teachers in their mandated reporting obligations, Feng et al (2009) identified four dominant categorical themes; preserving relationships, avoiding harm, obligation and maintaining balance; they aptly labelled their model ‘dancing on the edge’. A host of deterrents to educators complying with mandatory reporting obligations have been identified and evidence clearly indicates a significant number of professionals experience hesitation and reluctance in meet their legal obligations. However, a vast number of professional adhere to their legislated requirements and are motivated by the belief that schools play an important role in child protection. Hawkins and McCallum (2001) argue a teacher’s desire to fulfil their reporting obligations in order to serve their role in critical child protection, has strong positive influences on reporting tendencies.

Understanding and Knowledge: A Case for Preservice Teacher Education and Training

Research exploring teachers’ failure to adhere to mandatory reporting legislation highlights the significant influence knowledge and education have on reporting behaviours. Inadequate knowledge of the signs and symptoms of child abuse and neglect and in reporting procedures presents significant barriers to detecting and reporting suspected maltreatment (Alvarez et al, 2004). Research indicates teacher reporting practices are heavily influenced by the extent and nature of teacher education in recognising abuse and instilling confidence in educators’ abilities and accuracy (Hawkins & McCallum, 2001; Goebbels, Nicholson, Walsh & DeVries, 2008). In South Australia, Hawkins and McCallum (2001) discovered that teachers with recent training had increased confidence in recognising abuse, were adequately aware of the nature of their reporting responsibilities and were more inclined to adhere to their obligations. In comparison, their untrained colleagues exhibited significant gaps in

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knowledge of both procedure and indicators of abuse (Hawking & McCallum, 2001). A study of educators in the United States found comparable results when they surveyed 568 elementary and middle school teachers, identifying that two thirds experienced inadequate training and lacked the necessary knowledge to accurately detect and report abuse and neglect (Abrahams, Casey and Daro, 1992). There appears to be a strong consensus within educators and education professionals, including principals, that there are significant inadequacies in the quality and quantity of training and education to equip professionals in detecting and responding to child abuse and neglect (Kenny, 2001; Kenny, 2004; Mathews & Kenny, 2008). A major finding from a study by Walsh and Farrell (2008) highlighted an absence of knowledge of content in relation to abuse and neglect, including the definitions, causes, impacts, laws and policies relating to child abuse and neglect. Walsh and Farrell (2008) emphasis by addressing this absence, teachers will be better equipped to intervene appropriately within their professional context. An appropriate response to this gap is two-pronged; firstly, the dissemination of child abuse and neglect research into education literature and secondly comprehensive pre and in-service teacher education (Walsh& Farrell, 2008; Mathews, 2011; Walsh and Mathews, 2015).

Despite the increasing complexities of the role educators hold in child protection and student wellbeing, teacher education programs have been unhurried in their adoption of a discipline specific knowledge base for child maltreatment (Sinclair, Taylor & Hodgkinson, 2001). In Northern Ireland preservice child protection training has been identified as a means of addressing inadequate knowledge of child abuse and neglect in practicing educators (McKee & Dillenburg, 2009). In the UK (England and Wales) educational context institutions have implemented core courses in undergraduate and postgraduate programmes for teacher education (McKee & Dillenburg, 2012). Walsh et al (2011) have identified several universities across Australia who have integrated child protection content into their courses within teacher education programs with some offering elective courses devoted to child abuse and neglect. Ireland has followed suit, with Bachelor of Education programs being lengthened and restructured to accommodate the evidence supporting the inclusion of child protection content in preservice teacher education (Bourke & Maunsell, 2015).

Baginsky (2003) warns training must occur again when teachers are practicing in their field as the pressures experiences by newly qualified educators may cause their learnings to fade or be forgotten. It is a requirement of practicing education professionals in Australia to

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undertake some compulsory child protection training as an accompaniment to their mandatory reporting obligations. In England and Wales, the report, *Safeguarding Children: A Joint Chief Inspectors' Report on Arrangements to Safeguard Children*, recommended child protection training be integrated into core education for all professionals working with children (The Directorate for Children, Older People and Social Care Services Department of Health, 2002). *The National Guidance for Child protection in Scotland* also emphasises the critical importance of child protection training across disciplines including education, stating “training should recognise and support the unique contribution each service has to make to meeting children’s wellbeing needs and protecting them” (2014, p. 24). Baginsky (2003) concurs with this approach, suggesting in-service training be implemented as a requirement of employment, much like Australia has done in their adoption of training as a parallel process with mandatory reporting for educators. Buckley and McGarry (2011) provided a similar perspective, highlighting the need for more comprehensive child protection training for teachers in Ireland as a response to the minimal offering provided in teacher education courses. Bourke and Maunsell (2015) argue teacher education must target the obstacles to meeting mandatory reporting obligations, including lack of knowledge of maltreatment as well as the insufficient understanding of reporting procedures and policies.

Conclusion

As child maltreatment continues to permeate all socio-economic and cultural groups worldwide, educators are faced with escalating complexity in their role on the front line of student protection and wellbeing. Educators possess both the knowledge and position to detect, respond to and advocate for vulnerable children, prior to the point of crisis and are acknowledged in research and in practice as a crucial source of monitoring and protection. Kesner suggests “perhaps there is no other non-familial adult that is more significant in a child life than his or her teacher” (2000, p.134).

Educators, due to their position in the lives of vulnerable families, are required to understand and respond to child abuse and neglect from a legal and ethical perspective. Whilst governed and informed by legislation, common law duty of care and policies and procedures specific to the employing organisations and regulatory bodies, these sources of authority can prove complex and confusing for the education professional. In order to navigate this daunting terrain, educators must possess a comprehensive knowledge of child abuse and neglect and have a strong understanding of their legal and ethical obligations, in order to act in the best interests of the child and adhere to their legislated responsibilities.

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Ultimately, mandatory reporting was introduced to protect children from harm and to reduce recidivism, by supporting parents and caregivers (Mathews & Walsh, 2015). An understanding of the motivation behind mandatory reporting legislation and an acknowledgement of and respect for the potential obstacles to compliance, especially in small communities, will assist the professional in decision making and managing the tensions associated with statutory obligations.

In order to fulfil their multifaceted and valuable role, educators need to be adequately equipped, through preservice and in-service training and ongoing professional development in discipline specific child protection. Armed with knowledge, skills and a respect for the role they occupy in the lives of vulnerable children and their families, professionals will be more adequately equipped to respond to child maltreatment. Education professionals will be able to address student protection and wellbeing in a way which, not only adheres to legislative requirements, but improves outcomes for at-risk children and families.

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