

TEACHERS REPORTING SUSPECTED CHILD SEXUAL ABUSE: RESULTS OF A THREE-STATE STUDY

BEN MATHEWS,* KERRYANN WALSH,** MEHDI RASSAFIANI,***
DES BUTLER**** AND ANN FARRELL*****

I INTRODUCTION

Over 3000 cases of child sexual abuse are identified every year in Australia, but the real incidence is higher still. As a strategy to identify child sexual abuse, Australian States and Territories have enacted legislation requiring members of selected professions, including teachers, to report suspected cases. In addition, policy-based reporting obligations have been developed by professions, including the teaching profession. These legislative and industry-based developments have occurred in a context of growing awareness of the incidence and consequences of child sexual abuse. Teachers have frequent contact and close relationships with children, and possess expertise in monitoring changes in children's behaviour. Accordingly, teachers are seen as being well-placed to detect and report suspected child sexual abuse.

To date, however, there has been little empirical research into the operation of these reporting duties. The extent of teachers' awareness of their duties to report child sexual abuse is unknown. Further, there is little evidence about teachers' past reporting practice. Teachers' duties to report sexual abuse, especially those in legislation, differ between States, and it is not known whether or how these differences affect reporting practice. This article presents results from the first large-scale Australian survey of teachers in three States with different reporting laws: New South Wales, Queensland, and Western Australia. The results indicate levels of teacher knowledge of reporting duties, reveal evidence about past reporting practice, and provide insights into anticipated

* Dr Ben Mathews, LLB, James Cook University, BA (Hons), PhD, Queensland University of Technology; Associate Professor, School of Law, Queensland University of Technology.

** Dr Kerryann Walsh, B Ed St, University of Queensland, PhD, Queensland University of Technology; Senior Lecturer, School of Early Childhood, Queensland University of Technology.

*** Dr Mehdi Rassafiani, PhD, University of Queensland; Assistant Professor, Department of Occupational Therapy, The University of Social Welfare and Rehabilitation Sciences, Iran.

**** Prof Des Butler, LLB (Hons) Queensland Institute of Technology, PhD, Queensland University of Technology; Professor of Law, School of Law, Queensland University of Technology.

***** Prof Ann Farrell, PhD, Head, School of Early Childhood, Queensland University of Technology. The authors thank Jane Cronan, Lisa Chirio and Sam Kilby for research assistance.

future reporting practice and legal compliance. The findings have implications for reform of legislation and policy, training of teachers about the reporting of child sexual abuse, and enhancement of child protection.

II INCIDENCE AND CONSEQUENCES OF CHILD SEXUAL ABUSE

The officially recorded incidence of child sexual abuse has been stable over the past five years, with between 3400 and 3700 Australian children in substantiated reports every year since 2004.¹ Using population statistics,² these data suggest that from 2004–08, the rate of children suffering sexual abuse ranged between 7.92 (2006–07) and 8.44 (2005–06) in every 10 000 children. However, it is widely accepted that the true incidence is significantly higher,

This research was supported under the Australian Research Council's Discovery Project funding scheme (project number DP0664847).

- 1 Most recently, in the 12 month period between 2007–08, there were 3511 separate children in substantiated cases: see, Australian Institute of Health and Welfare, *Child Protection Australia 2007–08*, Child Welfare Series No 45 (2009) 70 (Table A1.2) <<http://www.aihw.gov.au/publications/cws/cpa07-08/cpa07-08.pdf>> at 8 September 2009. The corresponding figure in 2006–07 was 3453 cases: Australian Institute of Health and Welfare, *Child Protection Australia 2006–07*, Child Welfare Series No 43 (2008) 69 (Table A1.2) <<http://www.aihw.gov.au/publications/cws/cpa06-07/cpa06-07.pdf>> at 8 September 2009. In 2005–06, there were 3660 children in substantiated cases: Australian Institute of Health and Welfare, *Child Protection Australia 2005–06*, Child Welfare Series No 40 (2007) 61 (Table A1.2) <<http://www.aihw.gov.au/publications/cws/cpa05-06/cpa05-06.pdf>> at 8 September 2009. In 2004–2005, there were 3574: Australian Institute of Health and Welfare, *Child Protection Australia 2004–05*, Child Welfare Series No 38 (2006) 55 (Table A1.2) <<http://www.aihw.gov.au/publications/cws/cpa04-05/cpa04-05.pdf>> at 8 September 2009.
- 2 For children aged 0–15 years inclusive: Australian Bureau of Statistics, *3201.0: Population by Age and Sex, Australian States and Territories, Table 9.1 Revised: Estimated Resident Population By Single Year of Age Australia* (2009) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202008?OpenDocument>> at 8 September 2009; Australian Bureau of Statistics, *3201.0: Population by Age and Sex, Australian States and Territories, Table 9: Estimated Resident Population By Single Year Of Age, Australia* (2007) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202007?OpenDocument>> at 8 September 2009; Australian Bureau of Statistics, *3201.0: Population by Age and Sex, Australian States and Territories, Table 9: Estimated Resident Population By Single Year Of Age, Australia* (2006) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202006?OpenDocument>> at 8 September 2009; Australian Bureau of Statistics, *3201.0: Population by Age and Sex, Australian States and Territories, Table 9: Estimated Resident Population By Single Year Of Age, Australia* (2005) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3201.0Jun%202005?OpenDocument>> at 8 September 2009.

because sexual abuse is perpetrated in private, and many cases are neither disclosed by victims nor detected and reported by other persons.³

Children who experience sexual abuse often suffer both initial and longer-term consequences, although the extent and severity of these differ for each individual.⁴ Immediate and initial consequences commonly include post-traumatic stress disorder,⁵ anxiety,⁶ depression and low self-esteem,⁷ inappropriate sexualised behaviour⁸ and difficulty with peer relationships.⁹ Adolescents are more likely to experience depression and anxiety than younger children, due to a more developed cognition about the nature of the abuse.¹⁰

- 3 See, eg, Jillian Fleming, 'Prevalence of Childhood Sexual Abuse in a Community Sample of Australian Women' (1997) 166(2) *Medical Journal of Australia* 65. Fleming's 1997 retrospective study of 710 randomly selected women found that 144 (20 per cent) had experienced child sexual abuse involving at least genital contact before the age of 16. Additionally, in a population-based survey of 1784 people conducted in 2003, it was found that at least 12 per cent of women and 4 per cent of men experienced unwanted penetrative abuse before the age of 16: Michael Dunne et al, 'Is Child Sexual Abuse Declining?' (2003) 27 *Child Abuse & Neglect* 141. Compare a national study undertaken in the USA, involving 2626 men and women, in which 27 per cent of the women and 16 per cent of the men disclosed that they were sexually abused while a child: David Finkelhor et al, 'Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics, and Risk Factors' (1990) 14 *Child Abuse & Neglect* 19. Cf Stephen Dinwiddie et al, 'Early Sexual Abuse and Lifetime Psychopathology: a Co-twin Control Study' (2000) 30 *Psychological Medicine* 41, where use of a different definition of child sexual abuse, namely 'Before age 18, were you ever forced into sexual activity, including intercourse?', produced a finding that 5.9 per cent of women and 2.5 per cent of men had been sexually abused.
- 4 See generally Kathleen Kendall-Tackett, Linda Williams and David Finkelhor, 'Impact of Sexual Abuse on Children: A Review and Synthesis of Recent Empirical Studies' (1993) 113(1) *Psychological Bulletin* 164; Kimberley Tyler, 'Social and Emotional Outcomes of Childhood Sexual Abuse: A Review of Recent Research' (2002) 7 *Aggression and Violent Behavior* 567.
- 5 Susan McLeer et al, 'Psychiatric Disorders in Sexually Abused Children' (1994) 33 *Journal of the American Academy of Child and Adolescent Psychiatry* 313; David Wolfe, Louise Sas and Christine Wekerle, 'Factors Associated with the Development of Post-Traumatic Stress Disorder among Child Victims of Sexual Abuse' (1994) 18 *Child Abuse & Neglect* 37; Sue Boney-McCoy and David Finkelhor, 'Prior Victimization: A Risk Factor for Child Sexual Abuse and for PTSD-Related Symptomatology among Sexually Abused Youth' (1995) 19 *Child Abuse & Neglect* 1401; Susan McLeer et al, 'Psychopathology in Non-Clinically Referred Sexually Abused Children' (1998) 37 *Journal of the American Academy of Child and Adolescent Psychiatry* 1326; Judith Trowell et al, 'Behavioural Psychopathology of Child Sexual Abuse in Schoolgirls Referred to a Tertiary Centre: A North London Study' (1999) 8 *European Journal of Child and Adolescent Psychiatry* 107; Allison Dubner and Robert Motta, 'Sexually and Physically Abused Foster Care Children and Posttraumatic Stress Disorder' (1999) 67 *Journal of Consulting and Clinical Psychology* 367.
- 6 Dinwiddie et al, above n 3.
- 7 Josie Spataro et al, 'Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females' (2004) 184 *British Journal of Psychiatry* 416; Heather Swanston et al, 'Nine Years After Child Sexual Abuse' (2003) 27 *Child Abuse & Neglect* 967; Theresa Wozencraft, William Wagner and Alicia Pellegrin, 'Depression and Suicidal Ideation in Sexually Abused Children' (1991) 15 *Child Abuse & Neglect* 505.
- 8 Jon McClellan et al, 'Age of Onset of Sexual Abuse: Relationship to Sexually Inappropriate Behaviours' (1996) 35 *Journal of the American Academy of Child and Adolescent Psychiatry* 1375.
- 9 Anthony Mannarino, Judith Cohen and Susan Berman, 'The Children's Attributions and Perceptions Scale: A New Measure of Sexual Abuse-Related Factors' (1994) 23 *Journal of Clinical Child Psychology* 204.
- 10 Christine Gidycz and Mary Koss, 'The Impact of Adolescent Sexual Victimization: Standardized Measures of Anxiety, Depression and Behavioural Deviancy' (1989) 4 *Violence and Victims* 139.

Adolescents are more susceptible to self-harm,¹¹ suicidal ideation and behaviour,¹² substance abuse and running away from home.¹³ Low self-esteem often continues throughout adolescence, with associated effects on academic and personal achievement.¹⁴ Adverse physical and mental health effects often continue through adult life,¹⁵ and some victims become offenders.¹⁶

Many victims of sexual abuse do not disclose their experience, or only disclose it a significant time after the events.¹⁷ Instead, a child will often develop coping mechanisms.¹⁸ Nondisclosure is especially likely when the child is either, or both, preverbal or too young to understand the nature of the acts.¹⁹ Very young children may be persuaded the acts are normal, especially where the abuse is presented as bestowing favour on the child.²⁰ Even when a child does know or feel the acts are wrong or harmful, she or he may feel guilt and responsibility for

-
- 11 Graham Martin et al, 'Sexual Abuse and Suicidality: Gender Differences in a Large Community Sample of Adolescents' (2004) 28 *Child Abuse & Neglect* 491; see also Sarah Romans et al, 'Sexual Abuse in Childhood and Deliberate Self-Harm' (1995) 152 *American Journal of Psychiatry* 1336.
 - 12 Dinwiddie et al, above n 3; Beth Molnar, Lisa Berkman and Stephen Buka, 'Psychopathology, Childhood Sexual Abuse and Other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US' (2001) 31 *Psychological Medicine* 965; Martin et al, above n 11.
 - 13 Mary Rotherham-Borus et al, 'Sexual Abuse History and Associated Multiple Risk Behaviour in Adolescent Runaways' (1996) 66 *American Journal of Orthopsychiatry* 390.
 - 14 Wozencraft, Wagner and Pellegrin, above n 7.
 - 15 Spataro et al, above n 7; Allan Horwitz et al, 'The Impact of Childhood Abuse and Neglect on Adult Mental Health: A prospective study' (2001) 42 *Journal of Health and Social Behaviour* 184; Paul Mullen et al, 'Childhood Sexual Abuse and Mental Health in Adult Life' (1993) 163 *British Journal of Psychiatry* 721.
 - 16 Daniel Salter et al, 'Development of Sexually Abusive Behaviour in Sexually Victimized Males: a Longitudinal Study' (2003) 361 *Lancet* 471; Freda Briggs and Russell Hawkins, 'A Comparison of the Childhood Experiences of Convicted Male Child Molesters and Men Who Were Sexually Abused in Childhood and Claimed to be Non-offenders' (1996) 20 *Child Abuse & Neglect* 221.
 - 17 Kamala London et al, 'Disclosure of Child Sexual Abuse: What Does the Research Tell us About the Ways that Children Tell?' (2005) 11 *Psychology, Public Policy, and Law* 194; Mary Paine and David Hansen, 'Factors Influencing Children to Self-Disclose Sexual Abuse' (2002) 22 *Clinical Psychology Review* 271; Sharon Lamb and Susan Edgar-Smith, 'Aspects of Disclosure: Mediators of Outcome of Childhood Sexual Abuse' (1994) 9 *Journal of Interpersonal Violence* 307; Diana Elliott and John Briere, 'Forensic Sexual Abuse Evaluations of Older Children: Disclosures and Symptomatology' (1994) 12 *Behavioral Sciences and the Law* 261; Finkelhor et al, above n 3; Maria Sauzier, 'Disclosure of Child Sexual Abuse: For Better or Worse' (1989) 12 *Psychiatric Clinics of North America* 455.
 - 18 Roland Summit, 'The Child Sexual Abuse Accommodation Syndrome' (1983) 7 *Child Abuse & Neglect* 177.
 - 19 Lucy Berliner and Jon Conte, 'The Process of Victimization: The Victims' Perspective' (1990) 14 *Child Abuse & Neglect* 29.
 - 20 Queensland Crime Commission and Queensland Police Service, *Project AXIS – Child Sexual Abuse in Queensland: The Nature and Extent* (2000) 83–7
<<http://www.cmc.qld.gov.au/data/portal/00000005/content/00848001141363218928.pdf>> at 9 September 2009.

the acts.²¹ A child may be unwilling to disclose due to embarrassment and shame. An abused child is often sworn to secrecy through threats or bribery,²² and may fear reprisals from the abuser,²³ or that abuse will be perpetrated on other family members.²⁴ She or he may fear that if a disclosure is made, the family will be affected badly or destroyed.²⁵ The child may also fear the complaint will not be believed and can be wary of being punished for complaining.²⁶ Finally, the child may be unwilling to disclose out of fear that the perpetrator would be punished, since the child may still love the offender.²⁷ Nondisclosure is more likely when the perpetrator is a parent or family member,²⁸ or other trusted figure. These factors contribute to the greater likelihood that if the abuser is a family member, victims may suffer numerous abusive acts, which can occur over a period of months or years.²⁹ Fleming's Australian study found that 48 per cent of the women who suffered sexual abuse as children had never disclosed it. Of those

-
- 21 Philip Ney et al, 'Child Abuse: A Study of the Child's Perspective' (1986) 10 *Child Abuse & Neglect* 511; Berliner and Conte, above n 19; Kay Bussey and Elizabeth Grimbeek, 'Disclosure Processes: Issues for Child Sexual Abuse Victims' in Ken J Rotenberg (ed), *Disclosure Processes in Children and Adolescents* (1995) cited in Queensland Crime Commission and Queensland Police Service, above n 20, 88; Tina Goodman-Brown et al, 'Why Children Tell: A Model of Children's Disclosure of Sexual Abuse' (2003) 27 *Child Abuse & Neglect* 525.
 - 22 Queensland Crime Commission and Queensland Police Service, above n 20, 89–90.
 - 23 Diana Russell, *The Secret Trauma: Incest in the Lives of Girls and Women* (1986) 132; Thomas Lyon, 'The Effect of Threats on Children's Disclosure of Sexual Abuse' (1996) 9(3) *The APSAC Advisor* 9; Sally Palmer et al, 'Responding to Children's Disclosure of Familial Abuse: What Survivors Tell Us' (1999) 78 *Child Welfare* 259; Goodman-Brown et al, above n 21.
 - 24 Berliner and Conte, above n 19; Goodman-Brown, above n 21.
 - 25 Micaela Crisma et al, 'Adolescents Who Experienced Sexual Abuse: Fears, Needs and Impediments to Disclosure' (2004) 28 *Child Abuse & Neglect* 1035; Louanne Lawson and Mark Chaffin, 'False negatives in Sexual Abuse Disclosure Interviews: Incidence and Influence of Caretaker's Belief in Abuse in Cases of Accidental Abuse Discovery by Diagnosis of STD' (1992) 7 *Journal of Interpersonal Violence* 532.
 - 26 Beverley Gomes-Schwartz, Jonathan Horowitz and Albert Cardarelli, *Child Sexual Abuse: The Initial Effects* (1990).
 - 27 Marcellina Mian et al, 'Review of 125 Children 6 Years of Age and Under Who Were Sexually Abused' (1986) 10 *Child Abuse & Neglect* 223; Tilman Furniss, *The Multi-Professional Handbook of Child Sexual Abuse: Integrated Management, Therapy, and Legal Intervention* (1991).
 - 28 Steven Kogan, 'Disclosing Unwanted Sexual Experiences: Results from a National Sample of Adolescent Women' (2004) 28 *Child Abuse & Neglect* 147; Berliner and Conte, above n 19; Catalina Arata, 'To Tell or Not to Tell: Current Functioning of Child Sexual Abuse Survivors Who Disclosed their Victimization' (1998) 3 *Child Maltreatment* 63; Sauzier, above n 17; Louise Sas, *Three years after the verdict* (1993). Where the perpetrator is a relative, it is even more likely that the delay in disclosure will be long. An analysis of Queensland Police Service data from 1994–98 found that of 3721 reported offences committed by relatives, 25.5 per cent of survivors took 1–5 years to report the acts; 9.7 per cent took 5–10 years; 18.2 per cent took 10–20 years, and 14.2 per cent took more than 20 years. In contrast, of the 1058 cases where the offender was not known to the complainant, 27.4 per cent reported the offence within a week, 34.4 per cent reported it within 1–4 weeks, and a further 18.5 per cent reported it within 1–6 months: Queensland Crime Commission and Queensland Police Service, above n 20, 86 (Table 25).
 - 29 Stephen Smallbone, William Marshall and Richard Wortley, *Preventing Child Sexual Abuse* (2008), 7–8; Michael Dunne and Margot Legosz, 'The Consequences of Childhood Sexual Abuse' in Queensland Crime Commission and Queensland Police Service, *Project AXIS – Child Sexual Abuse in Queensland: Selected Research and Papers* (2000) 44, 47–55; David Fergusson and Paul Mullen, *Childhood Sexual Abuse: An Evidence Based Perspective* (1999) 47; David Finkelhor, 'Current Information on the Scope and Nature of Child Sexual Abuse' (1994) 4 *Future of Children* 31.

who did, almost half only disclosed at least 10 years after the first event.³⁰ Similarly, an American study of 288 female child rape victims found that only 12 per cent had ever reported their assaults to authorities, and over 25 per cent had never disclosed their assault to anyone prior to the study.³¹ A national study in the USA found that of 416 women and 169 men who suffered child sexual abuse, 33 per cent and 42 per cent respectively had never disclosed it before the study, and a further 24 per cent and 14 per cent had only disclosed at least one year after the events.³² Even where a parent knows of the child's abuse, reports to police still will often not be made.³³

III LEGISLATION AND POLICY REQUIRING TEACHERS TO REPORT SUSPECTED CHILD SEXUAL ABUSE

Many jurisdictions have enacted legislation which requires members of selected professions to report suspected cases of child sexual abuse. These legislative reporting duties are a central plank of child protection policy,³⁴ aiming to identify cases of child sexual abuse which would not otherwise come to the attention of helping agencies. Disclosure is intended to facilitate child protection and, where appropriate, the provision of support and intervention services to children and families. This in turn aims to improve health, development and wellbeing, with longer-term benefits including the minimisation of future costs to children and society.³⁵

These laws, often called mandatory reporting laws, have particularly strong justifications for cases of child sexual abuse. We have already noted data about the incidence of sexual abuse, evidence about the severe consequences often caused, and evidence of victims' difficulty in disclosure and other obstacles to disclosure. In addition to this, relatively few adults who commit child sexual abuse will themselves alert authorities to it, since child sexual abuse nearly always constitutes criminal conduct and will render the confessor liable to criminal and civil liability. Finally, small but significant numbers of offenders

30 Fleming, above n 3.

31 Daniel Smith et al, 'Delay in Disclosure of Childhood Rape: Results From a National Survey' (2000) 24 *Child Abuse & Neglect* 273. Participants had an average age of 44.9.

32 Finkelhor et al, above n 3.

33 David Finkelhor, Janis Wolak and Lucy Berliner, 'Police Reporting and Professional Help Seeking for Child Crime Victims: A Review' (2001) 6(1) *Child Maltreatment* 17; David Finkelhor and Jennifer Dziuba-Leatherman, 'Children as Victims of Violence: A National Survey' (1994) 94(4) *Pediatrics* 413; David Finkelhor, 'The International Epidemiology of Child Sexual Abuse' (1994) 18(5) *Child Abuse & Neglect* 409.

34 There are connections between the goals of governments' child protection policies and the goals of criminal justice systems, but this article is primarily concerned with the role of reporting duties and child protection.

35 Ben Mathews and Donald Bross, 'Mandated Reporting is Still a Policy with Reason: Empirical Evidence and Philosophical Grounds' (2008) 32 *Child Abuse & Neglect* 511.

have large numbers of victims, so that in some cases interruption of abuse will prevent not only the continued suffering of one child, but of many.³⁶

While not adopted in all Western nations, these reporting laws have now been enacted by all jurisdictions in Australia, Canada, and the USA, and in many other nations.³⁷ Often, a professional group (such as the education profession) may implement policy-based reporting obligations applying to their members, which reinforce the legislative duty. In other cases, a profession's policy-based reporting duties will supplement a jurisdiction's weak or non-existent legislative reporting duty.³⁸ Policy-based reporting duties have the same aims as their legislative counterparts, but lack the imprimatur of Parliament. They do not contain either the full range of protections common to legislative duties (such as immunity from suit), or the legislative penalty for failure to report. However, since the policy-based duty is administered by the relevant educational authority, non-compliance may expose the subject of the duty to professional disciplinary measures.

A Key differences between States and sectors

When this study was conducted, different legislative reporting duties operated in the three States. In New South Wales, teachers were required to report a reasonable suspicion that a child had been, or was at risk of being, sexually abused or ill-treated.³⁹ In Queensland, teachers were required to report suspected child sexual abuse only where the suspected perpetrator was an employee at the school.⁴⁰ In Western Australia, there was no legislative reporting obligation.⁴¹ Hence, the study occurred in a context of one State (New South

36 See, eg, Smallbone, Marshall and Wortley, above n 29, 7–8; Stephen Smallbone and Richard Wortley, *Child Sexual Abuse: Offender Characteristics and Modus Operandi*, Trends and Issues in Crime and Criminal Justice Paper No 193, Australian Institute of Criminology (2001) <<http://www.aic.gov.au/documents/1/D/7/7B1D7F5F5E-2B6A-44CA-B2CB-9B330AE888A8%7Dti193.pdf>> at 4 October 2009.

37 Ben Mathews and Maureen Kenny, 'Mandatory Reporting Legislation in the USA, Canada and Australia: A Cross-Jurisdictional Review of Key Features, Differences and Issues' (2008) 13(1) *Child Maltreatment* 50.

38 Not all jurisdictions have enacted legislative reporting duties. For arguments against mandatory reporting laws, see Gary Melton, 'Mandated Reporting: A Policy Without Reason' (2005) 29 *Child Abuse and Neglect* 9; Frank Ainsworth and Patricia Hansen, 'Five Tumultuous Years in Australian Child Protection' (2006) 11 *Child and Family Social Work* 33. For responses to these arguments, see Mathews and Bross, above n 35; Brett Drake and Melissa Jonson-Reid, 'A Response to Melton Based on the Best Available Data' (2007) 31 *Child Abuse and Neglect* 343.

39 See *Children and Young Persons (Care and Protection) Act 1998* (NSW) ss 23, 27.

40 *Education (General Provisions) Act 2006* (Qld) s 365 (applying to government school teachers), and s 366 (applying to nongovernment school teachers).

41 However, legislation requiring teachers to report suspected sexual abuse commenced in WA in 2009. On 19 June 2008, the *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2007* (WA) was passed. The legislation, which became operational on 1 January 2009, inserted a new Division 9A into the *Children and Community Services Act 2004* (WA). The key provision is s 124B, which requires doctors, nurses, midwives, police officers and teachers to report a belief on reasonable grounds that a child has been the subject of sexual abuse on or after 1 January 2009, or is the subject of ongoing sexual abuse.

Wales) with a very broad legislative reporting duty; another (Queensland) with an extremely restricted reporting duty; and a third (Western Australia) with no legislative reporting duty.⁴²

While Western Australia had no legislative reporting duty, and Queensland had a legislative duty stripped of most practical substance,⁴³ both had broad policy-based reporting duties in government and nongovernment school sectors. Thus, while teachers in those two States were not required by legislation to report suspected child sexual abuse (in the case of Queensland, by perpetrators other than those within the school), they were under a policy-based obligation to report these suspicions. New South Wales also had complementary policy-based reporting duties applying in its government schools, and in all but one nongovernment school in the study. The policy-based reporting obligations were similar across States and sectors, but did have some notable differences, and sometimes were inconsistent with the State's legislative duty. These inconsistencies had the potential to confuse teachers unless they were trained about how to comply with the policy.⁴⁴

B Evidence about reporting knowledge and practice

Despite the social importance of the reporting duties, there is little empirical research into teachers' reporting practice in these different contexts of law and policy, or into contextual factors influencing their reporting practice. In addition, there is little evidence about the extent of teachers' knowledge of their reporting duties, and their history of reporting (and failing to report) child sexual abuse. A study in New South Wales compared the sexual abuse reporting by teachers and school counsellors in the year before and after the introduction of legislative mandatory reporting duties. Reports of suspected sexual abuse almost tripled from 98 to 286. Of these reports, substantiation rates were stable at around 60 per cent, thus leading to the disclosure of significantly more substantiated cases, as well as a slight increase in unsubstantiated cases.⁴⁵ It was concluded that an

42 Queensland's legislative provisions are not duplicated in any other Western jurisdiction in the world. They have been criticised as not being about child protection, but rather being concerned to protect schools from potential legal liability: see Ben Mathews and Kerryann Walsh, 'Queensland Teachers' New Legal Obligation to Report Child Sexual Abuse' (2004) 9(1) *Australia & New Zealand Journal of Law & Education* 25.

43 This is because Queensland's provision only applies to suspected sexual abuse by school employees, and perpetrators of child sexual abuse from this group of individuals constitute a relatively small subset of offenders.

44 Ben Mathews et al, 'Teachers' Policy-Based Duties to Report Child Sexual Abuse: A Comparative Study' (2008) 13(2) *Australia and New Zealand Journal of Law and Education* 23. Major differences concerned: one diocese in NSW not having a policy (36); only WA government school policy unequivocally requiring reports regardless of any calculation of the extent of harm to the child (37–8); policies in both WA sectors only applying to past and presently-occurring abuse, not future risk of abuse (38–9); numerous differences in whom the teacher is required to report to (39–42); different requirements imposed on Principals (42–3); and only NSW (both sectors) and the WA nongovernment sector providing clear protection of the teacher's identity as the reporter (43–4).

45 David Lamond, 'The Impact of Mandatory Reporting Legislation on Reporting Behaviour' (1989) 13 *Child Abuse & Neglect* 471.

intensive training effort assisted in the positive outcomes, and minimised the larger increases in unsubstantiated reports found in other jurisdictions after introduction of reporting obligations. Research in South Australia has indicated that a significant proportion of teachers were unaware of their reporting duty. It also found that those without any or recent training were particularly likely to have significant gaps in knowledge about their reporting duty, and were less likely to appreciate the incidence and seriousness of child abuse. However, those with recent training displayed significantly better anticipated responses to a child's disclosure of abuse.⁴⁶

Overseas studies have found that many teachers were unaware of their legal duty and lacked sufficient training about their duty and about child abuse in general. In the United States, a national study of 568 elementary and middle school teachers found that two thirds of the teachers had experienced insufficient training, lacked sufficient knowledge about how to detect and report suspected cases, and feared legal consequences as a result of reporting (showing a lack of knowledge of the legal protections they had as mandated reporters).⁴⁷ Another study of 197 teachers found a widespread belief that they had not received adequate training about child abuse and reporting.⁴⁸ Significant knowledge gaps were found in a study of 200 teachers, including lack of knowledge about how to make reports, and about the immunity from liability conferred on teachers as mandated reporters.⁴⁹ Another study of 664 teachers, school counsellors and principals found that 89 per cent were familiar with the law, but 40 per cent considered themselves insufficiently prepared to deal with recognising and reporting child abuse (with teachers more likely to fall in this group).⁵⁰ An earlier study also found significant gaps in training and knowledge of the reporting duty among teachers, concerning the reporting of all forms of child abuse.⁵¹ Another earlier study of reporters including school principals found that while a significant number of principals would refuse to report suspected child sexual abuse even if they knew it was their legal duty to do so – for reasons including perceived likelihood of further harm and little benefit to the child – teachers were more likely to report suspected sexual abuse than other types of abuse, and perceived sexual abuse as particularly serious.⁵²

46 Russell Hawkins and Christy McCallum, 'Mandatory Notification Training for Suspected Child Abuse and Neglect in South Australian Schools' (2001) 25 *Child Abuse & Neglect* 1603.

47 Nadine Abrahams, Kathleen Casey and Deborah Daro, 'Teachers' Knowledge, Attitudes and Beliefs About Child Abuse and its Prevention' (1992) 16 *Child Abuse & Neglect* 229.

48 Maureen Kenny, 'Child Abuse Reporting: Teachers' Perceived Deterrents' (2001) 25 *Child Abuse & Neglect* 81.

49 Maureen Kenny, 'Teachers' Attitudes Toward and Knowledge of Child Maltreatment' (2004) 28 *Child Abuse & Neglect* 1311.

50 Wesley Crenshaw, Lucinda Crenshaw and James Lichtenberg, 'When Educators Confront Child Abuse: An Analysis of the Decision to Report' (1995) 19 *Child Abuse & Neglect* 1095.

51 Anne Reiniger, Esther Robinson and Margaret McHugh, 'Mandated Training of Professionals: A Means for Improving Reporting of Suspected Child Abuse' (1995) 19(1) *Child Abuse & Neglect* 63.

52 Gail Zellman, 'Child Abuse Reporting and Failure to Report Among Mandated Reporters' (1990) 5 *Journal of Interpersonal Violence* 3.

IV THIS STUDY

The broad aim of this study was to explore the outcomes produced by different legislative and policy contexts regarding the reporting by teachers of child sexual abuse, and to explore the extent and probable causes of both failure to report, and unnecessary reporting.⁵³ The more specific aims of this part of the study were to gather evidence concerning: (a) teachers' knowledge of the legislative reporting duty; (b) teachers' knowledge of the policy-based reporting duty; (c) teachers' actual past reporting practice; and (d) teachers' anticipated future reporting practice. In this article, we present findings in the form of descriptive statistics.

A Method

The three participating States were purposively selected because of their different legislative reporting obligations. Primary schools catering for children in the age range of 5–12 years were targeted, both because of the prevention focus of the study, and because most sexual abuse is perpetrated against children in this age group.⁵⁴ Schools were classified into government and nongovernment schools, in accordance with Australian Bureau of Statistics national data classifications. To ensure representativeness, a proportionate sample of government and nongovernment schools across rural and urban areas was generated from master lists of schools obtained from school authorities.⁵⁵

Dillman's tailored design method was followed in designing a cross-sectional (one point in time) self-administered teacher survey.⁵⁶ Informed by empirical

53 In a forthcoming article, the authors report on this broad aim, using multivariate analyses to identify associations between factors tending to produce different types of reporting behaviour.

54 While different studies have produced different findings about the ages at which children are most often sexually abused, some of these do not distinguish between unwanted sexual experiences between peers, and unwanted sexual experiences perpetrated by adults or persons in clearly defined positions of power regarding the child. For our purposes, which focus not on peer-to-peer acts, but on sexual abuse inflicted on children by adults or persons in clearly defined positions of power regarding the child, we are proceeding on the basis that most such abuse is inflicted on children under 12. In support of this departure point, see the national study conducted in the USA by David Finkelhor, above n 3, which found that of 416 women and 169 men reporting child sexual abuse, 78 per cent and 69 per cent respectively were aged 12 or under, and the median ages were 9.6 and 9.9 respectively. See also, Jessie Anderson et al, 'The Prevalence of Childhood Sexual Abuse Experiences in a Community Sample of Women' (1993) 32 *Journal of the American Academy of Child and Adolescent Psychiatry* 911. Two Australian studies found slightly higher mean ages at first episode: 10 years (Fleming, above n 3) and 10.8 years (Dinwiddie et al, above n 3) respectively.

55 Government schools are administered by the relevant Department of Education in each State, and comprise approximately 70 per cent of schools in each State; nongovernment schools, such as Catholic schools and independent schools, are not administered by those departments: Australian Bureau of Statistics, 'More students and more teachers in Australian Schools over the last decade: ABS' (Press Release, 28 February 2008) <<http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbytitle/84829036269D0245CA2573FD00112545?OpenDocument>> at 9 September 2009.

56 Don Dillman, *Mail and Internet Surveys: The Tailored Design Method* (2nd ed, 2007).

research on child abuse reporting,⁵⁷ we developed a survey instrument named the *Teacher Reporting Questionnaire* ('TRQ'). The TRQ had eight parts, capturing information about demographics; workplace role; education and training; reporting history; attitudes about reporting; knowledge of reporting duty under policy; knowledge of reporting duty under legislation; and responses to scenarios. Informed by analysis of State legislation and industry policies, the parts concerning knowledge of legislation and policy were custom-made to incorporate jurisdictional differences. The purpose of the scenarios was to explore teachers' anticipated reporting behaviour when presented with situations which may involve abuse, and the effect on reporting behaviour of a known duty to report, particularly where abuse was suspected but not reported. The design of the scenarios was informed by previous empirical studies and evidence about the indicators of child sexual abuse. The TRQ was pilot tested and refined in a multi-stage process involving an expert review panel, structured focus group, cognitive interviews, and field testing with a convenience sample of 21 teachers from a Queensland nongovernment school.

Ethical approval for the study was granted by the University Human Research Ethics Committee.⁵⁸ Approval to conduct the research was also sought from 20 separate government and nongovernment school authorities. All granted approval except the New South Wales Department of Education and Training. Participants therefore were from both government and nongovernment schools in Queensland and Western Australia, but only from nongovernment schools in New South Wales. This resulted in five groups of teachers from five sectors participating in the study: New South Wales nongovernment schools ('NSWNGS'); Queensland government schools ('QGS'); Queensland nongovernment schools ('QNGS'); Western Australian government schools ('WAGS'); and Western Australian nongovernment schools ('WANGS').

Participating schools were posted packages of questionnaires. A contact person at each school was asked to distribute these to teachers, and to collect and return completed questionnaires. Individual teachers were given an information sheet about the research.⁵⁹ The sensitive nature of the research was taken seriously and participants were provided with a list of free counselling services should they experience distress. Teachers returned 470 completed questionnaires, representing a return rate ranging from 50.0 per cent to 66.3 per cent across the 5

57 Crenshaw, Crenshaw and Lichtenberg, above n 50; Hawkins and McCallum, above n 46; Ben Mathews et al, 'Queensland Nurses' Attitudes Towards and Knowledge of the Legislative Duty to Report Child Abuse and Neglect: Results of a State-Wide Survey' (2008) 16(2) *Journal of Law and Medicine* 288; Kerryann Walsh et al, 'Case, Teacher and School Characteristics Influencing Teachers' Detection and Reporting of Child Physical Abuse and Neglect: Results from an Australian Survey' (2008) 32(10) *Child Abuse & Neglect* 983; Maureen Kenny, above n 49; Gail Zellman, 'Report Decision-Making Patterns Among Mandated Child Abuse Reporters' (1990) 14 *Child Abuse & Neglect* 325.

58 University Human Research Ethics Committee Reference Number 0700000298.

59 This explained its aims, acknowledged that participation was voluntary and anonymous, advised that they could withdraw from the study at any time before submitting their questionnaire, and affirmed that their responses were confidential.

sectors: an overall return rate of 55.3 per cent. The number of surveys sent and returned, and the resulting return rates are displayed in Table 1.

Table 1: **Surveys sent, surveys returned, and return rates by sector**

State	Sector	Surveys sent	Surveys returned	Response rate (%)
NSW	NSWNGS	154	84	54.5%
Qld	QGS	241	121	50.2%
	QNGS	200	123	61.5%
WA	WAGS	166	83	50.0%
	WANGS	89	59	66.3%
Totals		850	470	55.3% overall

B Results

The majority of respondents were female, ranging from 79.3 per cent (QGS) to 91.6 per cent (WAGS) of the respective groups. The mean age of teachers varied from 40.35 (QNGS) to 44.54 years (WAGS). These features closely reflect the overall primary-teaching workforce profile.⁶⁰ Across sectors, respondents were lower primary teachers (39.0 per cent to 56.6 per cent), upper primary teachers (19.8 per cent to 26.0 per cent), principals and deputy or assistant principals (8.1 per cent to 19.8 per cent), or in specialist roles such as school counsellors (10.8 per cent to 25.4 per cent).

Respondents had engaged in different types of training about child sexual abuse. Levels of participation in preservice training were generally lower, with 14.0 per cent (QGS), 22.0 per cent (WANGS), 28.9 per cent (WAGS), 37.4 per cent (QNGS) and 42.9 per cent (NSWNGS) of teachers having participated in preservice training related specifically to child sexual abuse. Levels of participation in inservice training related to child abuse and neglect generally were higher, with WAGS highest (86.7 per cent). Similar levels were evident for NSWNGS (64.3 per cent), QGS (65.3 per cent) and QNGS (64.2 per cent). The lowest levels were found for WANGS (23.7 per cent). In each sector, on average, teachers over the course of their careers had undertaken a total of between 2.5 and 4.8 hours of inservice training related to child abuse and neglect generally.

60 Australian Bureau of Statistics, above n 55, reporting females comprising primary teaching staff in proportions of 81.6 per cent (NSW), 79.7 per cent (Qld) and 80.0 per cent (WA). In Queensland, the mean age for primary teachers is 42 years: Department of Education and Training and the Arts, *Annual Report 2007–08* (2008) 135, <<http://deta.qld.gov.au/reports/annual/07-08/pdf/full-deta-annual-report-08.pdf>> at 9 September 2009. Most respondents held an undergraduate diploma or bachelor-level qualification. NSWNGS teachers were most highly qualified with 32.1 per cent having postgraduate qualifications, but this figure was not dramatically higher than the figure in the other sectors.

1 *Teachers' knowledge of the legislative reporting duty*

Teachers were asked a series of questions about their legislative reporting duty. This series of questions involved respondents from QGS, QNGS and NSWNGS.⁶¹

(a) *Sufficient familiarity with the legislative reporting duty to answer questions about it*

To prevent undesirable distortion of the data, teachers were first asked if they were sufficiently familiar with their reporting duty under the legislation to answer questions about it. Table 2 shows the number and percentage of teachers in Queensland and New South Wales, by sector, who possessed sufficient familiarity.

Table 2: Teachers' familiarity with legislation, by State and sector

Sector/State	Sufficiently familiar (number / %)	Not sufficiently familiar (number / %)	Total (number / %)
NSWNGS (and total)	62 (74.7%)	21 (25.3%)	83 (100.0%)
QGS	57 (48.3%)	61 (51.7%)	118 (100.0%)
QNGS	54 (43.9%)	69 (56.1%)	123 (100.0%)
Qld total	111 (46.1%)	130 (53.9%)	241 (100.0%)
Total	173 (53.4%)	151 (46.6%)	324 (100.0%)

Slightly more than half of the teachers overall (53.4 per cent) indicated they were sufficiently familiar with the legislation to answer questions about specific aspects of the legislative reporting duty. New South Wales teachers self-reported more familiarity with the legislation (74.7 per cent) than their Queensland counterparts (46.1 per cent). There were similar levels of familiarity in QGS (48.3 per cent) and QNGS (43.9 per cent) sectors. Teachers who responded that they were not sufficiently familiar with the legislation to answer further questions about it were directed to proceed to the next section of the questionnaire without answering the questions about the legislation.

(b) *Knowledge of content of the legislative reporting duty*

The questions about the legislation focused on key features of the reporting duty. The questions concerned whether the reporting duty applied only to cases of sexual abuse suspected to have been inflicted by a confined class of perpetrator or to any perpetrator (Suspected perpetrator); whether the teacher had

⁶¹ The TRQ instruments for Western Australia did not include this section as no legislation existed at the time of the study.

to report when having certainty or only reasonable suspicion (State of mind); whether the duty to report only applied if the harm thought to have been caused was significant (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); to whom the teacher should make the report (Report destination); when the report must be made (Time of report); how the report must be made (Oral/written report); whether the reporter's identity is protected by the legislation from disclosure (Identity protected); the penalty for failing to report (Penalty); and whether the teacher could be held liable for a report made in good faith that turned out to be unsubstantiated (Liability). Table 3 details the number and percentage of correct and incorrect answers to each question, by State and sector.

Table 3: Number and percentage of correct and incorrect responses to each question regarding the knowledge of legislation, by State and sector

Question	State and sector							
	NSWNGS and total		QGS		QNGS		Qld total	
	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)
Suspected perpetrator	61 (98.4%)	1 (1.6%)	0 (0%)	57 (100%)	1 (1.9%)	53 (98.1%)	1 (0.9%)	110 (99.1%)
State of mind	59 (95.2%)	3 (4.8%)	57 (100%)	0 (0%)	52 (96.3%)	2 (3.7%)	109 (98.2%)	2 (1.8%)
Extent of harm	16 (25.8%)	46 (74.2%)	51 (89.5%)	6 (10.5%)	43 (81.1%)	10 (18.9%)	94 (85.5%)	16 (14.5%)
Past or future/both	48 (77.4%)	14 (22.6%)	42 (73.3%)	15 (26.3%)	38 (71.7%)	15 (28.3%)	80 (72.7%)	30 (27.3%)
Report destination	12 (19.4%)	50 (80.6%)	47 (82.5%)	10 (17.5%)	45 (83.3%)	9 (16.7%)	92 (82.9%)	19 (17.1%)
Time of report	53 (85.5%)	9 (14.5%)	46 (80.7%)	11 (19.3%)	35 (64.8%)	19 (35.2%)	81 (73.0%)	30 (27.0%)
Oral/written report	50 (80.6%)	12 (19.4%)	31 (54.4%)	26 (45.6%)	29 (53.7%)	25 (46.3%)	60 (54.1%)	51 (45.9%)
Identity protected	43 (69.4%)	19 (30.6%)	41 (71.9%)	16 (28.1%)	31 (57.4%)	23 (42.6%)	72 (64.9%)	39 (35.1%)
Penalty	4 (6.5%)	58 (93.5%)	5 (8.8%)	52 (91.2%)	2 (3.7%)	52 (96.3%)	7 (6.3%)	104 (93.7%)
Liability	39 (62.9%)	23 (37.1%)	33 (57.9%)	24 (42.1%)	33 (61.1%)	21 (38.9%)	66 (59.5%)	45 (40.5%)

According to the legislation, the correct responses for Queensland teachers were that the reporting duty applies: only where the suspected perpetrator is a school staff member; where there is reasonable suspicion; regardless of the extent of harm; to suspected past abuse only; with the report to be made immediately, in writing, to the principal or the principal's supervisor (if a government school

teacher) or to the principal or a director of the school's governing body (if a nongovernment school teacher); with the reporter's identity protected;⁶² with a penalty for failure to report of A\$1500;⁶³ and with immunity from liability if the report was not substantiated.

Queensland teachers' responses showed that only one teacher answered correctly regarding the identity of the suspected perpetrator. Nearly all (98.2 per cent) answered correctly regarding the state of mind, and most (85.5 per cent) teachers answered correctly regarding the extent of harm required to activate the duty. About one quarter (27.3 per cent) answered incorrectly concerning the temporal classes the duty applies to. A small proportion (17.1 per cent) answered incorrectly regarding the report destination. While about one quarter (27 per cent) answered incorrectly concerning when the report must be made, almost half (45.9 per cent) were incorrect about the requirement that reports be made in writing. Over one third (35.1 per cent) did not know their identity was protected. Almost all teachers did not know the statutory penalty (93.7 per cent), and four in ten (40.5 per cent) did not know they were immune from liability. There were three areas where knowledge differences between government and nongovernment schools appeared especially prominent in the Queensland sectors: the extent of harm required to activate the duty (89.5 per cent QGS; 81.1 per cent QNGS), when the report must be made (80.7 per cent QGS; 64.8 per cent QNGS), and the protection of the reporter's identity (71.9 per cent QGS; 57.4 per cent QNGS).

For New South Wales teachers, according to the legislation, the correct responses were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only when 'concerned for the child's welfare' (which implicitly allows consideration of the extent of harm); to both suspected past abuse or risk of future abuse; with the report to be made as soon as possible, in writing, to the Department of Community Services; with the reporter's identity protected; with a penalty for failure to report of \$22 000; and with immunity from liability if the report is not substantiated.⁶⁴

Responses of the New South Wales teachers showed that all but one (98.4 per cent) answered correctly regarding the identity of the suspected perpetrator, and nearly all (95.2 per cent) answered correctly regarding the state of mind. Three quarters (74.2 per cent) answered incorrectly regarding the extent of harm required to activate the duty, but just over three quarters (77.4 per cent) answered correctly regarding the temporal classes to which the duty applies. Only one fifth (19.4 per cent) answered correctly about the report destination. There were very high levels of knowledge about both when to report (85.5 per cent) and that the

62 Although this is not evident from the *Education (General Provisions) Act 2006* (Qld) provisions, but is the effect of related provisions in the *Child Protection Act 1999* (Qld) s 186.

63 At the time of the study. This has since increased to \$2000 due to an increase in the size of a penalty unit from \$75 to \$100: *Penalties and Sentences Act 1992* (Qld) s 5(1)(c).

64 To be amended in 2009 by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* (NSW) Schedule 1 cl [1]–[2] and [7], when this legislation commences. These provisions amend the previous legislation, requiring only reports of cases of significant harm, and omitting the penalty.

report must be in writing (80.6 per cent). However, almost one third (30.6 per cent) did not know their identity as the reporter was protected, almost all (93.5 per cent) did not know the statutory penalty, and over one third (37.1 per cent) did not know they were immune from liability.

(c) Total knowledge of legislation across entire sample

Table 4 details the means and standard deviations for the total knowledge of legislation scores, for each sector and State, for all teachers in these three sectors. Those who indicated they did not have sufficient familiarity with the legislation to answer questions about it were allocated a score of 0.

Table 4: Knowledge of legislation score, by State and sector: total, mean and standard deviation⁶⁵

State/Sector	Total legislation knowledge				
	Number	Minimum	Maximum	Mean	Standard deviation
NSWNGS (and NSW total)	84	0/9	9/9	4.07	2.64
QGS	121	0/9	9/9	2.58	2.86
QNGS	123	0/9	9/9	2.19	2.69
Qld total	244	0/9	9/9	2.38	2.78

Recalling that significant numbers of respondents did not know enough about the legislation to answer questions about it, then overall, total knowledge scores were relatively low. NSWNGS teachers had higher knowledge than all Queensland teachers. QGS teachers had slightly higher knowledge than their QNGS counterparts. For Queensland teachers, almost universal lack of knowledge about the provisions regarding suspected perpetrators drove the Queensland data downwards by a factor of one point. Among those who did answer questions about the content of the legislative duty, the very low proportion of correct answers regarding the penalty compounded this effect. Every other question was answered correctly by at least half those respondents in each sector who had declared they had sufficient knowledge to answer further questions. Among QGS teachers, only one question was almost always answered correctly (state of mind), and only three questions were answered correctly by over 80 per cent (those regarding extent of harm, report destination and when to report); and two more were only answered correctly by a bare majority (written report and liability). For QNGS teachers, only one question was answered almost always correctly (state of mind); only two questions were answered correctly by

⁶⁵ This scale reports results for nine out of ten questions that were included in the Queensland and New South Wales versions of the TRQ. One question was excluded from the analysis because the legislative provision in Queensland was not as clear as that in NSW, making it unreasonable to compare teacher knowledge about that item.

over 80 per cent of teachers (those regarding extent of harm and report destination); and two more were only answered correctly by a bare majority (written report and identity protected).

For NSWNGS teachers, almost universal lack of knowledge about the penalty drove the data downwards by a factor of one point. Among those answering further questions, two questions were almost always answered correctly (suspected perpetrator and state of mind). As well, two other questions were answered correctly by over 80 per cent of these respondents (when to report and written report). Two further questions attracted very low correct response rates of about one fifth and one quarter (report destination and extent of harm respectively).

2 Teachers' knowledge of the policy-based reporting duty

Teachers were asked a series of questions about their policy-based reporting duty. This series of questions involved teacher respondents from all five sectors.

(a) Awareness of existence of a policy-based reporting duty, and sufficient familiarity with the policy to answer questions about it

To prevent distortion of the data, teachers were first asked if they were aware of the existence of a formal school policy about reporting child sexual abuse, and if so, whether they were familiar enough with this policy to answer questions about it. Tables 5 and 6 show these results.

Table 5: Teachers' awareness of the existence of a formal school policy⁶⁶

State/sector	Aware of a school policy (number / %)	Not aware, or unsure, of a school policy (number / %)	Total (number / %)
NSWNGS and total	67 (80.7%)	16 (19.3%)	83 (100.0%)
QGS	101 (84.9%)	18 (15.1%)	119 (100.0%)
QNGS	87 (71.3%)	35 (28.7%)	122 (100.0%)
Qld total	188 (78.1%)	53 (21.9%)	241 (100.0%)
WAGS	65 (78.3%)	18 (21.7%)	83 (100.0%)
WANGS	14 (23.7%)	45 (76.3%)	59 (100.0%)
WA total	79 (55.7%)	63 (44.3%)	142 (100.0%)
Total all sectors	334 (71.7%)	132 (28.3%)	466 (100.0%)

66 Four teachers did not respond.

Table 6: Teachers who stated awareness of existence of a school policy, who were sufficiently familiar with the policy to answer questions about it, by State and sector⁶⁷

State/sector	Sufficiently familiar (number)	Not sufficiently familiar (number)
NSWNGS and total	48	18
QGS	48	53
QNGS	52	35
Qld total	100	88
WGS	38	27
WANGS	7	7
WA total	45	34
Total all sectors	193	140

Results showed that across the entire sample, 71.7 per cent of respondents were aware of the existence of a formal school policy about reporting child sexual abuse, while 28.3 per cent were unaware or unsure of the existence of the policy. There were, however, variations between States. New South Wales and Queensland teachers had similar levels of awareness with 80.7 per cent and 78.1 per cent of respondents respectively indicating awareness, however far fewer Western Australian teachers (55.7 per cent) possessed this awareness. There were also sector variations, with generally higher rates of awareness in government school sectors. Teachers from QGS had the highest awareness of the existence of school policy (84 per cent), higher than their nongovernment counterparts in both NSW (80.7 per cent) and Queensland (71 per cent). Teachers from WAGS also showed high levels of awareness of the existence of policy (78 per cent). In WANGS, only 23 per cent of teachers knew of the existence of the policy.

Of the teachers who knew of the existence of a school policy, 58 per cent were sufficiently familiar with the policy to answer questions about it. There were variations by State, with New South Wales teachers reporting more familiarity (72.7 per cent) than their Western Australian (57 per cent) and Queensland (53.2 per cent) counterparts. By sector, NSWNGS teachers had the highest level of familiarity with the policy (48/66) followed by QNGS (52/87), WAGS (38/65), QGS (48/101) and WANGS (7/14).

Of all participants, considering both awareness of the existence of policy and sufficient familiarity to answer questions about it, 48 out of 83 (58 per cent) NSWNGS participants had both awareness and familiarity. This compares with 38 out of 83 (45 per cent) from WAGS, 52 out of 122 (42 per cent) from QNGS, 48 out of 119 (40 per cent) from QGS, and 7 out of 59 (11 per cent) from WANGS.

67 One teacher did not respond.

Teachers who responded that they either did not know their school had a policy, or that they knew of such a policy but were not sufficiently familiar with the policy to answer further questions about it, were directed to proceed to the next section of the questionnaire without answering the questions about policy.

(b) Knowledge of content of the policy-based reporting duty

Teachers who indicated both policy awareness and sufficient familiarity to answer questions were asked a series of questions about the content of the reporting duty in the policy. These questions were similar in nature to those about the legislative reporting duty, concerning whether the policy-based duty applied to all or only limited suspected perpetrators (Suspected perpetrator); what state of mind is needed to enliven the duty (State of mind); if a certain extent of harm was required to activate the duty (Extent of harm); whether the duty applied only to past sexual abuse or also to risk of future abuse (Past/future); and to whom the teacher should report (Report destination).⁶⁸ Table 7 details the number and percentage of correct and incorrect answers to each question, by State. Table 8 shows results by sector.

Table 7: Number and percentage of the correct and incorrect responses to each question regarding the knowledge of policy, by State

Question	State					
	NSW		Qld		WA	
	Correct (Number / %)	Incorrect (Number / %)	Correct (Number / %)	Incorrect (Number / %)	Correct (Number / %)	Incorrect (Number / %)
Suspected perpetrator	48 (100.0%)	0 (0.0%)	97 (97.0%)	3 (3.0%)	44 (100.0%)	0 (0.0%)
State of mind	46 (95.8%)	2 (4.2%)	96 (96.0%)	4 (4.0%)	44 (100.0%)	0 (0.0%)
Extent of harm	15 (31.2%)	33 (68.8%)	10 (10.1%)	89 (89.1%)	38 (86.4%)	6 (13.6%)
Past/future or both	34 (73.9%)	12 (26.1%)	68 (68.0%)	32 (32.0%)	8 (18.2%)	36 (81.8%)
Report destination	43 (89.6%)	5 (10.4%)	91 (91.0%)	9 (9.0%)	36 (81.8%)	8 (18.2%)

⁶⁸ Teachers were also asked if the reporter's identity is protected from disclosure, but results for this question were excluded from analysis due to ambiguities in policy documents about whether identity was, or was not, so protected.

Table 8: Number and percentage of correct and incorrect responses to each question regarding the knowledge of policy, by sector

Question	Sector									
	NSWNGS		QGS		QNGS		WAGS		WANGS	
	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)	Correct (%)	Incorrect (%)
Suspected perpetrator	48 (100.0)	0 (0.0)	47 (97.9)	1 (2.1)	50 (96.2)	2 (3.8)	38 (100.0)	0 (0.0)	6 (100.0)	0 (0.0)
State of mind	46 (95.8)	2 (4.2)	48 (100.0)	0 (0.0)	48 (92.3)	4 (7.7)	38 (100.0)	0 (0.0)	6 (100.0)	0 (0.0)
Extent of harm	15 (31.2)	33 (68.8)	3 (6.2)	45 (93.8)	7 (13.7)	44 (86.3)	33 (86.8)	5 (13.2)	5 (83.3)	1 (16.7)
Past/future	34 (73.9)	12 (26.1)	34 (70.8)	14 (29.2)	34 (65.4)	18 (34.6)	6 (15.8)	32 (84.2)	2 (33.3)	4 (66.7)
Report destination	43 (89.6)	5 (10.4)	42 (87.5)	6 (12.5)	49 (94.2)	3 (5.8)	32 (84.2)	6 (15.8)	4 (66.7)	2 (33.3)

According to the policy, the correct responses for Queensland teachers were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only where there is suspected significant harm or risk of significant harm; to both suspected past abuse and risk of future abuse; with the report to be made to the principal (if a government school teacher) or to the principal or a director of the school's governing body (if a nongovernment school teacher). Responses from the Queensland teachers showed almost universal accurate knowledge regarding the suspected perpetrator (97.0 per cent), state of mind (96.0 per cent), and very high knowledge regarding report destination (91.0 per cent). Over two thirds (68.0 per cent) were correct about past/future abuse. In contrast, only 10.1 per cent answered correctly that the duty only applies to cases of suspected significant harm.

For New South Wales teachers, according to the policy, the correct responses were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion; only when 'concerned for the child's welfare' (which implicitly allows consideration of the extent of harm); to both suspected past abuse and risk of future abuse; with the report to be made to the principal or an executive officer of the school's governing body. Responses from the New South Wales teachers showed universal correct knowledge of the suspected perpetrator (100 per cent), and almost universal correct knowledge (95.8 per cent) about the state of mind. There was a very high level of knowledge (89.6 per cent) regarding report destination, and reasonably high knowledge (73.9 per cent) about the duty applying to both past abuse and suspected future abuse. In contrast, under one third (31.2 per cent) knew the duty technically only applied where the harm suspected created in the teacher a concern for the child's welfare (extent of harm).

For Western Australian teachers, according to the policy, the correct responses were that the reporting duty applies: to all cases regardless of the identity of the suspected perpetrator; where there is reasonable suspicion;⁶⁹ only where there is suspected significant harm or risk of significant harm; only to suspected past or presently-occurring abuse (not to risk of future abuse); with the report to be made to the principal or the District director (if a government school teacher) or to the principal or the principal's supervisor (if a nongovernment school teacher). Responses from Western Australian teachers showed universally correct knowledge (100 per cent) regarding the suspected perpetrator and the state of mind (100 per cent), and very high levels of knowledge about the extent of harm (86.4 per cent) and report destination (81.8 per cent). In contrast, a very high proportion (81.8 per cent) answered incorrectly regarding the requirement to only report suspected past or presently-occurring abuse.

(c) Total knowledge of policy across entire sample

Table 9 details the means and standard deviations for the total knowledge of policy scores, for each State and sector. Those who indicated they did not have sufficient familiarity with the policy to answer questions about it were allocated a score of 0.

Table 9: Knowledge of policy score, by State and sector: total, mean and standard deviation⁷⁰

State/Sector	Total policy knowledge				
	Number	Minimum	Maximum	Mean	Standard deviation
NSWNGS (and NSW total)	84	0/5	5/5	2.33	1.95
QGS	121	0/5	5/5	1.73	1.85
QNGS	123	0/5	5/5	1.53	1.86
Qld total	244	0/5	5/5	1.63	1.85
WAGS	83	0/5	5/5	1.77	1.98
WANGS	59	0/5	5/5	0.44	1.24
WA total	142	0/5	5/5	1.22	1.83

Recalling that significant numbers of respondents did not know enough about the policy to answer questions about it, policy knowledge scores were relatively low. Teachers from the NSW nongovernment sector held the highest levels of policy knowledge overall. There were generally higher mean knowledge scores

⁶⁹ The policies in Western Australia sometimes use terms requiring that the teacher have a 'concern', which in this context is synonymous with reasonable suspicion.

⁷⁰ Here, results out of five questions are reported. There was one more question in the TRQ, but this was excluded from analysis because of the possibility of more than one correct answer, due to ambiguous terms in policy documents.

for government school sectors. Overall, however, NSWNGS displayed higher knowledge, and WANGS displayed lower knowledge (although this sector had very few respondents). Almost universal lack of knowledge about some items drove the results down by almost an entire point: for QGS, QNGS, and NSWNGS, concerning the extent of harm; and for both WAGS and WANGS, concerning the requirement to only report suspected past or presently-occurring cases. Among those who answered further questions about the duty, there were generally high levels of knowledge.

3 Teachers' actual past reporting practice

(a) Past reporting practice

Teachers were asked if, in their capacity as a primary school staff member, they had ever reported child sexual abuse, and if so, how many cases. They were also asked if they had ever suspected child sexual abuse but had decided not to report it. Four categories of reporting practice were identified: those who, when suspecting child sexual abuse, had sometimes reported but sometimes not reported; those who when suspecting, had always reported; those who when suspecting had never reported; and those who had neither suspected nor reported. Table 10 details responses from the entire sample. Table 11 provides results by State and sector.

Table 10: Past reporting practice for whole sample⁷¹

Reporting practice	Number	Percentage
When suspected, sometimes reported and sometimes not reported	25	5.3
When suspected, always reported	87	18.5
When suspected, never reported	33	7.0
Had never suspected nor reported	321	68.3
Total	470	100.0

Table 11: Past reporting practice by sector and State

Group of reporter	NSWNGS and total	QGS	QNGS	Qld total	WAGS	WANGS	WA total	Sample total
When suspected, sometimes reported and sometimes not reported	3 (3.6%)	9 (7.4%)	3 (2.4%)	12 (4.9%)	6 (7.4%)	4 (6.8%)	10 (7.0%)	25 (5.3%)

⁷¹ Data were missing from four respondents (0.9 per cent): one from QNGS, one from NSWNGS, and two from WAGS.

When suspected, always reported	20 (23.8%)	22 (18.2%)	22 (17.9%)	44 (18.0%)	17 (21.0%)	6 (10.2%)	23 (16.2%)	87 (18.6%)
When suspected, never reported	4 (4.8%)	6 (5.0%)	10 (8.1%)	16 (6.6%)	9 (11.1%)	4 (6.8%)	13 (9.2%)	33 (7.1%)
Had never suspected nor reported	56 (66.7%)	84 (69.4%)	87 (70.7%)	171 (70.1%)	49 (60.5%)	45 (76.3%)	94 (66.2%)	321 (68.9%)
Total	83 (100.0%)	121 (100.0%)	123 (100.0%)	244 (100.0%)	81 (100.0%)	59 (100.0%)	140 (100.0%)	466 (100.0%)

Responses showed that over two thirds (321/470: 68.3 per cent) of teachers had never suspected child sexual abuse nor reported it. Almost one third (145/470: 31.7 per cent) had suspected child sexual abuse at some point in their career. Of these 145 teachers who had suspected child sexual abuse at some time, 87 (60.0 per cent) stated that they had always reported their suspicions, whereas 33 (22.8 per cent) had never reported their suspicions, and 25 (17.2 per cent) had reported sometimes but not always.

At State and sector level, the frequency of teachers who had never suspected child sexual abuse nor reported it was roughly similar at around 59.0–76.3 per cent. Regarding the incidence of teachers who had, at some time, suspected child sexual abuse, frequencies between States were similar, ranging from 29.5 per cent (Queensland: 72/244) to 32.0 per cent (WA: 46/140). There was some variation between sectors: while QGS (30.6 per cent), QNGS (29.3 per cent) and NSWNGS (33.3 per cent) were similar, WAGS was somewhat higher (39.5 per cent) and WANGS somewhat lower (23.7 per cent).

Of the 145 teachers who had, at some time, suspected child sexual abuse, there was variation between States in frequency of always reporting when suspecting abuse; with NSWNGS having the highest frequency (20/27: 74 per cent), followed by Queensland (44/72: 61 per cent), and Western Australia (23/46: 50 per cent). Of these 145, there were also differences in frequencies of never reporting when suspecting abuse: NSWNGS had the lowest frequency (4/27: 14.8 per cent); Queensland had a higher frequency (16/72: 22.2 per cent) and WA was higher still (13/46: 28.3 per cent).

Of the entire sample, by State and sector, New South Wales teachers also had a lower incidence of never reporting when suspecting abuse (4.8 per cent) than Queensland teachers (6.6 per cent) and Western Australian teachers (9.2 per cent). Of those who had never reported when suspecting abuse, no pattern could be seen by sector: QGS teachers (5.0 per cent) had a lower frequency than QNGS teachers (8.1 per cent), but WAGS teachers had a higher frequency (10.8 per cent) than WANGS teachers (6.8 per cent). There were similar frequencies by State and sector of sometimes reporting but not always reporting, ranging from 2.4 per cent to 7.4 per cent by sector.

(b) Effect of known duty to report on past failure to report suspicion

Of the entire sample, 145 respondents had, at some time in their career, suspected child sexual abuse. Of these, 58 had failed to report at least one such suspicion. These 58 teachers were asked whether in retrospect, they would have reported those suspicions if they had have known at the time that legislation or policy required them to report.⁷² Table 12 shows the results.

Table 12: Whether decision not to report would be different if at the time the teacher knew of a duty to report, either in legislation or policy

Known existence of duty to report in either legislation or policy, or both: effect on whether decision not to report would be different	Number	Percentage
Yes, whether duty was in legislation or policy	35	60.3
Yes, if duty was in legislation, but no if duty was in policy	7	12.1
No, if duty was in legislation, but yes if duty was in policy	4	6.9
No, whether duty was in legislation or policy	11	19.0
Missing	1	1.7
Total	58	100.0

Results showed that over half (60.3 per cent) would have changed their decision, and therefore would have reported their suspicion, if they had have known they were obliged by either legislation or policy to report their suspicion. A further 12.1 per cent and 6.9 per cent would also change their decision, and therefore would have reported their suspicion, if they had have known they were obliged to report under legislation (but not policy), or policy (but not legislation), respectively. Combined, almost four in five (79.3 per cent) would have reported a suspicion that they did not actually report, if at the time they had been aware of duties to report co-existing in both legislation and policy. In contrast, almost one fifth (19.0 per cent) of these teachers would not have changed their decision not to report even if they had have known they were obliged to report under either legislation, policy or both.

4 Teachers' anticipated future reporting practice

In this section, teachers were presented with six scenarios about child sexual abuse. The scenarios were developed to assess reporting effectiveness: both failure to report cases that a knowledgeable teacher would report, and unnecessary reporting of cases that a knowledgeable teacher would not report. The purpose was to explore anticipated reporting practice, and the effect of a known duty to report in cases where abuse was suspected but not reported.

⁷² Teachers were also asked about the relative significance of a number of designated factors in their decisions not to report. Analysis of the significance and influence of these reasons for failure to report is conducted in a forthcoming article using multivariate statistics.

Three categories of scenarios were developed, with two scenarios in each category.⁷³ Two scenarios were classed as ‘Category 1 cases’ which had clear indications of sexual abuse, and which should always be reported by a reasonably knowledgeable teacher. Two were ‘Category 2 cases’ which had less clear indications of sexual abuse, but which still contained sufficiently strong evidence of sexual abuse that they should always be reported by a reasonably knowledgeable teacher. Two were ‘Category 3 cases’ which had no clear indications of sexual abuse, instead containing evidence of developmentally normal childhood activity or innocent conduct by a child’s guardian, such that these cases should never be reported by a reasonably knowledgeable teacher. Teachers were asked a series of questions after each scenario: whether they had reasonable grounds for suspecting sexual abuse; whether policy required a report; whether legislation required a report; whether they would actually report; and, if they would not report, whether this decision would be changed if they knew policy or legislation required them to.

(a) Anticipated future reporting practice for entire sample⁷⁴

(i) Category 1 scenarios

In the two Category 1 scenarios, involving situations which should have been reported by a reasonably knowledgeable teacher, nearly all (97.7 per cent and 89.4 per cent for scenarios 1 and 4 respectively) teachers indicated that they had reasonable grounds for suspecting sexual abuse, and would report their suspicion. There was a very low incidence of failure to report in each of these cases (1.05 per cent and 2.1 per cent). Results are shown in Table 13.

Table 13: Reasonable suspicion, and anticipated reporting of Category 1 scenarios (Scenarios 1 and 4)

	Scenario 1 n (%)	Scenario 4 n (%)
Reasonable suspicion		
Reasonable grounds	459 (97.7%)	420 (89.4%)
No reasonable grounds	0 (0.0%)	2 (0.4%)
Not sure	8 (1.7%)	16 (3.4%)
Missing	3 (0.6%)	32 (6.8%)
Total	470 (100.0%)	470 (100.0%)
Anticipated reporting		
Would report	460 (97.9%)	418 (88.9%)
Would not report	5 (1.05%)	10 (2.1%)
Missing	5 (1.05%)	42 (8.9%)
Total	470 (100.0%)	470 (100.0%)

⁷³ The scenarios appear in the Appendix to this article.

⁷⁴ Some data were missing, explaining percentages not totalling 100.

(ii) Category 2 scenarios

These two scenarios involved situations which should have been reported by a reasonably knowledgeable teacher, but which had less clear evidence than existed in the Category 1 scenarios. Responses showed that for each of these scenarios, more than four in ten respondents (43.0 per cent and 44.0 per cent, for scenarios 2 and 5 respectively) indicated that they had reasonable grounds for suspecting sexual abuse. Over one quarter (28.5 per cent and 28.1 per cent) were unsure. About one fifth (20.0 per cent and 16.8 per cent) thought there were no grounds for suspecting abuse. More respondents indicated they would report (65.7 per cent and 64.7 per cent respectively), than suspected abuse (43.0 per cent and 44.0 per cent respectively). Approximately one quarter of all respondents (25.7 per cent and 24.2 per cent respectively) would not report these cases. Importantly, of those who would not report these cases, 8.3 per cent and 7.9 per cent of respondents respectively did actually suspect abuse. Results are shown in Table 14.

Table 14: Reasonable suspicion, and anticipated reporting of Category 2 scenarios (Scenarios 2 and 5)

	Scenario 2 n (%)	Scenario 5 n (%)
Reasonable suspicion		
Reasonable grounds	202 (43.0%)	207 (44.0%)
No reasonable grounds	94 (20.0%)	79 (16.8%)
Not sure	134 (28.5%)	132 (28.1%)
Missing	40 (8.5%)	52 (11.1%)
Total	470 (100.0%)	470 (100.0%)
Anticipated reporting		
Would report	309 (65.7%)	304 (64.7%)
Would not report	121 (25.7%)	114 (24.2%)
Missing	40 (8.5%)	52 (11.1%)
Total	470 (100.0%)	470 (100.0%)
Suspicion, and failure to report		
Suspect but would not report	10/121 (8.3%)	9/114 (7.9%)
Do not suspect and would not report	57/121 (47.1%)	47/114 (41.3%)
Unsure and would not report	48/121 (39.7%)	54/114 (47.3%)
Missing	6/121 (4.9%)	4/114 (3.5%)
Total	121 (100.0%)	114 (100.0%)

(iii) Category 3 scenarios

Category 3 scenarios involved situations which should not have produced a suspicion of abuse, nor have been reported by a reasonably knowledgeable teacher. These scenarios produced mixed responses, with Scenario 6 appearing to pose greater challenges for teachers. For both scenarios, most teachers (75.5 per cent and 44.9 per cent for scenarios 3 and 6 respectively) indicated they did not

have reasonable grounds for suspecting sexual abuse. For Scenario 3, only 2.3 per cent of teachers felt they had reasonable grounds to suspect abuse, whereas for Scenario 6, this figure was 15.7 per cent. For Scenario 3, three quarters of teachers (75.5 per cent) knew there were no reasonable grounds to suspect abuse, whereas for Scenario 6, less than half (44.9 per cent) had this knowledge. Scenario 6 generated relatively high levels of uncertainty (31.7 per cent) about the existence of reasonable grounds.

In terms of reporting, the majority (83.4 per cent and 52.5 per cent respectively) of teachers would not make a report. However, Scenario 6 generated a higher incidence of reporting, with over one third of teachers (36.6 per cent) choosing to report this case, compared with 7.5 per cent for Scenario 3. Results are shown in Table 15.

Table 15: Reasonable suspicion, and anticipated reporting of Category 3 scenarios (Scenarios 3 and 6)

	Scenario 3 n (%)	Scenario 6 n (%)
Reasonable suspicion		
Reasonable grounds	11 (2.3%)	74 (15.7%)
No reasonable grounds	355 (75.5%)	211 (44.9%)
Not sure	72 (15.3%)	149 (31.7%)
Missing	32 (6.8%)	36 (7.7%)
Total	470 (100.0%)	470 (100.0%)
Anticipated reporting		
Would report	35 (7.5%)	172 (36.6%)
Would not report	392 (83.4%)	247 (52.5%)
Missing	43 (9.1%)	51 (10.9%)
Total	470 (100.0%)	470 (100.0%)

(b) Effect of known reporting duty on anticipated failure to report suspected sexual abuse

(i) Among teachers in entire sample

Returning to the Category 2 scenarios (Scenarios 2 and 5), where reports should have been made by a reasonably knowledgeable teacher, teachers who suspected abuse but would not report were asked if their decision not to report would change if they knew of a duty to report. Although small in number, most would change their decision not to report if they knew they were obliged to report it. This applied equally whether the duty was in legislation or policy. Results are shown in Table 16.

Table 16: Anticipated effect of known duty to report on decision not to report suspected abuse in Category 2 scenarios

Scenario	Of those who suspected abuse but would not report, would a known duty to report change their decision (number / %)	
	If duty in legislation	If duty in policy
Scenario 2	8/10 (80%)	8/10 (80%)
Scenario 5	7/9 (77.8%)	7/9 (77.8%)

(ii) *Among teachers previously indicating past actual failure to report suspicion, effect on anticipated failure to report suspected sexual abuse of known reporting duty*

This section explores the effect of a known reporting duty on anticipated failure to report suspected abuse, in the teachers who indicated that in their actual practice, they had never reported their suspicions ($n = 33$), or had only sometimes reported their suspicions ($n = 25$) (see Table 10). Using these teachers' responses to the Category 2 scenarios, subgroups were identified who suspected abuse, but would not report it, and who were unaware that they were required by policy or legislation to report their suspicion ($n = 17$ for Scenario 2; $n = 20$ for Scenario 5). These teachers were asked if their decision not to report these scenarios despite suspecting sexual abuse would change if they knew they had a duty to report their suspicion, either in policy or legislation. Results showed that for Scenario 2, 14 of the 17 teachers would have changed their decision if they knew they were required to report whether by policy or legislation. Only three would not have changed their decision. For Scenario 5, 18 of the 20 teachers would have changed their decision if they knew they were required to report, whether by policy or legislation, and only two would not have changed their decision.

C Discussion

1 Teachers' knowledge of the legislative reporting duty

(a) *Sufficient familiarity with the legislative reporting duty to answer questions about it*

A major finding of this study is that significant proportions of teachers were not sufficiently familiar with the legislative reporting duty to answer questions about key features of that duty. This finding was particularly evident in both Queensland sectors, where over half the respondents lacked sufficient knowledge to answer further questions. In contrast, one quarter of NSWNGS teachers lacked sufficient knowledge. Given that teachers from the three sectors had similar levels of participation in inservice training, these finding may be partly explained by the higher amount of training received by NSWNGS teachers. Lack of familiarity with the legislative duty is a significant problem which should be remedied. The fault for this should not be borne by teachers; nor is it helpful to attempt to sheet home blame to any party. Instead it should be recognised that it is imperative that adequate training be delivered to all teachers about a legislative duty which constitutes an important aspect of their professional role, and which

in turn is a central part of governments' strategy to protect children from sexual abuse.

(b) Knowledge of content of the legislative reporting duty

There were a number of prominent results concerning knowledge of the legislative duty. The most remarkable was perhaps the Queensland teachers' nearly universal lack of knowledge that their reporting duty was limited to a particular category of suspected perpetrator (school staff). This is understandable given the uniquely restricted nature of the legislative duty in this respect, and given that the policy obligation in both sectors is inconsistent with this, by requiring reports regardless of perpetrator identity. Nevertheless, teachers deserve to know the true content of the legislative duty, and this can easily be remedied in training. Of course, teachers should not be discouraged from reporting suspicions of sexual abuse where the perpetrator is not a school employee. The most appropriate response in this respect, as argued elsewhere,⁷⁵ is for the Queensland Parliament to amend this provision, which would both harmonise legislation and policy, and create a legislative approach consistent with other jurisdictions in Australia and around the world.

Across sectors, very high levels of knowledge existed regarding the state of mind required to activate the reporting duty. High levels of knowledge were evident regarding when the report must be made; and the application of the duty to suspected past and or future risk of abuse. However, considerably fewer teachers gave correct responses to questions concerning immunity from liability and identity protection: about one third of teachers in each of the three sectors lacked knowledge about these protections. Both these protections are very important features in the legislation, of which teachers deserve to be aware. In addition, it is important for teachers to be reassured about their legal and practical position in these respects, since fear of liability and fear of reprisals have been identified in the literature as influential reasons for failure to report suspected child sexual abuse. These gaps in knowledge need to be addressed. Fortunately, these are simple concepts to convey, and so could easily and speedily be done by amending training approaches to include a greater focus on the specific factual dimensions of the reporting duties, and regularly updating them to changes in these facts. Regarding the protection of the reporter's identity, other concerns may exist about the possibility of the suspected perpetrator deducing the source of the report, leading to possible reprisals, especially in small communities. These concerns need to be remedied in other ways, such as by ensuring adequate protection to such teachers.

Responses from New South Wales teachers revealed two areas where knowledge was lacking to a far greater extent than their Queensland counterparts: the extent of harm activating the reporting duty, and to whom to report. There are quite understandable reasons for the knowledge gap about the extent of harm required to activate the reporting duty, because the New South Wales legislation

75 Mathews and Walsh, above n 42.

is counterintuitive in this respect, technically requiring the teacher to be concerned for the child's welfare, and thus not as wide as to require all reports of suspicions without further consideration. In the case of sexual abuse, this gap in knowledge is likely of little, if any practical effect, since unlike other classes of child abuse it would be hoped that suspected sexual abuse will usually arouse in the teacher feelings of concern for the child's welfare. The knowledge gap about report destination is explicable by the fact that while the legislation requires reports to the Department of Community Services, in nearly all Catholic school dioceses surveyed, policy allows reports to be made to the school principal or executive officer, and in many dioceses, if a teacher informs the principal of his or her suspicion, the principal then is obliged by policy to forward the report. In practice, these policy directives may overshadow the formal content of the legislation.

In Queensland, only about half of the teachers from each sector knew to make a report in writing. This would seem to be a fundamental part of the obligation, and this situation needs to be remedied by enhanced training or a separate professional directive. A lack of knowledge in several areas was more discernible in QNGS teachers than their QGS counterparts, especially concerning extent of harm, when to report, and protection of identity. It is difficult to know exactly why this is so, especially since QNGS teachers had received a higher average number of hours of inservice training. However, it may be surmised that QGS teachers generally had higher degrees of knowledge about these features of the legislation because training in the QGS sector is centralised and may be more consistent and accurate.

(c) Total knowledge of legislation across entire sample

Results of the three relevant sectors' total knowledge of legislation scores are skewed heavily downwards due to a sizeable proportion of the sample not being able to answer any questions about the legislation. Only 53 per cent of respondents had sufficient familiarity with the legislation to answer questions about it. This resulted in the total knowledge of legislation scores across the entire sample being very low. A more promising finding is that for those teachers who were familiar enough with the legislation to answer questions about it, levels of knowledge were relatively high regarding the basic parameters of this duty. This suggests that enhanced training of teachers should include provision of more detailed content drawing attention to and clarifying specific features of the duty. Improvement to teachers' knowledge across the sectors may also require training efforts to dismantle myths and address misunderstandings associated with reporting provisions. This requires that trainers and training designers have intimate knowledge of the duty and its component parts. The detail of training will be particularly salient when new reporting provisions are introduced, or existing provisions amended. At these times, concerted efforts should be made to inform teachers of these details. Information will have a greater chance of filtering into consciousness if it is delivered in multiple forms (such as change bulletins and training updates), repeatedly, and reinforced by school leadership.

There were some common misconceptions about the basic features of the legislative duty among those who were sufficiently familiar with it to answer questions about it, across the two Queensland sectors and the New South Wales nongovernment sector. Significant proportions of these teachers did not know of the protections afforded them regarding immunity and confidentiality, and knowledge of the penalty was almost nonexistent. Large majorities of the New South Wales teachers did not know the duty is technically only activated if the teacher suspects the child has suffered or is likely to suffer significant harm. This reflects gaps in training, but also indicates a flaw in the legislation since sexual abuse of a child will most often involve significant harm, and due to the nature of sexual abuse, it is neither intuitive nor otherwise justified to expect a teacher to assess the present or likely harm to a child before deciding to report. This flaw is now being remedied by legislative amendment. Queensland teachers lacked knowledge to significant degrees regarding the perpetrator identity, and when and how to report. These gaps in knowledge again suggest training about the central legislative features needs to be enhanced. However, the almost unanimous misunderstanding about the restriction of the legislative reporting duty to perpetrators who are school employees is understandable if training is absent or misleading, given the unsound basis for this provision.

2 Teachers' knowledge of the policy-based reporting duty

(a) Knowledge of existence of a policy-based reporting duty

Several major findings emerge from the section exploring awareness of the existence of a policy-based reporting duty. In NSWNGS, QGS, QNGS, and WAGS, rates of awareness of the existence of policy were reasonably high. It could be argued, however, that every teacher should be aware of the existence of a policy about such an important topic, and one to which teachers are known to be committed. Simple awareness that a policy exists can be achieved by measures as basic as a sector-wide email bulletin or newsletter, and reinforcement at staff meetings. Compliance with policy is impossible if a teacher is unaware of it.

There were significant findings for WANGS, where there was very low policy awareness, with less than one quarter of WANGS teachers being aware the policy existed. This lack of policy awareness is made even more important in that State, since at the time of the study, no legislative reporting duty existed. This indicates that WANGS teachers, working without a legislative framework, also were likely to be unaware of a policy-based reporting duty. One can only speculate about the effect this lack of awareness may have had on failure to detect and report child sexual abuse cases. Legislation has now been enacted, changing the context, but the findings about the low level of policy awareness remain important because the Western Australian legislation is restricted, requiring only reports of child sexual abuse. This lack of policy awareness may mean that teachers are unaware of their other policy-based reporting duties concerning other types of child abuse and neglect. It seems fair to conclude that WANGS teachers should at the very least receive information about the existence of the policy. This could be delivered in combination with their training

regarding the new legislative duty. The findings also contained a sober reminder that mere enactment of a policy-based duty to report child abuse is insufficient without ensuring that teachers know of the policy and are sufficiently familiar with it to observe its requirements. This is evident in the low levels of participation in inservice training by WANGS teachers (23.7 per cent) compared with all others (64.2 per cent to 86.7 per cent).

Overall, there were lower levels of policy awareness in nongovernment sectors compared to government sectors in Queensland and Western Australia. This variation cannot be attributed to lack of a centralised policy in the nongovernment sectors. For example, all Catholic schools in Western Australia operate under one policy, and only two separate diocesan policies apply in Queensland. In contrast, there is greater fragmentation of policy in NSWNGS where each diocese (11 in the sample) has its own policy. There, one might expect less policy awareness, yet teachers from NSWNGS held policy awareness commensurate with QGS and WAGS teachers. It may be that the training efforts differ, and this is supported by the data suggesting that far fewer WANGS teachers had undergone formal training than teachers in all other sectors. Regardless, all sectors would benefit from greater efforts to inform teachers of their policy and their obligations under it.

(b) Sufficient familiarity with the policy to answer questions about it

Results concerning teachers' familiarity with the policy are of great concern. Significant proportions of teachers who were aware of the existence of the policy did not have sufficient awareness of the content of the policy to answer questions about it. There was significantly greater familiarity in New South Wales than Queensland and Western Australia. In Western Australia, nearly all the familiarity that did exist was accounted for by government school teachers, indicating substantial gaps in teacher training in the nongovernment sector.

On one view, it might be thought that it is sufficient for a teacher to be aware of the existence of a policy, without expecting her or him to have immediate knowledge of its content. Such mere familiarity may be thought enough, so that should the situation arise where a teacher needs to resort to the policy, she or he will know it exists, consult it, and act accordingly. An expectation of mere awareness of the existence of a policy may be thought sufficient in other contexts in the education profession, and in other professions about myriad matters.

However, on another view, one may expect that educational authorities should be administering sufficient training to teachers about both the existence of the policy and its content, to facilitate knowledge of the policy and immediate compliance with it. This expectation would be justified when one considers that child protection is such an important social policy objective, with child welfare intrinsically connected to the education endeavour undertaken by schools, considering that children who are being sexually abused are in serious danger of further imminent serious harm, and that the obligation requires a report to be made immediately after a suspicion has developed. This line of reasoning is especially persuasive given that the content of the policy-based duty is quite simple, once a suspicion of sexual abuse crystallises.

Overall, the proportions of teachers participating in the study who had both awareness of the existence of the policy, and sufficient familiarity with it to be able to answer further questions, was very low. This finding is also one of the most important results of this study. Proportions were especially low in WANGS, though three other sectors – QGS, QNGS and WAGS – had similar proportions. The higher proportion in NSWNGS, which was still just over half of teachers in that sector, may be attributable to its longer tradition of legislative and policy efforts in child protection, and by the greater time spent in inservice training. Similarly, the lower proportions in Queensland and Western Australia may be the result of a shorter tradition of such initiatives. The extremely low rate in WANGS, coupled with low levels of participation in training, may indicate the need for renewed efforts to incorporate child protection into school cultures. If educational authorities are intending to take child protection seriously, and to create a culture which promotes teachers' knowledge of and compliance with policy, teachers must be supported in these endeavours. Awareness-raising does not require sophisticated pedagogy, but rather relies on effective organisational communication and authorities' promotion of the uptake of important initiatives.

(c) Knowledge of content of the policy-based reporting duty

An important finding of this study is that the levels of knowledge of the policy-based reporting duties were very high among those teachers who were aware of the policy existing, and who indicated they were sufficiently familiar with it to answer questions about it. This is encouraging because it suggests that if awareness-raising and training efforts are increased, there is no reason why teachers who currently lack that awareness and familiarity cannot quite readily acquire high levels of accurate policy knowledge.

Queensland teachers had very high levels of knowledge, equally distributed across both sectors. There was only one question frequently answered incorrectly, regarding the extent of harm. In practice, this misunderstanding may actually lead to good practical outcomes, as in cases of sexual abuse the harm will (or will likely in future) always be significant. What this question reveals is the flaw in that aspect of the policies applying in both Queensland sectors, which should be remedied as it is both theoretically and practically unsound. In addition, there was also a significant gap in knowledge about the duty to report suspicions of likely future abuse, which can easily be addressed by greater focus in training efforts on the specific content of the policy.

New South Wales teachers also had very high levels of knowledge. The clear exception was the question regarding the extent of harm required. While the technical terms of the policy only require reports where the teacher is concerned for the child's welfare, 70 per cent of teachers thought there was no such restriction. As in the flaw in the Queensland policy, this indicates a qualification in the policy that is not required in the case of suspected child sexual abuse (although it is arguably more justified in other types of child abuse: physical abuse and psychological abuse, and neglect). This feature of the policy could be amended and teachers assured in training that all reasonable suspicions of sexual abuse should be reported, without the requirement to consider any extent of

harm. It is to be hoped that this qualification in the policy has not prevented reports of sexual abuse being made on the basis that a teacher has considered the harm caused or likely to be caused as being so minimal as not to create concern for the child's welfare. This possibility can and should be avoided by amending the policy in this respect.

Like their counterparts, Western Australian teachers who were familiar enough with the policy to answer questions about it had very high levels of knowledge of the key features of the policy. The exception was the item concerning the requirement to only report suspicions of past or presently occurring abuse. Nearly all teachers believed the policy-based reporting duty also required reports of likely future abuse that had not happened yet. In practice, this may be a beneficial misconception producing reports of truly protective value before abuse has been inflicted. Alternatively, at its worst, it may be a factor in producing hypersensitive reporting of cases that do not warrant a report. Nonetheless, there would seem to be strong grounds for amending the policies in Western Australia to require reports of suspected future abuse. Not only would this harmonise policy in Western Australia with that in New South Wales and Queensland, it would more closely achieve a true measure of child protection by helping prevent abuse before it is committed, rather than responding after the event. Teachers should be trained in the types of situations which may warrant such reports.

(d) Total knowledge of policy across entire sample

For those teachers who were familiar enough with the policy to answer questions about it, levels of knowledge were quite high regarding the basic parameters of the policy-based reporting duty. This suggests that enhanced training of teachers about the specific content of the policy-based duty could readily improve levels of knowledge across the sectors. However, there were some areas of common misunderstanding, most prominently the extent of harm required to activate the duty, and whether reports were required of past and present abuse only, or also of suspected risk of future abuse that has not happened yet. Regarding the extent of harm, teachers' misunderstanding here may indicate a gap in training. Yet, it may also suggest a flaw in the policy, as sexual abuse of a child usually does cause significant harm, and it is not theoretically, legally or practically sound to expect a teacher to assess the harm to a child before deciding to report. Thus, policies that require significant harm for this class of case before the duty is enlivened should be amended. Regarding the temporal dimension, where the reporting duty does apply to suspected risk of future abuse, misunderstandings about this should be remedied through incorporating this feature into training, with examples of what type of situation may fall within this subset of cases. In contrast, in Western Australia, where the duty does not apply to these future cases but a majority of teachers thought otherwise, it is suggested that the duty should be so extended, with appropriate training and concrete examples for teachers in how to fulfil the duty in these cases.

3 *Teachers' actual past reporting practice*

(a) *Actual past reporting practice*

An important finding of this study is the frequency of never reporting among those who have suspected child sexual abuse. This study found that 145 out of 470 respondents (31.7 per cent) had at some time in their career suspected child sexual abuse, and that 33 of these 145 (20 per cent of those who had at some time suspected; and 6 per cent of the entire sample) had never reported their suspicions. This is a significant finding about a gap in child protection practice, and given that at least some of these teachers will have failed to report more than one case, it is even more important. It is possible that these failures to report occurred before the creation of legislative and policy-based reporting duties, but for methodological reasons, it was not possible to reliably measure when these failures to report occurred.⁷⁶ However, it seems reasonable to assume that at least some of these respondents had suspected child sexual abuse within the period when obligations to report existed.⁷⁷ In addition, when these failures to report are added to instances of failure to report admitted by the 25 respondents who sometimes reported but sometimes did not, then of 145 teachers who had suspected abuse, at least 58 cases of suspected abuse had not been reported, with some of these occurring in breach of either or both legislative and policy obligations. While some of these suspicions may not have been substantiated (either for sexual abuse or other abuse or neglect), it is possible that a significant number did involve circumstances of abuse, whether sexual or non-sexual, requiring intervention. The making of such reports would not only promote child protection, but would also ensure the school authority could not be liable in negligence for failure to report suspected abuse in a situation where the abuse was continuing.⁷⁸ If these findings about failure to report suspected sexual abuse are representative of teachers in these three States, and beyond, then they disclose a significant amount of cases of failure to report which need to be remedied. It would be interesting to study other States to determine whether there were similar rates of suspecting abuse and never reporting. Arguably, the group of teachers who have suspected but have never reported abuse are one of the most urgent target groups for practical action.

A small but significant proportion of teachers in the sample (5.3 per cent) had suspected cases of abuse and sometimes but not always reported. This was a much smaller proportion than found in other studies,⁷⁹ but this is likely explained by the fact this study only explored reporting of child sexual abuse (where all instances of it are very serious and should be reported), rather than all forms of abuse, where some less serious instances may be the subject of a justified

76 That is, due to the length of respondents' teaching careers, movement between jurisdictions, and memory fading over time.

77 Legislation has existed in NSW since 1987, for example, and policy has existed in Queensland since 1998.

78 Des Butler et al, 'Teachers' duties to report suspected child abuse and tortious liability' (2009) 17 *Torts Law Journal* 1.

79 Zellman, above n 52.

decision not to report. This group of reporters nevertheless would also be a prime target for encouragement to always act on suspicions by reporting them, rather than by deciding not to report.

The finding that 87 teachers (18.5 per cent) had always reported when suspecting abuse was encouraging. This suggests that concerted efforts to make teachers aware of not only the nature and indicators of child sexual abuse, but of the duties to report, can make a significant difference to the disclosure of cases of sexual abuse. While it is impossible to know how many of these teachers' reports eventuated in findings of sexual abuse and the protection of the child, it is likely that a proportion of these did, and this contribution to child protection is significant and important, not least to the children involved. A most interesting further study would be to assess the actual reports made by teachers to identify reporting outcomes, and to identify variables influencing effective reporting by teachers. Similarly, exploring the outcomes of actual reporting in practice would determine if some of this reporting practice was the result of hypersensitive fears of failure to report, producing reports of innocent cases with no reasonable basis for a report.

Significantly, of the teachers who had ever suspected abuse, a greater rate of consistent reporting was found in New South Wales (20/27: 74.1 per cent) compared with Queensland (44/72: 61.1 per cent) and Western Australia (23/46: 50 per cent). Similarly, the lowest frequency of never reporting when suspecting abuse occurred in New South Wales (4/27: 14.8 per cent), followed by Queensland (16/72: 22.2 per cent) and Western Australia (13/46: 28.3 per cent). These findings might suggest consistent effective reporting practice is influenced by the existence of a legislative reporting duty, as this duty has existed in NSW since 1987, and no such duty has existed in Western Australia until 2009, and only an extremely limited legislative duty has existed in Queensland, since 2004. It would seem to follow that a longer institutional history of this social policy endeavour would be accompanied by a longer history of training and preparation of teachers for their role. This longer experience would also facilitate refinement of training, and the embedding of a culture of child protection in schools. It may be, therefore, that an effective combination of legislation and education produces more consistent effective reporting practice, especially when these efforts have had sufficient time to entrench a positive professional culture.

(b) Effect of known duty to report on past failure to report suspicion

Fifty-eight teachers indicated that at some point they had failed to report a suspicion of abuse. This study found that almost 80 per cent of these 58 teachers would have reported a suspicion they did not actually report, if at the time they had been aware of duties to report co-existing in both legislation and policy. Only 19 per cent indicated that their decision not to report would be undisturbed. While these findings are not especially powerful, relying on indicated retrospective action which might be inclined towards good conduct, they nevertheless suggest that effective reporting of a suspicion may be influenced by the existence of a known duty to report. If this suggestion was strengthened by other evidence, this may inform strong arguments for the development of

reporting duties and reporter training measures in areas where knowledge of mandated reporting duties and child abuse reporting is sought to be strengthened.

4 Teachers' anticipated future reporting practice

(a) Anticipated future reporting practice of entire sample

Responses to the scenarios revealed a number of interesting findings. While results from questions about future intended reporting behaviour are by their nature not compelling, these findings nevertheless suggest that across States and sectors, teachers would generally suspect and report cases where abuse was clearly indicated, and would not suspect or report cases where there was no reasonable basis justifying a suspicion or report. However, some of the results indicate areas where reporting practice, and teacher preparation, may be able to be improved.

For the Category 1 scenarios (Scenarios 1 and 4), where very clear and strong evidence existed to inform a reasonable suspicion of abuse, nearly all respondents suspected abuse (Scenario 1: 97.7 per cent and Scenario 4: 89.4 per cent). Anticipated reporting was almost unanimous (Scenario 1: 97.9 per cent) and very high (Scenario 4: 89.4 per cent). Only very low proportions of teachers would not report (1.05 per cent and 2.1 per cent). For Scenario 4, there was a higher amount of missing data about suspecting (6.8 per cent) and reporting (8.9 per cent), suggesting that these teachers were less sure about the subject matter. This is significant, because the scenario involved a direct disclosure by an eight year old girl that she was being sexually abused by her father. Direct disclosures are often the clearest evidence of abuse, and it would be sound policy to always report such a disclosure unless there are compelling reasons indicating this is not warranted.

For the Category 2 scenarios (Scenarios 2 and 5), less than half of the respondents (Scenario 2: 43.0 per cent; Scenario 5: 44.0 per cent) thought they had reasonable grounds to suspect abuse. Despite this, there were relatively high levels of anticipated reporting practice, with almost two thirds of teachers (Scenario 2: 65.7 per cent; Scenario 5: 64.7 per cent) indicating they would report. This disparity between suspicion and reporting can be explained by the relatively high proportion of respondents who were unsure whether they had reasonable grounds (Scenario 2: 28.5 per cent; Scenario 5: 28.1 per cent), with a significant number of these who would have reported despite this uncertainty. However, about one fifth of respondents (Scenario 2: 20.0 per cent; Scenario 5: 16.8 per cent) thought there were no grounds to suspect abuse, and a slightly higher proportion of just over one quarter would not make a report. Since these scenarios contained evidence of a number of factors, which taken together should have created in a knowledgeable teacher a reasonable suspicion of abuse, this indicates a need to improve training of teachers so that teachers are aware of the constellations of indicators which, cumulatively, strongly suggest sexual abuse. Clearly, this type of content is well-placed in preservice teacher education where the etiology of child sexual abuse can be explored and understood in relation to children's rights, child development, social justice and professional ethics.

For the Category 3 scenarios (Scenarios 3 and 6), where there was no or very weak evidence to warrant a reasonable suspicion of abuse and which should not have been reported, only small proportions of teachers suspected abuse, especially for Scenario 3 (2.3 per cent), with a higher proportion for Scenario 6 (15.7 per cent). For Scenario 3, only 7.5 per cent would have made a report. However, for Scenario 6, 36.6 per cent would have reported. This case involved a boy, who had just turned 6, displaying strong physical affection towards his teacher, playing occasionally with his own genitals, and at playtime sometimes showing his private parts to a girl in his class. The higher levels of unwarranted suspicion and reporting of Scenario 6 indicate that teachers may experience difficulty distinguishing between healthy, developmentally normal activity, and indicators of sexual abuse. It may be that some teachers' suspicions were aroused by the boy's exhibition of his genitals to another child, or they may have feared the other child might be affected by the boy's activity and thought it best to report.

(b) Effect on anticipated failure to report suspected sexual abuse of known reporting duty

In the Category 2 scenarios, a very small number of teachers who suspected abuse indicated they would not report their suspicion. Among those who suspected abuse, this represented a proportion of about 8 per cent. Efforts should be made to remedy this failure to report despite having a suspicion of abuse. The related finding that of these teachers, 80 per cent would have changed their decision, and therefore would have made a report, if they knew of a duty to report, is an important finding which indicates that the existence of a known reporting duty may help to overcome failure to report in a significant number of cases.

Further, of the group of 58 teachers with a history of not reporting suspected abuse, responses to the scenarios indicated that where they suspected abuse but thought they were not under a duty to report and anticipated that they would not report, that decision not to report would be changed for nearly all of them if they did know they were under a duty to report. These findings add to the evidence regarding the suggested positive influence of a known reporting duty on what might otherwise be a manifested failure to report suspected abuse.

5 Limitations

Several limitations were identified in this study. First, there was potential for sampling bias because participants were more likely to be interested and at ease with the subject matter. Even so, comparing demographic characteristics, teachers in this sample were representative of primary teachers in general. The data is not positively skewed because the results do not show a particularly positive picture of teachers' knowledge of legislation and policy. Future studies would benefit by seeking larger sample sizes, and by seeking responses from a broader range of participants, such as those from other States. Second, the study sampled only primary school teachers, meaning that results cannot be generalised to teachers in secondary schools. Third, part of this study used scenarios. In

developing the scenarios, care was taken to make them as realistic as possible. However, some would argue that scenarios can only ever approximate real life. Fourth, the study was limited by the refusal of the New South Wales Department of Education and Training to participate. Finally, this paper itself captures basic descriptive data. It does not present complex statistical analyses capable of illuminating the factors influencing teachers' knowledge, or their actual or anticipated future reporting practice. This important task will be reported in forthcoming work.

V CONCLUSION

This study found significant gaps in teachers' knowledge of their legislative and policy-based duties to report child sexual abuse. Many teachers were not sufficiently aware of the duty to answer questions about it. These gaps occurred across all sectors in the study, but were more prominent in some sectors than others. Some of the gaps in knowledge appeared in part to result from inconsistency between policy and legislation, or from problematic technical features of the legislation, which indicated potential for legislative reform. The study also found that almost one third of teachers had at some time in their career suspected sexual abuse. While many of these teachers had always reported their suspicions, significant numbers had not. However, of those who had not always reported their suspicions, nearly all indicated that if they had been aware of a duty to report the suspicion at the time, they would in fact have reported, suggesting a positive relationship between the known existence of a reporting duty and actual reporting in practice. In terms of anticipated reporting practice in hypothetical situations, this study found that most teachers suspected abuse in cases where it was indicated, and did not suspect it where it was not indicated. Related to this, most of these suspicions would have been reported. However, there were features of the hypothetical scenarios that indicated areas of uncertainty, failure to report cases that should have been reported, and unjustified reporting of cases not involving abuse.

A key implication of the findings is that teachers' training needs to be improved so that they have a working knowledge of their legislative and policy duties, and are sufficiently aware of the indicators of child sexual abuse to enable them to comply with their legal and policy duties. In the discussion, we raised the distinction between awareness-raising about the existence of legislation and policy, and more focused and specific training about the content of the legislative and policy duties. Given a positive institutional culture, awareness can be improved and reinforced by regular, effective, communication with teachers through means such as email bulletins and professional publications. More detailed training about the specific content of the duty requires sound sequencing of content (preservice and inservice), effective delivery modes (online and face-to-face), skilled personnel (including trainers with subject matter expertise and intimate knowledge of reporting legislation and policy), and time investment. Clearly, different approaches to training are likely to have different outcomes in

terms of teacher knowledge and capacity to comply with the law. School authorities may be well advised to avoid the temptation to resort to simply the most economical way of training teachers, which is unlikely to be effective. Sound design and implementation of teacher training is essential, and institutions must be properly resourced for training initiatives. Teachers' child protection training must begin in the preservice years, and universities must teach the foundational aspects for an understanding of child sexual abuse, such as its incidence and prevalence, risk and protective factors, and sequelae. This training should promote positive attitudes towards reporting child sexual abuse, and emphasise that this is not simply a bureaucratic imposition of policy, but a part of a teacher's professional and ethical role, which in turn is connected with a key governmental social policy. For inservice training, teachers must be encouraged to not only attend, but engage with the training. Finally, evaluation of the effectiveness of training should be undertaken to ensure its quality and outcomes.

APPENDIX: SCENARIOS

Teachers were asked a series of questions after each scenario: whether they had reasonable grounds for suspecting sexual abuse; whether policy required a report; whether legislation required a report; whether they would actually report; and, if they would not report, whether this decision would be changed if they knew policy or legislation required them to.

Scenario 1:

An 11 year old boy in your class is usually well behaved, completes homework consistently and performs well academically. However, he has been behaving in an out of character way for several weeks. He has been misbehaving in class, often arrives at school without having done his homework, and his grades have plummeted. During a quiet period, he tells you that for some weeks a neighbourhood acquaintance of his parents has been showing him pornography on the internet after school, and that while they looked at the pornography the man would touch the boy's private parts and his own.

Scenario 2:

A 10 year old girl in your class who is usually sociable and cheerful has gradually become withdrawn over the last term. She has twice even been in physical confrontations with classmates, which is out of character for her. At physical education ('PE') class, which she has always participated in with relish, she has become unwilling to change into her PE clothes, and has claimed to be sick. Her school work, which had always been above average, has slipped and she seems to have trouble concentrating in class. On three occasions near the end of the school day, she has cried and has told you she does not want to go home until 5pm when her Mum gets home from work – she asks to stay at school until that time and offers to help you with jobs. You know that her stepfather is unemployed and is at home all day.

Scenario 3:

A 6 year old girl in your class is picked up from school most days by her mother's live-in boyfriend, who you do not know well. You know the girl's mother and her boyfriend have been together for over a year. The girl is well behaved and consistently happy and she shows no signs of distress. Nor does she show any sign of concern about the man picking her up from school. You notice that sometimes when the man collects the girl from school, he gives her a pat on the bottom as she climbs into the car.

Scenario 4:

An 8 year old girl in your class with whom you have a good rapport tells you that her father has been touching her private parts and making her 'do things'. You do not know her parents very well, although from what you have seen, the

mother is passive and distant, and the father is, if anything, overprotective. They have two other daughters younger than the girl in your class. The girl has been withdrawn and sombre for the past several weeks, which is not usual for her.

Scenario 5:

A 9 year old girl in your class has become socially withdrawn and unwilling to participate in activities in class or playtime. The quality of her schoolwork has deteriorated steadily over several months. She complains regularly of stomach ache (which is unexplained) and various other aches and pains (eg, headaches) which also are unexplained. You know that her parents have divorced, and that the girl lives with her mother but stays at her father's house every Wednesday and every second weekend. During a private talk with you, she says she does not like staying with her father, and you have noticed her anxiety and fearfulness is particularly strong around the times she stays with him; on several occasions she has become extremely distressed just before being picked up by her father. She tells you that she would not go to her father's house except that her younger 5 year-old sister needs her to look after her: she says that she is the only one who can protect her.

Scenario 6:

It is early in the school year and a boy in your class has just had his 6th birthday. He is generally carefree and behaves well, and intellectually is within normal developmental progress. He has several habits which have drawn your attention. He tries to climb all over you when you are reading to the class, and several times has tried to hug you goodbye when leaving school. While sitting in his chair, he often will play with his genitals. At play time he has several times been found in hiding places showing his private parts to a girl from his class.