Law, Policy, Practice:

Is it working for teachers in child protection?

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Introduction

Australia began to acknowledge the existence of child abuse and neglect during the 1960's, which led to legislative reform and Australia signing the 'United Nations Declaration of the Rights of the Child' in 1981. In South Australia, compulsory reporting of child abuse and neglect was introduced in 1969 by amendments to the Children's Protection Act. Further amendments led to the formation of the current legislation of the Children's Protection Act, 1993, which mandates certain professionals to report suspicions of child abuse and neglect to child protective services. A review into child protection law in South Australia is currently being undertaken.

Amidst the development of such reforms, the statistics that denote the prevalence of child abuse and neglect continue. Recently released figures (from the 2001-02 financial year) from the Human Services Department in South Australia reveal a rise of 11% of abused children (O'Brien, 2002, p 12). Notifications of possible abuse, investigations and substantiation's have all continued to increase. The Social Justice Minister was noted to say that the figures were pleasing because this indicated that people are taking notifications of child abuse more seriously, but that it is *essential that we find better ways of preventing child abuse and reduce the need to step in after the event.* Others, including the State Premier consider these figures to be distressing because they confirm that child abuse and neglect remains as a social problem.

Teachers, with nurses and the police, make most notifications of child abuse and neglect to child protective services. The 1993 Children's Protection Act mandates teachers to report child abuse and neglect to Child Protective Services if the suspicion is formed in the course of their work. Child Protection policy that denotes specific responsibilities to teachers in the prevention of child abuse and neglect is addressed by various employers in the State. This includes Mandatory Notification, and training to inform teachers and other school personnel about their role. Clearly, teachers are well positioned to assist in prevention. This paper will report on the development of child protection law and it's relevance to education, specifically the teacher's role in child protection. The research project to be discussed sought to ascertain the relevancy of child protection law, policy and mandatory notification training to teacher practice. Finally, issues related to policy development and implementation, the role of the media in policy development, and the impact that all this has on teachers' work will be discussed. But first, it is pertinent to understand how current law and polices have developed.

History of child protection law

The rights of children can be traced to the 1924 Geneva Declaration on the Rights of the child and the 1959 Declaration of the Rights of the Child. But, it was the adoption of the 1989 Convention on the Rights of the Child (CRC) by the United Nations' General Assembly that saw recognition of children's rights internationally. The first World Summit for Children followed a year later and it was here that the World Declaration on the Survival, Protection

and Development of Children and the Plan of Action for Implementing the Declaration in the 1990's was signed. This framework to plan prevention and intervention programs in child protection guided national governments, international organisations, non-government organisations and individuals.

However, Mulinge (2002) suggests that, despite commitment to and ratification of the recognition of the rights of children to be protected, the passing of laws and policies by most world nations continue to violate the rights that are designed to protect them. Globally, children continue to be the victims of child labour, neglect, sexual exploitation, physical and emotional abuse, and are subject to the effects of armed conflict, and the lack of access to education, healthcare, safe water, and sanitation (p 1119).

History of child abuse and neglect as a social problem

Historically, child abuse and neglect is an old phenomenon with accounts of child labour, sexual exploitation dating back many centuries. Stories of particular cases, in the US and UK, brought the problem to the attention of government and society. But it wasn't until the 1960's that the awareness of child abuse and neglect was really acknowledged. This was through the work of Kempe, Silverman, Steele, Droegemueller and Silver (1962) whose research found a focus on physical abuse,although there continued to be a level of denial that child abuse and neglect even existed.

As victims of physical abuse disclosed they were also victims of sexual abuse (Finkelhor, 1984; Hanson, Resnick, Saunders, Kilpatrick and Best, 1999) the focus began to change. Alongside this were statistics that adult victims of violence and rape had also been abused as children (Bureau of Justice Statistics, in New York Times, 1999) and the cycle of abuse developed as a theory to explain subsequent abuse. Girls had been prominent in the statistical sample, but boys, as victims, also appeared in cases that identified adults in trusted positions (like church leaders, scout leaders and orphanage staff to name a few) as perpetrators. This developed into a debate about paedophilia towards the late 1990s (James, 2000).

It became recognised that emotional abuse accompanied the other forms of abuse (physical and sexual) and neglect began to be seen as a separate form, with growing concern in many sectors of society. There was a shift in perception about what 'neglect' entailed, moving from families in poverty, to children who were left unattended for long periods of time. This coincided with other growing social problems like substance abuse, alcoholism, domestic violence, and two parent-working families. Concerns have also been raised about the safety and security of disabled children, and those in foster care, leading to what Powers, Mooney and Numo (1990) have called 'systems abuse'.

Reports (James, 2000) exist that suggest that child abuse and neglect is predominantly intra-familial, but recent research highlights paedophilia (a subset of child sex offending) as a major concern, with dangers increasing in the technological world as young children and adolescents utilise the internet (Martinez, 1998). The relative degree of online anonymity coupled with the lack of system-imposed restraints creates risks for young people who may be naive regarding the intention of others (Berson and Berson, 2000, p. 3). There is also information from reported incidents that involve ritual or satanic forms of abuse of children. Child prostitution, pornography and sex tourism remains in some cultures, which alerts us to further forms of abuse of children (James, 2000, p. 2). McKay (1994) suggests that child physical abuse and domestic violence are linked and there is increasing awareness about the treatment of children as victims of war and as refugees.

Researchers have investigated causal relationships between child abuse and neglect, identifying certain risk factors that increase the likelihood of it occurring. One study (James, 2000) investigated child/adult interactions, as well as certain environmental factors thought to contribute to the prevalence of child abuse and neglect. Consequently, four levels of risk were identified: (1) *individual,* which includes factors related to a family 's history of abuse or substance abuse, and the psychological or physical illness of family members, including teenage pregnancy; (2) *family* issues affecting victims, including marital conflict, domestic violence, poverty, stress, parenting styles, and isolation; (3) *community* factors, which point to inadequate healthcare and community services, unsafe neighbourhoods, poverty, and isolation; and (4) *society,* which involves issues surrounding economic or social inequalities, cultural acceptance of violence or gender, and a view that considers children to be possessions.

General acknowledgment exists at the difficulty of addressing the risk factors associated with child abuse and neglect. The protection of children, and programs targeted at intervention and prevention, attempt to reduce the four identified levels of risk factors. Of note in Australia is the existence of mandatory reporting laws in all states and territories except Western Australia (James, 2000), but differences abound in practice and procedural implementation of the law. Tomison (1996) argues that the differences that exist between the Australian states and territories in reporting, create difficulties for victims of abuse and their families, mandated reporters, child protection workers, the family court and those responsible for training professionals to report.

Table 1, provided by Tomison (1996) in *A Summary of Mandatory Reporting Across Australia,* provides a national picture of who is required to report suspected child maltreatment, the designated statutory bodies who receive the reports, the types of maltreatment which must be reported, and the legislation which applies in each State or Territory.

Table 1: Mandatory Reporting of Abuse, Australia (Tomison, 1996).

ACT	PERSONS REQUIRED TO REPORT	ABUSE TO BE REPORTED	RECIPIENT OF NOTIFICATION
COMMONWEALTH			
Family Law Act, 1975	Personnel of the Family Court	All	Prescribed welfare authority
AUSTRALIAN CAPITAL TERRITORY			
Children's Services Act, 1986	Medical Practitioners, dentists, registered nurses, police officers, teachers, school counsellors, public servants engaged in child welfare work, child care workers in licensed centres	Physical Abuse, Sexual Abuse	Family Services Branch, Children's Youth & Family Services Bureau
NEW SOUTH WALES			

Children (Care & Protection) Act, 1987	Medical Practitioners	Physical Abuse, Neglect	Department of Community Services
Child Welfare Act, 1939	Medical Practitioners, school principals, deputy principals, teachers, school social workers, school psychologists	Sexual Abuse	Department of Community Services
NORTHERN TERRITORY			
Community Welfare Act, 1983	Any person who is not a member of the police force	All	Department of Health & Community Services
VICTORIA			
Children & Young Persons Act, 1989	Doctors, nurses, police officers, teachers	Physical abuse, Sexual Abuse	Department of Human Services
QUEENSLAND			
Health Amendment Act, 1980	Medical Practitioners	All	Department of Health
SOUTH AUSTRALIA			
Children's Protection Act, 1993	Medical Practitioners, dentists, nurses, psychologists, pharmacists, teachers, teacher aides, preschool workers, police officers, probation officers, employees of agency providing health & welfare services to children, social workers in health services	All	Department for Family & Community Services
TASMANIA			
Child Protection Act, 1974; Child Protection Order,	Probation officers, child welfare officers, welfare officers, persons holding	All	Child Protection Board, Child Protection Unit,

1977	boarding home or day nursery licenses, school principals, school guidance officers, psychologists, social workers, medical practitioners, nurses		Department of Community & Health Services
WESTERN AUSTRALIA			
Nil	No provision for mandatory reporting	Nil	Nil

The intentions of the law

This historical account tells us that governments and non-government organisations were well-intentioned in regard to addressing the problems associated with child abuse and neglect. Particularly, The United Nations (1989) who grants children rights relating to their civil, political, economic, and cultural lives. The Convention affords children:

Freedom from violence, abuse, hazardous employment, exploitation, abduction or sale;

Freedom from hunger and protection from diseases;

Access to free compulsory primary education;

Adequate health care;

The right to know and be cared for by both parents;

The right not to be separated from one's family;

The rights to registration, a name and nationality from birth;

The rights to an identity and to preserve such an identity;

Equal treatment regardless of gender, race or cultural background;

The right to express opinions and freedom of thought in matters affecting them; and

Safe exposure to leisure, play, culture and art (United Nations, 1989).

At an international level, these rights have been sanctioned which have had a direct influence on National bodies (government and non-government organisations) to develop specific legislation in relation to the protection of children. In Australia, this is the Family Law Act, 1975. And at the State level, in South Australia, this is the Children's Protection Act, 1993 - an Act to provide for the care and protection of children. Specific to South Australia and at a more local level, Family and Youth Services (FAYS) has enacted the Children's Protection Act to relate to teachers who have a mandated role. Employers, like the Department of Education and Children's Services (DECS), developed a Child Protection Policy, 1990, to inform teachers of their legal role. Mandatory Notification Training was designed by FAYS and must be completed by all employees. This training assists teachers

to be effective reporters. In some schools, child protection issues are addressed through Professional Development refresher courses, child welfare policies and the teaching of Protective Behaviours to children.

Formation of Mandatory Reporting law

So in Australia, like elsewhere, the existence and extent of child abuse and neglect awareness increased during the 1960s and 1970s through the work of Kempe et al (1962) who used the term, 'Battered Child Syndrome.' This and growing professional concern led to legislative reform with Australia signing the 'United Nations Declaration of the Rights of the Child' in 1981.

In South Australia, compulsory reporting of suspected maltreatment of children was introduced in 1969 by amendments to the Children's Protection Act; but this applied only to doctors and dentists. In 1972 the provision relating to compulsory reporting was incorporated into the Community Welfare Act. In 1976, this Act was amended, and expanded the list of notifiers to nurses, teachers, police and employees of any agency established to promote child welfare or community welfare. In 1981 the Act was again amended, and the categories were further expanded to include psychologists, teachers' aides, chemists, kindergarten employees, any employee of an agency that provided health or welfare services to children, and any social worker employed in a hospital, health centre or medical practice.

In 1986, *the South Australian Task Force* reported to Parliament on the state of child protection in South Australia. Over 100 recommendations were tabled, advocating improvement or change in a number of critical areas. The task force gave considerable attention to the reporting of suspected cases of child abuse and neglect. Interestingly, no submissions expressing the view that mandatory reporting should be abolished were received. While the principle of mandatory reporting was supported, attention was drawn to the fact that a number of professionals were reluctant to report. Reasons given included:

- o   unaware of legal obligation
- o   unable to recognise manifestations of abuse
- o   disbelief that children/young people were abused
- o   perception that the laws and services available to children/young people and families were punitive
- o   perceived threat to the professional/client relationship
- o   litigation issues
- o   family break-up

In light of this information, the task force recommended that mandatory reporting should continue. Recommendations 89 and 90 outlined the need for in-service and pre-service education for those professionals who were required to report. The recommendations suggested that a core package be developed to address the essential areas mentioned, to enable professionals to fulfil their obligations. When the state-wide training of mandated notifiers began, it did so with a two-day 'train the trainer' program which was provided to selected personnel throughout government and non-government sectors. Once trained, these people became 'the trainers' and had responsibility for in-service training of staff in their own agencies.

In 1988, a further amendment included probation officers and volunteers who worked in an agency that provided health, welfare, education, childcare or residential services for children. In 1989, *the Legislative Council of South Australia* appointed a *Select Committee* to examine a variety of questions relating to child protection in South Australia; recommendations were handed down in 1991. The Select Committee received submissions from agencies and

individuals on the topic of mandatory notification. The Select Committee noted that, while some criticisms were made, the support for the retention of mandatory notification was unanimous. Two recommendations were made:

- o the system needs regularly to be reviewed to ensure that it is operating efficiently, and to update, if necessary, the list of mandated notifiers;

- o that particular care be taken to ensure the training of mandated notifiers in country areas.

The Community Welfare Act 1972 was amended in 1993 and renamed the Family and Community Services Act 1972. Provisions relating to the welfare, care and protection of children were deleted and incorporated into the new Children's Protection Act 1993. Section 11 (1) and (2) of the Children's Protection Act 1993 now makes provision for mandatory reporting of child abuse and neglect (Family and Community Services, 1997, pp. 8-9).

The South Australian Department for Family and Community Services (re-named Family and Youth Services, FAYS, in 1998) has conducted trainer training workshops since 1989. Similar programs have also been implemented in Victoria, Western Australia, and the Australian Capital Territory. These workshops have been designed to ensure the provision of high quality mandated notification training throughout South Australia. In 1997, the trainer training was reviewed, with greater emphasis placed on quality assurance. This quality assurance included the identification of suitably trained providers to be assessed during the workshops in order to gain FAYS Approved status (Family and Youth Services, 1997, pp 9-11).

Mandatory reporting remains as the main prevention strategy used by South Australian teachers in schools, to identify and report suspected incidence of child abuse and neglect. Teachers seeking employment in South Australia are required to complete the FAYS Approved training in mandatory notification. Mandated notifiers, through this training, are informed about the legal obligations, how to identify indicators of abuse, how to respond to victims of abuse, and how to notify suspected child abuse or neglect. Penalties (maximum $2500) are imposed if mandated reporters are found guilty of not fulfilling their mandate as stated under this legislation. The Act requires that teachers must notify the Department if they suspect on reasonable grounds that a child has been or is being abused or neglected and this suspicion is formed in the course of their work. Employers have developed child protection policy to inform all school personnel of their responsibilities. For example, DECS states that

> All education and care workers will act in a positive way to develop a safe environment for children in their care and will take the action required to fulfil their duty of care. They are required to fulfil the following key responsibilities:

- o exercise a duty of care to protect children and keep them safe

- o be aware of the definitions of abuse and neglect as contained in the Children's Protection Act, 1993, Section 6 (1) and (2)

- o report suspicion of child abuse and neglect as required by the Children's Protection Act, 1993, Section 11 (1) and (2)

- o provide children with child protection and abuse prevention programs (DETE, Policy Statement: Child Protection, 1998, p 3/4)

The problem

It has been established that political and economic resources have been devoted to the intentions of the Rights of Children and their protection. Research has highlighted a myriad of difficulties with the implementation of these intentions. Firstly, the defining of child abuse and neglect varies globally as well as within and between professions. Inconsistency, ambiguity and confusion exist in Australia and internationally, in legal, welfare, medical, and education arenas charged with child abuse and neglect responsibilities. There is disagreement about what constitutes child abuse and neglect, and the various arenas operate using different definitions. For example, the traditional separatist definitions of abuse (physical, sexual, emotional and neglect) seem no longer to apply, especially to victims who experience multiple forms of abuse in changing and unique circumstances which includes extra-familial factors as well (James, 2000).

Secondly, the literature cites many short and long-term deleterious effects on individuals' normal functioning in society as adults. The consequences of child abuse and neglect have been extensively researched and reported in the literature (poor self image: Bolger, Patterson & Kupersmidt, 1998; delinquency, problems at school and with forming relationships: Finkelhor, 1990; Friedrich, 1990; Koverola, Pound, Heger, & Lytle 1993; Dukewich, Borkowski, & Whitman 1999; violence, drug and alcohol abuse: Courtney, 1999; prostitution: Spatz Widom, 1995; homelessness: Stiffman, 1989; psychiatric disorders including anxiety and depression: Burdekin, 1993; Gray, Pithers, Busconi & Houchiens, 1999; Finkelhor, 1990; Koverola et al, 1993; Browne & Finkelhor, 1986; Fondacaro, Holt, & Powell 1999; and suicide: Kosky, & Mangold 1988). Statistics recorded by the Australian Institute of Criminology about child homicide indicate that one fifth are the result of child abuse and neglect, where the offender is a known parent/caregiver. Non-accidental death rates of children are hard to classify, but it is estimated that 50% of child deaths were children known to child protective services prior to their death. These examples and others are sensationalised by the media, which attempts to raise awareness about the societal problems of child abuse and neglect. The repercussion of this media reporting enables the general public to gain some understanding of the problems associated with child abuse. These perceptions can influence what public policies are formed to support victims or to define appropriate responses (Daro, 2002, p 1131).

Additionally, it is acknowledged that difficulties exist with accurately recording incidence of child abuse and neglect, as only reported cases are included in the statistics. It is predicted that higher numbers of children are abused than those actually recorded, especially for sexual abuse. These statistics are complicated further by the different definitions of abuse, and different practices and sampling techniques used by the professionals who deal with child abuse and neglect (eg the police, medical facilities, child protective services, legal fraternity, etc). There are reports of an overload of reported cases inundating child protection services.

Mandatory reporting was introduced as a tertiary prevention strategy to deal with child abuse and neglect but is problematic. In some countries, legislation dictates the conditions under which certain professionals are required to report their suspicions to child protective services. Within countries that have mandatory reporting laws, differences can exist between states and territories. Procedures for reporting differ, and the preparation of mandated reporters varies worldwide. Under-reporting behaviours by mandated reporters exist such as difficulties with making emotional decisions during busy work days, lack of knowledge, confusion over policy and procedures, and fear of reporting (McCallum and Johnson, 2002).

The above discussion briefly presents the enormity of the problem. It reflects how challenging the process is and how difficult the solutions are. It recognises that certain risk

factors and protective factors contribute to other forms of abuse or societal problems in later life. It is paramount that identification, intervention and prevention are part of an interactive process, which requires involvement of various sectors within society, if the problem is to be further addressed to ameliorate future risks to society.

Impact of child protection law for teachers

Child protection legislation and policy has a direct impact on teachers' work. Berson (2002) stresses that schools have an important responsibility in the protection of children and serve as the system that bridges the family and community into a social network for the child. An example from history shows that various cases of child abuse and neglect have alerted health and legal authorities to the significance of the problem, sometimes to no avail. There was the case of *Maria Colwell*, in the United Kingdom, who had had contact with various caring agencies but it was the teacher who, when comforting her, noticed how thin and light she was. Her death initiated policies for the management of child abuse in England, but also emphasised the importance of teachers in recognising abuse, and so reinforcing the role teachers have in prevention (Creighton, 1989, p.23).

For many reasons, it is important for teachers to acknowledge the role that they can play in the prevention of child abuse and neglect. This is for legal reasons, for employment purposes, and, more importantly, because of the effects of child abuse and neglect on children in society. McIntyre (1990) offers sound advice to teachers:

> Schools must accept responsibility for their abused/neglected students for many reasons: legislation mandates it, professionalism demands it, and empathy for children subjected to cruelty and pain morally and ethically necessitates it. (p. 305)

The very nature of schools suggests that it is impossible for them not to be involved. In fact, teachers in school settings are in the first line of defence in assisting with the identification and prevention of child abuse and neglect. Berson (2002) states that this is due to the interaction between school personnel and students during the school day. They have the opportunity to observe children so can establish a reasonable level of suspicion, and report accordingly. Educators play an integral role (p 4). Teachers interact with vast populations of abused children of various ages and from a variety of social systems and they often have awareness of family cultures and sensitivities that other professional groups have not. Teachers are privy to the indicators of abuse exhibited by victims, often those that are more difficult to fit into the concrete definitions for substantiating child abuse (Coleman, 1995, p. 93). This is a significant point, because understanding the interactive process of abuse and reporting, as it impacts upon our society, will, indeed, enable child welfare practitioners to help prevent, identify, and provide intervention services in our communities to deal with the problem of child maltreatment (p.93). Watts (1997) also reports that teachers are in a unique position to identify and report abuse, as they are the only professionals with whom children must have regular contact (p. 5). And, Goddard and Tucci (1997) affirm that mandatory reporting provides teachers with the unequivocal message that children have a right to protection from abuse and neglect. And such laws give official recognition to the fact that children are vulnerable, and are often too young to seek help themselves, and must rely on the help of adults to gain protection (p. A17). This establishes an argument for the involvement of schools and teachers.

Effects on teacher reporting and prevention of child abuse and neglect

Despite the legal mandate that educators report their suspicions and the preparation completed by all novice and experienced educators, professionals fail to report their

suspicions, and under-reporting behaviours occur. The literature cites many reasons (fear of identification of self or victim, fear for personal safety: Winefield & Castelle-McGregor, 1987; Winefield, Harvey & Bradley, 1993; confusion with the law: Kalichman & Craig, 1991; lack of confidence to identify and/or report: Kalichman & Brosig, 1992; Kalichman, Craig & Follingstad, 1988; reluctance to become involved: Pollack & Levy 1989; lack of professional experience or knowledge: Bavolek, 1983; Crenshaw, Crenshaw, & Lichtenberg 1995; Hay, 1988; Barksdale, 1988; Nightingale, 1986; inadequate training: Reiniger, Robison, & McHugh 1995; Abrahams, Casey and Daro (1992), and fear for the future welfare of the child: Winefield & Castelle-McGregor, 1986; Newberger, 1983) for such behaviours. O'Toole, Webster, O'Toole and Lucal (1999), also suggests that under-reporting occurs as a result of educators developing a loss of sensitivity to the problem. This develops over years of teaching experience and because of an increase in the number of children seen each day. They found that years of teaching were negatively associated with recognition of abuse, but not with reporting. This was because educators had become more tolerant about behavioural signs exhibited by children, had received no formal training in child abuse detection when they were trained to become educators, or because an increase in student numbers affected their time and type of relationship with individuals and smaller groups.

Many factors hinder teachers from identifying abuse. For example, in the UK, ethical issues exist for teachers of the early years who have close relationships with families and who perceive their role as supporting families and not 'reporting' on them. Confidentiality is a huge concern, as is the process that occurs after reports are made. Lack of training exacerbates the vulnerability of teachers in relation to the problem, creating a situation where teachers fail to act. It appears that,

> The process by which cases of suspected child abuse are reported to child protective services is governed by a range of ethical, moral, legal and professional considerations which differ from country to country (Bell and Tooman, 1994, p.354).

Various implications for the training and reporting of child abuse and neglect exist. There are also problems with Child Protective Services who are under-resourced to deal with the number of notifications made. These all have an effect on teacher reporting and ultimately child abuse and neglect prevention. A specific study was undertaken in South Australia to determine how effective mandatory notification training was for teachers and how this influenced the teachers' role in child protection work.

Research Context

The research surveyed all schools in the State to explore teachers' experiences with, and views about mandatory notification training and school reporting practices as set down by the Children's Protection Act 1993 and subsequent school policies. The design of the survey tool was based on the findings of a previous pilot study using qualitative methods of research, purposive sampling and interview methodology. The survey was distributed to principals of schools who randomly selected two educators at their site to complete and return the survey directly to the researcher. Identity was anonymous, and the information provided was treated confidentially. The University of South Australia and appropriate employing bodies granted ethics approval. The quantitative results were analysed using SPSS and the qualitative comments using NUD.IST (Non-numerical Unstructured Data. Indexing Searching and Theorising, Richards & Richards, 1997). The full findings of this research will not be discussed here. This paper will report specifically on the implications for teachers in regards to their practice.

Inhibiting Factors

The teachers identified factors that inhibited their role in regard to working effectively in child protection. These include: a lack of school structures; lack of experience with teaching and with child protection matters; personal issues in relation to child abuse and the handling of individual cases; and the perceived increase in their workload. These factors suggest that current training arrangements are inadequate in preparing teachers to report suspicions of child abuse and neglect, and this has a direct impact on their practice. This subsequently, does not support the role outlined for teachers in school or departmental Child Protection policy, the Children's Protection Act 1993, and ultimately the Rights of Children.

(i) Lack of school support structures

Teachers reported an absence of school support structures, which created a barrier to fulfilling the legal mandate to report. They felt isolated in the decision-making process of forming the suspicion to following through with the report. Teachers suggested that, in some instances, certain support structures (eg established school policy, agreed reporting procedures, formalised support networks) would have increased their confidence to report. Because these structures were not available, individuals established personal networks to support them through the recognition and reporting process. This practice is problematic as it could be seen that information was contaminated if individual cases went to court. This is because mandated reporters are to keep all information about suspected cases confidential. It was acknowledged that access to support networks other than those provided by family and friends was needed.

The following internal school structures were suggested: specific school policies and procedures that related to individual school contexts and clientele; identified personnel within schools for consultation and clarification; access to inter-agency links; and supportive strategies like counselling. From a social policy viewpoint, there is a major concern that students in certain types of schools do not receive the protection from abuse that the law promotes. For this reason alone, certain internal school support structures would be of value.

(ii) Lack of experience

Two factors were identified that had an effect on teacher practice in relation to child protection: lack of teaching experience and familiarity with the work of teachers and lack of experience in identifying and reporting suspicions of child abuse and neglect. Stern (1989) confirms that the reporting rate of teachers is dependent on both of these factors. Also, teachers should have an understanding of family dynamics, which, he asserts, depends upon training but also on experience of both a personal and professional nature.

In this study, novice teachers and those who worked in transient or casual roles were grappling with their transition to the world of teaching, and often missed, or were too busy to observe children's behaviour at an individual level. An absence of support structures in schools, like a mentor, exacerbated the problem. Also, casual and daily relief teachers were not informed about specific school policies on child protection. This left an uncertainty with some teachers who then tended not to report. Likewise, experienced teachers, both in classrooms and in administrative positions, were not always kept up-to-date with the knowledge to identify suspicions or the procedures associated with reporting. This was thought to be due to irregular experiences with reporting; inconsistent dealings with child protection services; lack of updated training; confusion about the law and definitions of abuse; absence of school policy and procedures; and general inadequacy to deal with victims and the situation.

O'Toole, Webster, O'Toole & Lucal (1999) reports that, the more involved educators are with recognition and reporting, the higher their recognition and reporting scores. Strategies to increase regular contact with children and their families, familiarity with the workings of classrooms, and knowledge of reporting laws and procedures are paramount to educators' professional development requirements.

(iii) Personal factors

Teachers faced with the decision to report child abuse and to deal with the victim and their family are confronted with many personal issues that influence their work. Some reported feeling a sense of fear when faced with anger and threats from parents who suspect them as the reporter. Strong emotions are also experienced during and after the identification or reporting process. They may also feel guilt for making a report based on suspicions alone, for not acting more promptly or for not acting at all, and for any subsequent disruptions created for the children and/or their families. Their thinking can be confused by feelings of doubt and negative self-efficacy.

For reporters and non-reporters, the decision to report represents a high level of personal investment, a finding also found in the study by McCallum and Johnson (2002). This study found that teachers were involved in child protection work for moral not legal reasons, resulting in demands on personal investment that affected their lives. Many feelings are experienced when they are faced with distressed, traumatised children and, despite their lack of expertise to handle the situation, they have no option but to respond. The investment they place on this aspect of their role can cause added pressure and place additional demands on them. The personal aspect of teachers' work is seldom valued and taken into account in the management of school sites and professional development. School policies, if in place, seldom indicate procedures to support teachers to report quickly, in private or with adequate care provisions.

(iv) Teachers' work

Teachers in this study reported that their role was ever-changing and demands on their time were increasing. They reported feeling stressed, tired and over-whelmed with aspects of their work. They also felt that few structures appeared to be in place to support them. Changes in the work and demands placed on teachers are a result of the onset of technology, an aging profession, increased class sizes, and a perceived increase in the number of duties expected of educators. A succinct summary, provided by the Senate Employment, Education and Training References Committee in Australia (1998), identifies the range of non-core teaching tasks now added to teachers' workloads. Many of these responsibilities were previously handled by community, church and family organisations, but are now the responsibility of the school. For example,

> Schools have become the first port of call for many families in crisis and in some schools [the] teachers' welfare role threatens to engulf their primary function, that is, to teach (Senate Employment, Education & Training References Committee, 1998, p. 132).

This welfare role appears to be ever present in the day-to-day running of schools as evidenced by the increased need for counsellors based in schools. However, many teachers are not trained or prepared for this role and teachers also indicated that few schools are equipped to support them. The Senate Employment, Education and Training References Committee, supports this view,

> As well as preparing students academically, teachers in ... schools are expected to act in the roles of social worker, counsellor, surrogate parent, psychologist, law enforcer, disabilities educator and, as employment agents. These additional expectations placed upon teachers move teachers far beyond their traditional roles without adequate training or new ways of coping with and organising work (p 132).

The behaviour of teachers affected by the above factors aligns with similar behaviours reported in research by O'Toole et al (1999). They stress that, because professionals overlook signs of abuse or fail to report abuse to authorities, abused children fail to receive protection and treatment. This behaviour raises questions about the effectiveness of the current child protection legislation and the training provided to teachers.

This study supports the hypothesis that current models of teacher professional development and in-school policies and procedures are ineffective in the preparation of teachers to implement the conditions set down by the Rights of the Child. The identified inhibiting factors show that the local contexts of schools, teachers' needs and concerns, conditions of teacher learning, and familial considerations have not been taken into account in the preparation of teachers to fulfil the legal mandate.

Discussion

The paper has noted that some teachers and schools have struggled with the recognition of abuse and neglect, of confidently reporting to appropriate authorities, of being adequately trained for the role and ultimately, do not have sufficient policies in place to deal with the process that the law vindicates. In addition, there are a number of wider issues that impact on teacher's practice in regard to child protection.

Firstly, education appears to be dominated by economic concerns. Ozga (2000) argues that the main function of education is the service of the economy and that this economising of education has produced a less inclusive, more selective system. Education systems are redesigned to produce outcomes, which requires prescriptive policies from central government, supported by managerialist policies at the institution level. This, therefore, sees teachers as accepting of the central control, of direction of content and process in education, and of management who are responsible for monitoring of performance. The impact of this is that teachers are pressured to produce results and may pay less attention to the observations of children in their classrooms that may be victims and they may also have less time and/or inclination to see a suspicion through to a notification.

Secondly, this economising of education, amongst other changes to the teaching profession, has produced a restructuring of the professional work of teachers. The impact of this may be seen in terms of changes in control over pace and process that were previously connected to expertise and knowledge, and in changes in the social relations of the professional workplace. A study by Bottery, 1995 (cited in Ozga, 2000) amongst teachers found that the following policies had impacted on the professional autonomy of them:

- retrenchment (reduced budgets);
- cost improvement programs (eg Partnerships 21);
- renegotiated contracts (reliance on short-term contracts rather than permanency);
- quality assurance mechanisms;
- appraisal/audit systems;
- performance indicators;
- resource management;
- content control.

The consequences of these factors for the professional work of teachers includes increased responsibility, paperwork (which interferes with the real work), stress, entrepreneurialism and control at senior levels, increased job insecurity, and preoccupation with implementing policy. This directly results in low morale, high levels of stress and sickness, routinisation of teaching, the homogenisation of content, busyness associated with reporting results, and problems with recruitment and retention of teachers. This emphasis on the schooling sector sees teachers in a powerless position where their day-to-day work is sometimes not valued or not seen to be as important.

Thirdly, despite the existence of Child Protection policy at the State and Departmental level, schools appear not to have specific policies for the protection and care of children. If in place they are rational models of educational change, which separate out the policy processes of development and implementation. This model assumes that, given a set of perfect conditions, policies can produce the desired outcomes. Human diversity and organisational complexity, particularly in the area of child protection, needs to be considered in this context because such policies are part of a social environment. As a result, they can be ignored, resisted, contested or rearticulated to suit local circumstances. And Taylor, Rizvi, Lingard and Henry (1997) state that;

> Much of the collective effort of policy makers, researchers and administrators is aimed at making the school reality conform to the rational model. We then bemoan the fact that the schools fail to conform to the model. It just may be that we need a new paradigm (Wise, cited in Taylor et al, p1).

Further problems exist with policy process that leaves teachers feeling frustrated at the receiving end when consultation has not occurred. Connections between the micro setting (in this case schools) and the macro level (in this case State or Departmental policy) are necessary. This highlights the value-laden nature of policy making which is often highly political. Policies should, therefore, not exist in a vacuum but should show an understanding of the context in which policies emerge.

And furthermore, defining policy appears to be difficult which depends on ones perspective and/or discipline. Ozga (2000) views policy as a process rather than a product, involving negotiation, contestation or struggle. This broad process-oriented definition is relevant to education as it can lead to 'policy research'. This is because it extends the possibilities for research beyond the formal mechanisms of government where access is sometimes difficult. Policy research is needed in the area of child protection so that schools can design more effective protocols and procedures to assist in the care and protection of children. Teachers, as policy makers, could contribute to this policy research at a number of levels - from the national level of formal policy making through to the informal area of student-teacher interaction.

Finally, as previously mentioned, the media plays a role informing the public about the extent of child abuse and neglect in our society. It is important for policymakers and those working in professions like teaching, to understand how readers use the information read in newspapers and relayed on the television because of the seriousness of the problem. In a society where we elect political leaders that have responsibility to design and implement law and policy, it is critical that the public understands what constitutes a meaningful policy. Daro (2002) suggests that the media can help shape the policy context but it is the responsibility of those responding to the issue of child abuse and neglect to offer well-researched policy options. This is because

> ... children lack an adequate child protection system and have too few adults in their lives interested and capable enough to support their healthy

development, (and therefore) we all contribute to the conditions that allow perpetrators to succeed (p 1133).

Collings (2002) suggests that certain attempts could achieve more objective reporting of child abuse and neglect, particularly for sexual abuse. These attempts could include: (a) the running of seminars and workshops designed to sensitise reporters to the complexities and realities of abuse; (b) attempts to actively involve media representatives in the day-to-day business of child protection services (case conferences, formal meetings, and annual training programmes) in order to provide them with a more objective/informed understanding of the nature and extent of the problem; and (c) attempts to encourage newspaper editors to appoint a dedicated "Child Abuse Reporter" who will have the time and capacity to go beyond superficial/sensational coverage of the problem (p 1145).

Conclusion

This paper has highlighted a problematic future for teachers, the teaching profession and children. As such, it has identified an era of uncertainty. It has, though, established that teachers do have an important role in the protection of children but that there are compounding factors that inhibit the role. The many difficulties faced by teachers who have face-to-face contact with children in need have been outlined. It has shown that child protection law, the rights of children and child protection policy are necessary but that they impact on the teachers' role in child protection. It is clear that teachers cannot deal with the problem of child abuse and neglect alone as it requires a consolidated response from all sectors of society. This response is vital because

> Policies and curriculum, which promote health, resilience and connectedness in young people, can help maintain and improve their well being (Cahill, 2000, p 44).

And, an integrated approach, from policy development and implementation, to professional development, and a review of internal structures for teachers and children are needed. These approaches, suggests Cahill,

> ... need to be supported at government level by an overall policy framework, be based around multi-sectoral approaches, and be informed by data collection, evaluation and research activities which will inform and improve program design in the longer term (p 2).

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