



# IN HARM'S WAY

Teachers are required by law to report suspected child abuse, but confusion about their role and lack of support are undermining the system, writes [Suzanne Keen](#).

**A**ustralia's statistics on child abuse and neglect are disturbing. In 2002–03, nearly 200,000 reports were made and about 40,000 were substantiated.

It is mandatory under the law that teachers report their concerns to child-protection services if they

While the laws have raised awareness, education professionals and child advocates say staff shortages in child protection agencies mean that many reports aren't investigated. Compounding the problem is the fact that teachers receive little professional development in identifying and reporting cases, while those who have

But protection services in many states are inadequately resourced to cope with the floods of complaints, he says. "You need a statement in law that says you have to report the case, and a system that says it will be investigated and a report made back to the professional. The feedback mechanism is very important, especially for teachers. They have to know if they need to do anything else in terms of monitoring or support for the child."

The foundation's survey of professionals including teachers and healthcare workers has found that many are confused about whether they are mandated to report suspected child abuse. Those surveyed also had concerns that the system would not investigate "in the best interests of the child".

#### **Difficult position**

While the law is supported in principle, its introduction was under-resourced and has at times put teachers in a difficult position, says AEU Victorian branch president Mary Bluett.

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suspect a child is being harmed.

"Mandatory reporting makes a clear statement in legislation which is supposed to reflect community attitudes that child abuse won't remain hidden," says Joe Tucci, CEO of the Australian Childhood Foundation (formerly Australians Against Child Abuse). "For years, it has remained largely invisible, and we are still only scratching the surface in terms of knowing the true extent of the problem."

made reports have sometimes been harassed and even had angry parents make threats of violence.

When the mandatory reporting law was introduced in Victoria in 1993, it immediately led to a 76 per cent increase in reports from the public, says Tucci—from 15,182 in 1992–93 to 26,685 the following year. NSW also recorded a 76 per cent rise in reporting in the six months after its laws were extended to cover professionals other than doctors.



"The experience with the Department of Human Services here has been vexed, because, unless there is a clear and imminent danger to the child, reports are put on the backburner because there aren't enough staff to investigate. That creates a lot of angst for teachers and schools, because parents are aware a complaint has been made but there is no investigation for some time.

"It undermines the relationship between parents and the school, and with teachers who may be identified. There are cases we know of where nothing has been done."

Teachers often receive no feedback from the department on whether their report is being investigated or when an investigation might begin, says Bluett.

AEU South Australian branch president Andrew Gohl says the SA Family and Community Services Department is understaffed and often fails to follow up teachers' reports, creating the potential for disillusionment. "I have had a personal experience where I called because I was concerned about a couple of kids in my capacity as a union official, and I was frankly surprised by the response."

Mandatory reporting is a responsibility that teachers take very seriously, he says, "because the

## ATAGLANCE

■ **Mandatory reporting laws in most states and territories require teachers to report a suspicion that a child is being abused or neglected**

■ **Reporting has surged, but insufficient resources mean that many cases are not properly investigated**

■ **Educators say there is a lack of professional development on how to identify victims, and teachers' responsibilities under the law**

■ **Some teachers who make reports are easily identified and are harassed by parents.**

interests of their students are foremost in their hearts and minds'.

Queensland Teachers Union vice-president Steve Ryan echoes the concerns. "Sometimes there is slow follow-up or none at all... then the school is left with the problem."

### **"Woefully inadequate"**

The professional development offered to teachers in Victoria on both their legal responsibilities and identifying cases of abuse is "woefully inadequate", says Bluett. Teachers received "a few hours" training when the law was first introduced, then it was left to individual schools to take if further.

"Thousands of teachers aren't aware of their obligation," says Bluett. "People need a refresher course. In a two-hour session, you can barely go through the legal responsibilities, let alone how to determine if there is abuse."

The situation in Queensland is similar, says Ryan. There was some training with a video when the law was introduced, but little follow-up. New teachers, supply teachers and those who had been out of the system for some time were left out in the cold.

"It was left to people in schools who weren't necessarily qualified," says Ryan. "It should be done by qualified people trained in the procedures. A number of teachers have received no training, or, if they have, it's been done in a very ad-hoc way.

"We get enough inquiries to indicate many teachers are confused and concerned about when to report. There is no-one in the education department they can go to for advice."

In SA, teachers must do a one-day course on mandatory notification before they are registered to teach, but Gohl says refresher courses are needed. Reporting responsibilities are

also covered in a one-day course on legal issues affecting educators, which the AEU's SA branch conducts at the request of individual schools.

The SA branch's legal officer, Anne Walker, advises teachers that, if they suspect a child is being abused, they should make a report directly to the Family and Community Services Department.

There have been five cases in SA where police have threatened school staff with legal action for failing to act under the law. Most of the teachers had shared their concerns with a guidance counsellor or principal, with one of the parties ultimately making a report after a delay and the others being accused of failing to act.

"It's not up to the principal to do their own investigation," Walker says. "The Act says you must act, and it's better to be safe than sorry."

Tucci says that, in some states, the wording of mandatory reporting laws causes confusion about when a report should be made. A school principal faced Ringwood Magistrates Court in Victoria in 1997, accused of failing to act in the case of a boy whose father was later convicted of sexual abuse. The case, which hinged on whether the principal had formed a "belief" under the law that the boy was being harmed, was eventually dismissed.

### **Death threats**

Although the names of professionals making reports are supposed to remain confidential, their identity often becomes obvious to parents if the school is small or rural.

"Teachers have received death threats and been stalked," says Walker. "The AEU can put pressure on the department to support a teacher who is being harassed, or, if that fails, we can get a restraining order."

Bluett cites similar harassment in Victoria. "People have fronted up to a school and verbally abused and threatened teachers."

Victoria's mandatory reporting laws were introduced in 1993 after the death of Daniel Valerio, a two-year-old beaten to death by his stepfather. In his short life, more than 20 professionals examined Daniel and spoke to his family, but none had been able to intervene effectively.

Christine Stewart, the AEU's deputy-secretary in Victoria and a former school welfare coordinator, says that, although the reporting laws have resulted in a huge increase in reports made to the Department of Human Services in the state, lack of resources still means there is a lack of effective action. In her experience, reports involving older children were often assigned a low priority.

"The law is that you have to have a suspicion or a reasonable belief [that a child is being abused or neglected], but I have been asked if I have proof

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and told to monitor the situation overnight."

Teachers should be aware that children rarely disclose that they are victims of abuse, she says. "If you read the literature, you think the kids will come and tell you, but they don't. You have to look for the signs."

While it is usually obvious when a student is going through a negative change, the cause can be difficult to determine. "It may not be abuse. It could be something else, like the loss of a grandparent or a pet."

Although there is no mandatory



reporting law in WA, the Department of Education and Training regulatory framework states that everyone working in a school is responsible for reporting concerns of neglect or emotional, physical or sexual abuse. Although principals are obliged to have an understanding of the framework, many teachers would not be aware of it, says Ann Gisborne, acting president of the State School Teachers Union of WA. There is no mandatory professional development in WA on detecting, reporting or managing possible cases of abuse.

There is often a fine line between thinking something and knowing it, says Gisborne. "Teachers are wary of opening up a can of worms and causing problems that aren't justified. At what point does something become evidence?"

### **Abuse indicators**

The WA education department's regulatory framework outlines possible indicators of abuse or neglect for different age groups, including poor school performance, variable moods, social isolation, secrecy about family, depression and low self-esteem. "The difficulty is at what point you decide

there has to be an intervention. That's not very clear," says Gisborne.

Tasmanian AEU branch president Jean Walker says mandatory reporting has made teachers more aware of their responsibilities, but many are concerned about doing more harm than good if they cause family upheaval by reporting a suspicion that turns out to be unfounded. "It's a matter of striking a balance," she says.

Again, there is little professional development or advice available for Tasmanian teachers in this area, aside from a written education department communication and inclusion of mandatory reporting obligations in a legal responsibilities seminar the AEU offers schools.

Tucci says teachers need help to gain confidence in identifying the risk factors and knowing what to do about them. "Teachers need to know the latest research—and there's a lot of it—on child abuse and the impact it has on kids' brains. Early childhood trauma can really affect a child's learning capacity.

"For the law to be effective, all professionals need to be at the same level of knowledge."■

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