Child panic and child protection policy: a critical examination of policies from NSW and Queensland

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Each era of history had its own fears, which set it apart from other epochs; or rather, each gave the fears known to all epochs names of its own creation. These names are concealed interpretations; they informed of where the roots of the feared threats lay, what one could do to keep the threats away, or why one could do nothing to ward them off. (Bauman 1995: 105)

Introduction

In recent years, the issue of child protection has become the type of social fear that Bauman articulates. Children have always been in varying need of protection, but child protection as both practice and discourse has emerged as a significant concern of our epoch. It has become the staple of talkback radio, tabloid media and education policies. The findings of Wood Royal Commission into Police Corruption (1997) in New South Wales and The Forde Inquiry into Abuse of Children in Queensland Institutions (1999) acted as triggers for governments in NSW and Queensland and governments elsewhere to revise legislation and child protection policy. Both of these inquiries generated much social anxiety and fear about how well the state protects children.

Specifically, these inquiries provided instances where the state had neglected its duty of care regarding children in various settings. Claims of paedophilia, the abuse of children while in the care of the church or the state and allegations of teachers physically, emotionally or sexually abusing were brought to public attention. Indeed, the attention that both of these inquiries generated in the media led to what could be described as a ‘moral panic’ regarding the safety of children in public institutions.

Cohen’s (1972:9) classic definition usefully describes the nature of this moral panic:

A condition, episode, person or groups of persons emerges to become identified as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right thinking people’ socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved (or more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible.

In this case what constituted childhood and the rights of children to be safe came under close scrutiny. The power of such intense concern in society, especially when it is supported by media technology, is the ability it has to exaggerate the actual threat and engineer social consensus and control through the creation of a moral panic. (Ungar 2001).

Likewise, for McRobbie, (1994: 199) moral panic boils down to ‘instilling fear in people and, in so doing, encouraging them to turn away from complexity and the visible problems of everyday...

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1 Paper presented at Symposium AARE/NZARE conference Auckland December 2003
life and either to retreat into a “fortress mentality” – a feeling of helplessness, political powerlessness and paralysis – or to adopt a gung-ho “something must be done about it” attitude’. 

Child protection, and the role of social institutions in general — and schools in particular — to ensure that children are in no way at ‘risk of harm’, can be seen as a major site of social anxiety. In the current climate ‘child panic’ becomes a form of increased social anxiety and surveillance (Wallace 1995). Policies have been developed and technologies of surveillance and control have been instituted by bureaucracies ranging from Departments of Education to Children and Community Services and Family Services to respond to a perceived view of increased risk for children and the development of a risk society. (Beck 1992)

The development of risk consciousness across public and private spheres alike can be seen in the light of an erosion of trust. Risk, danger and blame characterise institutional responses to uncertainty and ambiguity. As Caplan (2000:23) observes “one aspect of risk management is that, in its name, control can be asserted by governments and other bodies over populations”. Indeed, as Douglas (1992) has rightly observed, “the discourse on risk is politicised and the language of risk is reserved as a specialised lexical register for political talk about the undesirable outcomes. Risk is involved for a modern style riposte against abuse of power” (p. 24). By its very nature risk is about power and control – who has the power to make decisions about what constitutes risk and what kind of strategies or regulatory frameworks are to be put in place to ensure compliance. The strong and sustained push for accountability required by governments, and various risk management and quality assurance methods developed within various education constituencies to ensure that this is done, has to be seen in this light. In practice, it ensures the external control of teachers’ work in schools and classrooms. Child Protection policies, both in their form and content, act as regulatory frameworks which constrain and proscribe teachers’ practices and to emphasize a ‘safe’ and ‘risk averse’ form of practice. They can also be seen as technologies of performance because they presuppose a culture of mistrust in professions and institutions that they themselves contribute to, produce and intensify (Dean 1999: 149)

We suggest that inherent within the policies are a set of paradoxes — especially as these relate to the ‘professional autonomy of teachers’ and those who protect the interests of teachers — both of which remain silent. Through the public concern about child protection and the emphasis on risk inherent in the policies, technologies of agency have come into play. Deane (1999:148) argues that these come into play when certain individuals, groups or communities become targeted populations, i.e. when, through the prism of specific forms of knowledge, judgement and evaluation, they become populations that manifest high risk, or are composed of individuals who are deemed to be at risk. The consequence of these technologies of agency as they relate to child protection is that they make individuals and communities capable of managing their own risk. Thus the management and surveillance of risk of harm to children is dispersed to teachers and community members (specialist professional and lay) both in terms of identifying when it occurs but also to monitor their own and their colleagues’ behaviour in professional and non professional settings.

We suggest that the policies perform two purposes: first is to codify in a legalist framework and a set of expectations about what constitutes risk of harm to children and establish a set of procedures to oversee practices in schools and other public institutions which aim to ensure
consistency in the enactment of the policy. Second, as ‘technologies of performance’, they present themselves as ‘restoring trust (accountability, transparency and democratic control) in the activities of service providers, public services and professionals’ (Dean 1999: 149).

In this paper child protection policies generated by Departments of Education from New South Wales (NSW) and Queensland are compared and contrasted. In order to do this we ask the following questions: What do policies do, how do they work and how are they monitored? Following Dean (1999), we argue that these policies are informed by both technologies of agency and performance, especially as these relate to management of risk consciousness and risk anxiety. These technologies provide for both the content of the policies and the surveillance mechanisms to oversee and monitor their application.

**Child Protection and Education Policy**

Some of the most insightful research on education policy has been undertaken by Stephen Ball (1990, 1994). Much of his work has been oriented towards the policy agendas of the United Kingdom but the strength of his work lies in the fact that his observations are transportable to other educational sites and contexts. For Ball (1994) ‘policy is an ‘economy of power’, a set of technologies and practices which are realized and struggled over in local settings. Policy is both text and action, words and deeds, it is what is enacted as well as what is intended’. (p. 10) The language and style of policy reflect the cultural values and moral systems as well as cognitive styles of the governments/bureaucracies for which the policies are developed.

Following Ball (1990:22) policies are intended to bring about idealized solutions to diagnosed problems. They embody claims to speak with authority, they legitimate and initiate practices in the world, and they privilege certain visions and interests. They certainly set the limits for what can be thought and done in educational practice both inside and outside of classrooms.

Bureaucracies and government instrumentalities develop multiple policies to shape the practice and activities of education workers wherever they work. The idea of policy texts is useful here – these texts represent the legal obligations of teachers, the types of activities that are mandated by the state and how those activities are to be implemented and monitored. For the purposes of this paper a variety of documents/policies are produced by state bureaucracies in NSW and Queensland which cover what we call the field of practice of child protection. Several documents cover the legislative and policy terrain of child protection in NSW and Queensland. These policies circumscribe the practice and responsibilities of the state in ensuring that children are protected from harm. Policies are derived from two sources: Premiers Departments (Codes of Conduct) and Departments of Education (Child Protection Policies and interpretations of Codes of Conduct).

The following generalizations can be made about what the codes of conduct and child protection policies are intended to do:

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• Ensure the safety and welfare of children in all contexts or settings
• Minimize the risk of harm
• Ensure that schools are safe places for children to learn by providing a safe and nurturing environment
• Inform teachers about how to monitor their own and their colleagues’ behaviour
• Make teachers and others aware of their responsibilities to the wider community as well as children
• Ensure that teachers and other professionals behave ethically
• Ensure public confidence in public education through the legal responsibility of duty of care.

Teachers as public servants have always had to comply with the strictures of a Public Service Code of Conduct. Perhaps it is not coincidental that the revised Codes of Conduct for teachers and public servants were issued after the public outcry from the Wood Royal Commission into Police Corruption and the allegations of paedophilia rings protected by police. In NSW a Revised Code of Conduct, derived from the Model Code of Conduct for NSW public agencies issued by the NSW Premier’s Department in June 1997, was distributed to schools in August 1997. In the covering letter to Principals, District Superintendents and State Office Directors, the then Director General for Education Dr Ken Boston wrote “The Department is committed to the highest standards of conduct in public education and administration. To meet this commitment the Department revised its code of Conduct to reflect more closely the organisational values and ethics which underpin the Department’s policies”.

In this document ten elements constitute the Code of conduct: public comment, personal and professional behaviour, discrimination and harassment, use and security of official information, use of official facilities and equipment, public participation, personal interests, outside employment and private practice, post separation employment, acceptance of gifts and benefits, notification of corrupt conduct, maladministration or serious and substantial waste of public money. “The code of conduct has been formulated to clarify to staff the types of conduct that is expected of them in the performance of their duties. It is intended to provide practice assistance for staff members with ethical challenges” (1.2 Introduction)

Personal and Professional Behaviour presents explicit guidelines regarding appropriate and inappropriate behaviour. Two are worth presenting here:

3.1 In performing their duties and responsibilities all staff must;
   i. be conscious of their special duty of care to students of the NSW public education system in all education activities in and out of school; …
   xviii behave in such a manner to protect and enhance the esteem and standing of public education. In particular:
   staff must not, under any circumstances, have sexual relationships with students

Like NSW, Queensland public servants also must comply with a Code of Conduct. The Code of Conduct ‘provides appropriate standards of official conduct, public sector relationships and behaviour, based on five principles set out in the Public Sector Ethics Act 1994’. They are respect for the law and system of government, respect for persons, integrity,
diligence and economy and efficiency. For our purposes here the ethical principals of integrity and diligence are deserving of further attention.

Under the principle of integrity areas such as criminal charges and convictions, confidentiality, public comment, party-political, professional, trade union and voluntary association activity, intellectual property and copyright and relationships between employees and students are presented. It is this latter category that is of interest here and it is worth presenting the extract in full.

*Ethics Principle 3 – Integrity*

Relationships between Employees and Students
4.21 Employees must be aware of interpersonal situations that could influence professional judgments. If you work in a school, your duties place you in a position of trust with students.
4.22 As well, teachers have a responsibility to protect the interests of students; to respect the trust involved in the teacher-student relationship, to accept the constraints and obligations inherent in that responsibility, and to assess student work fairly, objectively and consistently.
4.23 Fulfilling these responsibilities protects both employees and students and enhances the overall quality of teaching and learning.

*Ethics Principle 4 – Diligence*

Responsibilities
5.1 As an employee of the Department, you have responsibility:
- To perform your duties to the best of your ability;
- To carry out your duties in a professional, competent and conscientious manner, always seeking to improve your own performance and the department’s service delivery to schools and students

Performing your Duties/Duty of Care

5.2 High standards of performance and a focus on client services are encouraged. As a departmental employee, you are expected to exercise due care, particularly if members of the public or clients rely on the information or advice provided. You are expected to act responsibly and be accountable for your official decisions and conduct.

5.2 You have a legal duty to take reasonable care to avoid causing injury to another person. When you are supervising students, the standard of care required at law is that you take such steps as are reasonable in the circumstances to protect a student from reasonably foreseeable injury. All teachers are expected to exercise the degree of care that a reasonably skilled and experienced teacher would take in such circumstances.

Both of these Codes of Conduct are underpinned with a view about the nature of professional and ethical practice by teachers in schools. The care of students under their responsibility is paramount. These codes provide the ethical and legislative context and legitimacy for child protection policies. The policies from NSW and Queensland both refer to the codes of conduct and their content reflect the principles and aspirations of the broader ethical framework.
Policy discourses

Discourse provides a particular and pertinent way of understanding policy formation, for policies are, pre-eminently statements about practice— the way things could or should be—which rest upon, derive from, statements about the world—about the way things are (Ball 1990:22). Discourses set the limits for what can be said, who can speak and what can be done, ‘it not only facilitates our understanding of the world, it also limits our perception and understanding of the phenomena around us, including social processes, social institutions and cultural forms.’ (Kemshall 2002:13) They are ways of thinking which may overlap and reinforce one another and close off other possible ways of thinking (Shore and Wright 1997:18). Furthermore, these discourses represent at an institutional level who has the power to define what can be said and thought and they are a socially constructed view of the world. Discourses can do the work of ideology, especially in the interpretation and enactment of policy. They can also represent the world and how that world is perceived, negotiated and experienced.

We argue that a series of discourses on child protection are in circulation, both implicitly and explicitly, which serve to organize and structure how bureaucracies and ‘professionals’ deal with the issue of risk of harm to children. They are socially constructed as they make claims to assumptions about children, the role of teachers and their duty of care. Importantly discourses operate at a variety of levels—dominant discourses work by setting up a political agenda and giving institutional authority to one or a number of overlapping discourses (Shore and Wright 1997). Enabling discourses contribute to achieving the intentions of the dominant discourses. They also help to naturalize and even neutralize aspects embedded in the dominant discourses. These discourses become ‘common sense’ or even good sense.

In terms of the policies examined in the context in the paper we identify several discourses inherent in the policies. The documents should be read as a ‘suite of policies’ that support, extend and reinforce each other. Both the NSW and Queensland documents are nested in legislation—The Child Protection Act (1999) (Queensland) and The Children and Young Persons (Care and Protection) Act 1998 (NSW). In Queensland the Act it is to be administered under the following principles:

(a) every child has a right to protection from harm;
(b) the welfare and best interests of a child are paramount;
(c) families have the primary responsibility for the upbringing, protection and development of their children;
(d) the preferred way of ensuring a child’s wellbeing is through the support of the child’s family …

The NSW Children and Young Persons (Care and Protection) Act 1998 indicates that the objects of the Act are to provide:

(a) that children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, taking into account the rights, powers and the duties of their parents or other people responsible for them, and
(b) that all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that provide services that foster their health, developmental needs, spirituality, self respect and dignity. ...
Clearly, both of these Acts reflect the sentiments and principles inherent within the United Nations Convention of the Rights of the Child which is a universally agreed set of non-negotiable standards and obligations. The Convention spells out the basic rights that children everywhere – without discrimination – have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. (http://www.unicef.org/crc/introduction.htm)

We identify two dominant discourses that inform the policies for Queensland and NSW – managerial discourses and risk discourses. Clarke, Cochrane and McLaughlin (1995) argue that managerialism has helped to shift the public political discourse about social policy away from the traditional concerns with inputs and outputs into an overarching concern with efficiency – the organizational means of service delivery (p. 239). The language of the documents is redolent with managerial speak and the form of presentation ensures easy access and a preferred reading. We examine each of these in turn.

Managerial discourses

Managerial discourses dominate all of the child protection policy documents. Managerialism presents itself as a strong and authoritative discourse (Clarke et al 1995). This should not be surprising for two reasons: first is that worldwide the public sector has been transformed over the past decade through the new management reforms. These reforms with their emphasis on accountability, efficiency, effectiveness and economy have ensured a ‘sameness’ across many of the policy documents. Second, and closely linked is the practice of policy borrowing – bureaucrats look to the policies of other systems both for reference and for comparability.

Strathern (2000) argues that there is evidence of a managerial rationality centred on the notion that institutional behaviour can be shaped if the right kind of reinforcement is combined with the right information (p. 287). This managerial rationality informs the form, content and methods of compliance required by policy. Significantly, the processes that are clearly articulated and codified in the policies regarding the identification and reporting of child protection incidents represent another form of the audit cultures that Strathern (2000) claims characterize contemporary organisational life.

Under the structures of an audit society surveillance and inspection go hand in hand. Regulation, enforcement and sanctions are required to ensure its compliance. Of its professionals it requires self-ordering, not based on individual or moral judgment, but upon meeting externally applied edicts and commands. It requires ‘regulatory mechanisms acting as ‘political technologies’ which seek to bring persons, organisations and objectives into alignment (Shore and Wright 2000: 61).

The Qld Code of Conduct uses the managerial codes of ‘economy and efficiency’ as the fifth Ethics Principle. For teachers and others the responsibilities are:

6.1 As an employee of the Department of Education, you have responsibility to:
   • use public resources efficiently and effectively for official purposes;
   • make decisions relating to the use of public resources that are reasonable, are appropriately authorised and can
   • withstand public scrutiny;
• treat government property with due care and ensure it is secured against theft and misuse

The Department of Education *Manual HS-17 Student Protection* sets out to operationalize child protection initiatives. In this document the following terms are defined: a child, a student a child protection agency, an employee a fact finding process, harassment, intimidation and bullying, harm, misconduct, official misconduct, principal, self harm, sexual harassment, sexual misconduct. Thus the possibilities for meaning, for definition are pre-empted through the social and institutional position from which the discourse comes (Ball 1990: 17).

Similarly, in NSW document *Protecting and Supporting Children and Young People- Revised Procedures* sets out to operationalize child protection legislation and policy. Like the Qld document a glossary defines key terms to ensure a shared/preferred meaning. Here terms such as child abuse, child sexual abuse or ill-treatment, domestic violence, neglect, psychological harm, physical abuse or ill treatment is assault among others are defined. The NSW document provides more detail regarding staff entrusted with child protection for example Counsellor, Joint Investigation Team, Carer, Case manager, staff, trainee and so on.

Both documents are proscriptive in terms of roles and responsibilities of various stakeholders. This is both a legislative requirement as well as a legal responsibility. The reporting requirements are clearly articulated. For example in *Protecting and Supporting Children and Young People- Revised Procedures* reports are required ‘when there are reasonable grounds to suspect risk of harm to a child or young person (p. 6) This document also contains a checklist of procedures for child protection reports for principals and executive officers and for TAFE and AMES counsellors. What constitutes ‘risky’ practices, who is responsible and how to deal with it is clearly presented.

The Qld document details two intervention categories depending on the seriousness and nature of the incident. Category 1 interventions relate to minor incidents. These should be reported to the Ethical Standards Unit on the Minor Incident Reporting form. Category 2 interventions are more complex and relate to allegations of more serious employee conduct involving alleged student harm. …

Examples of incidents requiring category 2 interventions include:

• allegations relating to sexual misconduct
• physical assault resulting in injury
• repeated minor physical assaults despite management correction
• verbal abuse of students

The document also presents an intervention framework that presents examples of complaints/allegations for both categories, broad assessment criteria, the type of intervention, who intervenes and who approves the mode of intervention.

Both documents are clear in their articulation of accountabilities and management responsibilities. They define and codify examples of where the policy would be enacted and who has responsibility for overseeing it. The language is largely bureaucratic and ‘rational’ its intent is to communicate clearly the conditions precipitate the need for the policy to be enacted and the formal procedures required in so doing.
Risk discourses

The second discourse is that of risk and protection where children are seen as possibly being an ‘at risk’ group, vulnerable to harmful risks and in need of state protection (Kenshall, 2002). We suggest that through the discursive processes of ‘moral panic’ particular words take on particular meaning, accordingly a preferred reading of the documents comes into play – one that foregrounds risk. This is reinforced through the development of what Lasch (2000) describes as ‘risk cultures’ which offer fluid and interchanging ways of viewing risk, drawing on habitual, embodied and affective judgments which are subjective rather than objective. The use of the words ‘risk of harm’ should be seen in this light. Risk it seems is possible in any encounter with a child. Policies then are constructed to be mindful of this and thus attempt to embrace any possible situation where a child could be at risk. Interestingly, the teacher at risk is silent in policy documents.

People respond to risk via frameworks of understanding that are acculturated and therefore shared with others within the same cultural context, but are not necessarily those outside this context. For Tulloch and Lupton (2003) risks are related to concerns about legitimating moral principles, and thus the cultural frames used to identify and interpret risks are invariably moral and political (p. 7). Child protection and the discourses of risk then become moral principles in the importance of ensuring that children are safe in their homes, the community and schools. Accordingly, child protection policies enshrine this value and put in place a set of behavioural expectations that require compliance and surveillance. The policies thus shape practice inside and outside of classrooms.

The Qld document HS-17 Student Protection concentrates on the issue of harm to students throughout. The logic of the document is to i. define harm, ii. identify categories of harm and iii. present categories of behaviour that constitute harm to students. By codifying the various categories of harm, policy is acts as a risk management strategy by a preventative action both on the part of teachers and school administrators.

Harm to a student is defined as ‘any detrimental effect of a significant nature on the student’s physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct’. Harm is also calibrated to include minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the student if allowed to continue. Harm can be caused by amongst other things:

- a. physical, psychological or emotional abuse or neglect; or
- b. sexual abuse or exploitation; or
- c. domestic or family violence; or
- d. student bullying; or
- e. self harm

The four categories of harm identified are:

1. Harm caused by an Education Queensland Employee;
2. Harm caused by other students;
3. Harm caused by other forces outside the state educational institution environment;
4. Student self harm
The document also identifies six types of employee behaviour that have the potential to cause harm to a student, if appropriate boundaries are exceeded. They are:

1. Physical intervention/restraint
2. Verbal intervention
3. Touching/familiarity
4. Physical assault
5. Non-physical contact/behaviour
6. Sexual misconduct

Interestingly the latter part of the document provides guidelines through the use of assessment questions and fact finding requirement for each behaviour type. They provide guidance when determining what response might be required if a complaint was received. They also present examples of appropriate and inappropriate intervention or behaviour for each of the six types of behaviour. They are based on actual scenarios.

While the Qld documents focus on harm and identify possible scenarios where this might be enacted, the NSW documents use the language ‘risk of harm’. This language is evident within all the documents. For example, Section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998 states:

A child or young person is at risk of harm if current concerns exist for the safety, welfare and well-being of the child or young person because of the presence of one or more of the following circumstances:
(a) the child’s or the young person’s basic physical or psychological needs are not being met or are at risk of not being met;
(b) the parent or carers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care;
(c) the child or young person has been, or is at risk of being physically or sexually abused or mistreated …

A definition of risk of harm is not presented in any of the glossaries, rather is defined through its use in a context within the documents. It could be said that they are concerned more with harm than with risk.

Policies documents from both states define what constitutes misconduct. In the Qld HS 17: Student Protection misconduct is defined as
a. disgraceful or improper conduct in an official capacity; or
b. disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service.

In this document the legal referent the Crime and Misconduct Act 2001 provides the legislative legitimacy for how misconduct is defined. Interestingly, the NSW document Handling Alligations Against Department of Education and Training Employees in the Area of Child Protection (2003) does not have the legislative referent. However, it distinguishes between misconduct and improper conduct and identifies misconduct as encompassing either physical, non physical or sexual behaviour. As indicated below the substance of the policy is inclusive of a variety of activities.
Misconduct or improper conduct of a non physical nature includes:

- Misconduct or improper conduct which may constitute psychological abuse by an employee against a child, young person or student, which can be, but is not limited to, conduct that may psychologically harm a child such as:
  - Targeted or sustained criticism, belittling or teasing;
  - Excessive or unreasonable demands;
  - Persistent hostility and severe verbal abuse;
  - Using inappropriate locations or social isolation as punishment;
- Neglect of a child, young person or student which can include conduct such as refusing to render aid to a student who is injured or at immediate risk of injury or harm;
- Possession of, or accessing offensive material (including but not limited to child pornography)

Misconduct or improper conduct which may constitute physical abuse

This means misconduct or improper conduct by an employee of a child, young person or student, which generally involves improper or unnecessary physical contact (including assault), regardless of whether a child, young person or student has been harmed. It is not limited to, conduct directed at a child, young person or student such as:

- Slapping;
- Pushing, pulling, shoving or grabbing when attempting to move;
- Punching, kicking or striking with an object;
- Threatening with striking, punching or kicking to such a degree that the child, young person or student believes that they are going to be struck, punched or kicked;
- throwing objects;
- spitting

Misconduct or improper conduct which may constitute sexual abuse

This means misconduct or improper conduct by an employee against a child, young person or student, including sexual intercourse or any form of sexual abuse as well as but not limited to, the following:

- unwarranted and/or inappropriate touching;
- inappropriate conversations of a sexual nature;
- obscene conversations or a sexual nature;
- suggestive remarks
- actions including showing of publications, electronic media or illustrations which are sexually suggestive;
- jokes of a sexual nature;
- obscene gestures
- sexual exhibitionism;
- improper personal relationships, irrespective of the age of the students or staff member of which school or institute the students attends
- personal correspondence with a child, young person or student in respect of the employee’s feelings (including sexual feelings) for the child or student; and
- deliberate exposure of a child or young person to the sexual behaviour of others, other than in the case of curriculum material in which sexual themes are contextual.
The risk discourses informing the policy documents from Qld and NSW provide much of the content of what constitutes ‘risk of harm’. These discourses also provide guidance on how this is to be identified but more importantly what action is to be taken when clearly identifiable transgressions occur.

Risk in many of these documents is as Douglas (1992) suggests synonymous with danger, and the vocabulary of risk is evident in the assumptions about fear and anxiety as these relate to the care of children. Furthermore, the language of risk has the respected status of scientific rationality. For Douglas:

… the idea of risk is transcribed simply as unacceptable danger. So ‘risk’ does not signify an all-round assessment of probable outcomes but becomes a stick for beating authority (1992:39)

**Conclusion**

In this paper we have examined recent child protection policies from NSW and Qld. Public inquiries in both NSW and Qld identified instances of police corruption and child abuse which in turn created significant media interest in the area of child protection. A form of moral panic eschewed and public officials (at all levels) were made to be more accountable and their behaviour open to more critical public scrutiny. Consequently, in both states Child Protection Acts were revised, codes of conduct for Government employees were reviewed as were child protection policies. We identified two dominant discourses as informing and shaping the form and content of these policies – managerial and risk discourses. Both of these discourses intersect with and complement each other. This is not surprising given an increasing level community concern with risk in all its various forms and an erosion of trust in society in general and public institutions in particular. Managerial discourses have emerged in response to public sector reforms and the need for bureaucracies to be more publicly accountable and also to be seen to be more efficient, effective and economical.

Policies are open to a variety of interpretations – there can be no one singular meaning but there can be a preferred meaning. The preferred meaning implicit in these NSW and Qld government documents is that it is necessary to bureaucratically mandate the behaviour of teachers and other education workers, to codify the processes and actions to be taken if teachers transgress and to make transparent the consequences of any transgressions.

How teachers interpret the policies in action is the work of another paper. But interestingly, the interpretation of teachers’ unions of the documents is one of risk adversity – the clear message in their interpretations is DON’T TOUCH. While the state government policies that we have compared in this paper do not make bland statements like don’t touch, the implicit message is that the duty of care has become a careful duty!

**References**


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New South Wales Teachers Federation (nd) Protecting Teachers as well as Students


