

Teachers' Understanding and Practice of Mandatory Reporting of Child Maltreatment

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Across the eight jurisdictions of Australia, mandatory reporting obligations and thresholds for reporting vary. Teachers are one group of the professionals who are mandated to report child maltreatment, yet some teachers are still reluctant to make such a report. This paper examines the barriers that discourage teachers from reporting child maltreatment and also whether teachers consider it necessary to question a child about the maltreatment before they decide if a report should be made. Thirty semi-structured interviews with Victorian primary school teachers were thematically analysed and revealed that inadequate and inconsistent mandatory reporting training, the need for certainty before initiating a report and the ambiguous concept of neglect were barriers to teachers identifying and reporting child maltreatment. Analyses further revealed that teachers gather evidence to confirm or disconfirm their suspicions of maltreatment by questioning the suspected child victim. The consequences of this practice are discussed along with recommendations to help overcome the barriers to making a formal report when child maltreatment is suspected.

■ **Keywords:** child abuse, child maltreatment, child protection, mandatory reporting, interviewing children, Victoria

Child maltreatment has been defined as 'physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power' (World Health Organization, 2013). It is considered to be a major public health concern given the association between maltreatment and a range of adverse outcomes including physical and mental health, education and interpersonal relationships (Gilbert et al., 2009; Norman et al., 2012; Romano, Babchishin, Marquis, & Frechette, 2015).

The Australian Government has committed to a long-term approach to the safety and wellbeing of Australian children with the *National Framework for Protecting Australia's Children 2009–2020*. The government's objective is to deliver substantial reduction in child abuse and neglect and to sustain these reductions by collaboration between commonwealth, state and territory governments (Australian Government, 2014). Furthermore, child protection systems within Australia have been under scrutiny for some years in response to the issues of child maltreatment, predominately child sexual abuse. A number of inquiries into the issue of child sexual abuse have been carried out (see Boxall,

Tomison, & Hulme, 2014 for key Australian inquiries) and the proceeding Royal Commission into Institutional Responses to Child Sexual Abuse (hereafter Royal Commission) was initiated in 2013 with the primary aim of identifying responses by Australian churches, schools, sporting clubs and government organisations into instances and allegations of child sexual abuse so that recommendations can be made to improve laws, policies and practices to prevent and respond to such abuse. In their 2014 interim report, the Royal Commission noted child sexual abuse is significantly under-reported regardless of legal obligations to do so. They determined that under-reporting was related to delayed disclosure by the victims and, importantly, failure to identify children who have been abused and a reluctance of institutions to respond to and report allegations to the appropriate authorities (Royal Commission into Institutional Responses to Child Sexual Abuse, 2014). The Royal Commission is expected to deliver its full report and recommendations at the end of 2017 (Kowalenko, 2014).

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Specific legislations¹ which mandate the compulsory reporting of certain types of known or suspected child maltreatment have been in place for some years across the eight jurisdictions of Australia (Mathews, 2014). These legislations apply to varying professional groups, including teachers, under certain circumstances (Mathews, 2014). Teachers have constant and long-term interaction with children that equips them with extensive knowledge of the children's characteristic behaviours, and positions them well to identify and report cases of suspected maltreatment to authorities (Abrahams, Casey, & Daro, 1992; Hawkins & McCallum, 2001; Mathews & Walsh, 2014). To facilitate this, some form of pre-service or in-service mandatory reporting training is typically undertaken. Despite this training there is evidence to suggest that teachers do not always make reports when they suspect that maltreatment has occurred (Goebbels, Nicholson, Walsh, & De Vries, 2008; Mathews, Walsh, Butler, & Farrell, 2010). The primary aim of this study is to determine what, if any, barriers exist that serve to reduce the likelihood of a teacher making a report of suspected child maltreatment to child protective services (CPS).

Furthermore, teachers may attempt to confirm or disconfirm their suspicions of maltreatment by seeking out further evidence that a child is being maltreated (or not) by directly questioning the child (Beck & Ogloff, 1995; Schols, de Ruiter, & Ory, 2013; Tite, 1993). Directly questioning a child when maltreatment is suspected is problematic because inappropriate questioning may influence the child's responses, ultimately contaminating their accounts and, consequently, compromising testimonial evidence (Ceci & Bruck, 1999; Volpini, Melis, Petralia, & Rosenberg, 2016). In addition, in certain jurisdictions, such as Victoria, it is a policy requirement that those who are making a mandatory report do not conduct their own investigation (Department of Education and Training Victoria, 2015; Victoria State Government Health and Human Services, 2016). The secondary aim of this study, then, is to determine if teachers consider it necessary to question a child to form a reasonable belief about whether or not maltreatment has occurred. Due to jurisdictional differences in mandatory reporting, the focus of this research was restricted to Victoria and, therefore, participants for this study were recruited solely from schools in Victoria.

Mandatory Reporting Legislation and Policy for Victorian Teachers

The child protection system in Australia is fragmented. There is no single unified system, with legislation, policies and practices varying considerably across the nation (Mathews & Walsh, 2014). Indeed, it was noted in a report released by the Royal Commission that the 'child welfare provision in Australia is better described as a patchwork than a coordinated model' (Swain, 2014, p. 3). The legal obligation to report child maltreatment also differs across states and territories; generally however, teachers should make a report if

they have a reasonable suspicion or belief that a child is or may be a victim of specified types of maltreatment (Bromfield & Higgins, 2005). The legislative differences across the states and territories relate to: the types and extent of maltreatment that should be reported; the ages of children covered by the legislation; the state of mind required to activate the reporting duty; how the legislation is implemented; reporting procedures and the authorities to whom a report is made; and sanctions for failing to report (Mathews & Walsh, 2014). In Victoria, teachers and principals must also comply with legal obligations and departmental reporting duties as outlined in the Victorian Department of Education and Training (DET) policy for Child Protection – Reporting Obligations. The policy informs teachers and principals about their legal responsibilities, duty of care, forming a reasonable belief, types of child abuse and indicators of harm, when and how to report, and potential consequences of reporting. The related legislations and policies that underpin the DET child protection policy are also provided (Victoria State Government, 2016). Table 1 outlines related legislative acts and policies of the DET Child Protection – Reporting Obligations policy.

In addition to the legislative acts and policies under which they operate, Victorian teachers must be familiar with the procedural operationalisation of these policies at the individual school level from which they practice as educators. Should they fail to make a formal report to CPS when they have formed a belief on reasonable grounds that a child is being maltreated, they may be fined \$1,554.60. Additionally, if a Victorian teacher (or any Victorian adult) forms a reasonable belief that a child under the age of 16 is being sexually abused they may face up to 3 years imprisonment under the 'failure to disclose' offence (Department of Justice, 2014). Additionally, the Victorian Government has introduced child-safe standards in response to the Betrayal of Trust Inquiry which investigated how child abuse was responded to by religious and other non-government organisations in Victoria. The child-safe standards are compulsory minimum standards for Victorian schools (and other Victorian organisations that provide services for children) to assist them in protecting children from all forms of abuse (Victorian Government, 2015). The standards aim to prevent child abuse, encourage reporting of any abuse that does occur and improve responses to allegations of child abuse. Victorian schools were expected to have complied with the Victorian child-safe standards as of January 1, 2016 (Victorian Government, 2015).

Barriers to Reporting Child Maltreatment

A number of factors that may negatively influence the likelihood of a teacher reporting suspected maltreatment have been identified in the literature (Goebbels et al., 2008; Hawkins & McCallum, 2001; Walsh, Mathews, Rassafiani, Farrell, & Butler, 2012). These generally relate to an understanding of the requirements and responsibilities, and the

TABLE 1

DET Child Protection – Reporting Obligations: legislations and policies.

Related legislations	Children, Youth and Families Act 2005 (Vic) ss 183, 184, Crimes Act 1958 (Vic) ss 327, Victorian Institute of Teaching Act 2001, Education and Training Reform Act 2006
Related policies	Duty of Care, Police and DHS Interviews, Responding to Student Sexual Offending, Requests for Information about Students, Risk Management, Subpoenas and Witness Summonses

thresholds for making a report as well as the concerns about the adverse consequences of reporting and the provision of specialist training.

Complexities of Mandatory Reporting Legislation and Policies

Child protection legislation and policies place a heavy burden on teachers who are already tasked with many responsibilities beyond that of educator (Weldon & Ingvarson, 2016). Not only must teachers be thoroughly informed of their legislative obligations, but they must also adhere to numerous policy-based duties (Walsh et al., 2011). The expectation that teachers be fully informed of the law and myriad mandatory reporting policies, coupled with the potential personal and financial repercussions, may not only be daunting and confusing but also a possible barrier to making a formal report to CPS.

There have been suggestions that navigating the complexities of mandatory reporting duties can result in teachers feeling confused (Mathews, Walsh, Rassafiani, Butler, & Farrell, 2009). Many teachers remain uncertain of their reporting obligations; even after specific training (Clarke & Healey, 2006; Mathews et al., 2010). One study, by Mathews et al. (2009), involving a large sample of teachers ($N = 470$) across three states of Australia (New South Wales (NSW), Queensland and Western Australia) concluded that many were insufficiently familiar with the relevant legislation and were unable to answer questions about their legislative reporting duty (N.S.W 25.3%; Queensland 53.1%). Furthermore, over three quarters (76.3%) of teachers in Western Australian non-government schools were not aware, or were unsure, of the policy-based duty for mandatory reporting. Similarly, in a more recent study of primary school teachers ($N = 450$) from three Australian states (NSW, Queensland and Western Australia), more than half of the teachers were unable to answer questions about the details of their reporting duties (Walsh, Mathews, Rassafiani, Farrell, & Butler, 2013). Findings revealed that 47% of the teachers had low knowledge of legislation and 56% had low knowledge of policy. The researchers suggested that teachers with insufficient knowledge of legislation and policy were vulnerable to criminal sanctions for failing to comply with their statutory duty (Walsh et al., 2013). Collectively, these findings suggest that the mandatory reporting laws and myriad policies may result in confusion for teachers as to their mandatory reporting responsibilities despite participating in purpose-based training.

Ill-defined Reporting Concepts

Child protection legislation in Victoria stipulates that, by law, teachers must report their suspicions of abuse based on reasonable grounds. In Victoria, the Children, Youth and Families Act 2005 (Vic.) states:

For the purposes of this section, a belief is a belief on reasonable grounds if a reasonable person practising the profession or carrying out the duties of the office, position or employment, as the case requires, would have formed the belief on those grounds. (s184(1)(4))

It could be argued that “belief on reasonable grounds” is a subjective concept – “reasonable” for one person may not be so for someone else. Additionally, it has been asserted that legislation fails to clearly define “abuse” and “neglect”, and this problem is not restricted solely to Victoria (Crenshaw, Crenshaw, & Lichtenberg, 1995). These definitional ambiguities invite subjectivity and conjecture and may add to a teacher’s confusion about when a report is warranted.

Fear of the Consequences of Reporting

It has also been suggested that teachers fear the consequences of making a report to authorities (Alvarez, Kenny, Donohue, & Carpin 2004; Dinehart & Kenny, 2015; Schols et al., 2013). These fears relate to the possible retaliation against the child by the family; fear of damaging the teacher–child or parent–child relationship; fear of being sued by families; and fear of the emotional costs and disruption to the child and their family – particularly if the teacher has misinterpreted the signs of maltreatment and the report is not substantiated (Abrahams et al., 1992; Kenny, 2002; Mathews et al., 2010; Schols et al., 2013; Zellman, 1990). Although conducted over 20 years ago, one survey of school teachers in Ireland ($N = 450$) found that 67% feared being sued for incorrectly reporting suspected sexual abuse (Lawlor, 1993). Thus, it is possible that the fear and stress teachers experience in relation to making a report of child maltreatment may result in noncompliance with their duty to report (Blaskett & Taylor, 2003; Davies, 2002 cited in Laskey, 2004).

Inadequate Training

A lack of access to child protection training has been posited as a principal reason for teachers failing to report cases of maltreatment (Abrahams et al., 1992; Alvarez et al., 2004; Hawkins & McCallum, 2001; Mathews & Walsh, 2014). Several Australian studies have generally concluded, for example, that the pre-service child protection preparation

of teachers is infrequent, disparate and largely insufficient (Arnold & Maio-Taddeo, 2007; Walsh & Farrell, 2008; Walsh et al., 2011, 2013). Information gathered from 33 Australian universities about child protection training in teacher education courses also shows that 76.6% of the 14,500 students who potentially graduate each year from Australian teacher education programmes do not participate in any dedicated courses in child protection (Arnold & Maio-Taddeo, 2007). Furthermore, less than 10% of student teachers attend specific child protection training of 1 day or less and only around 6% of student teachers receive more than 8 hours training in a dedicated programme.

Several Australian studies have examined the adequacy of information and preparation of student–teacher training for their role as mandatory reporters. Goldman and Grimbeek (2008) reported that Queensland student–teachers ($N = 52$) in their final semester of a 4-year Bachelor of Education (primary school) degree felt that professional information and training on the mandatory reporting of child sexual abuse was inadequate. Similarly, Walsh et al. (2005) surveyed 254 teachers from 30 Queensland schools and concluded that teachers were unsure of their ability to accurately detect maltreatment, particularly child sexual abuse. Even those teachers who had recently completed child protection training lacked confidence in correctly identifying any form of maltreatment other than neglect.

A number of international studies corroborate Australian teachers' feelings of being poorly trained in mandatory reporting (for example, see Bryant & Baldwin, 2010; Crenshaw et al., 1995; Schols et al., 2013). Collectively, these studies suggest that many teachers enter the profession insufficiently trained to perform the role of mandated reporter. Furthermore, with the exception of the most obvious signs of physical abuse, teachers often lack confidence in their ability to correctly identify and report child maltreatment. Importantly, for the purposes of this study, there is also evidence that in such circumstances teachers are likely to question potential victims of maltreatment and utilise strategies that encourage children to disclose abuse. Hawkins and McCallum (2001) administered a questionnaire to 145 teachers and school personnel, of whom 41 had recently completed the South Australian Education Department Mandated Reporting Training programme, 31 had not completed training and 73 had completed training some years previously. Their analysis revealed that even after a child had disclosed maltreatment, 81% of the total sample (36% of the no training group, 20% of the recently trained group and 25% of the previously trained group) stated they would 'persuade the child to give more details of the abuse' (p. 1615). Additionally, 83% of all participants (48% of the no training group, 7% of the recently trained group and 28% of the previously trained group) would 'gather more evidence before notifying authorities' (p. 1616). More than one-third of the teacher respondents would also speak with a sibling(s) of the child to gain more proof (13% of the no training group, 7% of the recently trained group and 16% of

the previously trained group). Hawkins and McCallum concluded that teachers would often seek more evidence than is necessary to meet their legal reporting responsibilities, particularly those who were untrained in the requirements of mandatory reporting of child maltreatment. Thus, even after a belief has been formed on reasonable grounds, some teachers may question children to gather proof of the suspected maltreatment before reporting. Given the potential ramifications of false positive or false negative identification of child maltreatment, it is important to establish if Victorian teachers similarly feel the need to question a child they suspect is the victim of maltreatment.

Current Study

The aim of this study was to explore whether issues such as complex reporting laws and policies, ill-defined reporting concepts, fears of making a report to CPS and inadequate training are, in fact, barriers that discourage Victorian teachers from reporting child maltreatment and if teachers consider it necessary to question a child about the maltreatment before they decide if a report is required. To date, research in this area has focused largely on the Australian jurisdictions of South Australia and Queensland. The jurisdiction of Victoria has the second highest number of teachers in Australia (22,319) (Australian Bureau of Statistics, 2016) yet is often overlooked in research. As such, Victorian teachers' perceptions and experiences of mandatory reporting will be investigated in this study.

Method

Participants

Thirty participants were randomly sampled from a larger purposive sample of primary teachers of students in grades 1–3 (children aged 6–8). The gender split of the sample was representative of Australian primary school teachers (80% female and 20% male), with 24 female and six male teachers. Their years of teaching ranged from 3 to 40 ($M = 16.7$). They were randomly recruited by a professional research recruitment agency from government, private or independent primary schools across the metropolitan area of Victoria, Australia. Each participant received payment for taking part in the research as did the recruitment agency for identifying each teacher and scheduling his or her interview.

Design

A qualitative design utilising the method of deductive thematic analysis informed by Aronson (1995) and Braun and Clarke (2006) was determined as the most appropriate method as it facilitates identification of themes and patterns of the participants' reports of their behaviour. Thematic analysis is frequently employed in qualitative research. It relies on patterns of meaning being generated within data. Braun and Clarke (2006) suggest that although other qualitative methods use themes as part of the analytic process, thematic analysis should be considered a method of

analysis in its own right. Furthermore, thematic analysis is more flexible than other methods of qualitative analysis because it is not bound to certain theoretical or epistemological frameworks (Braun & Clarke, 2006).

Procedure

This study received approval from Deakin University Human Research Ethics Committee (2013-282). The participants provided informed written consent. All interviews were conducted face-to-face by the first author at Deakin University. Interviews ranged in duration from 10:47 minutes to 55:28 minutes ($M = 20:54$, $SD = 9:10$ minutes). A two-part semi-structured interview was used to generate discussion about several topics related to mandatory reporting. The first part of the interview required scaled responses whereas the remainder were open-ended questions. All of the interviews were audio-recorded, transcribed verbatim and each transcript was initially read to produce introductory ideas about each participant's responses during the discussion and to check for accuracy. The transcripts were imported into NVivo (version 10), a qualitative software programme that assists with the storage, management, and analysis of qualitative data. Conforming to Braun and Clarke's (2006) six-phase approach of thematic analysis, the transcripts were read several times by the first author to become immersed in the data. The data were then initially coded followed by systematically identifying themes from the codes. Once the primary themes were identified, sub-themes were subsequently defined. All of the themes were reviewed and named. No identifying details of schools or names of individuals have been included in this study to ensure anonymity of the participants. Quotations were edited to enhance readability.

Context

The interviews and analysis for this study were conducted by the first author who, at the time, was a forensic psychology doctoral candidate. The primary author, a female, was a full-time student, who has been previously employed as a corporate researcher and strategist. She became interested in this topic after learning about child maltreatment and how reporting was key to any prevention efforts. There was no prior relationship between the primary author and the participants.

Analysis

According to Creswell and Creswell (2007) saturation can be achieved with a sample of 20–30 participants as was the case in this study where two broad themes were quickly identified. The first was related to the inconsistent and inadequate nature of mandatory reporting training. The second theme reflected the participants' need for certainty that maltreatment was indeed occurring before they initiated a report. Within this theme, the sub-theme of poorly defined concepts of maltreatment was also identified.

Inadequate and Inconsistent Mandatory Reporting Training

For the participants in this study, issues with mandatory reporting training negatively influenced their motivation to report child maltreatment. Many participants disclosed that they had received little specific training in this area. Moreover, there was a lack of consistency in the training experienced by the participants. The inconsistent and inadequate nature of mandatory reporting training impeded their confidence in identifying when a child is being maltreated beyond those instances where a child presents with obvious signs. Furthermore, the training had not equipped them with the necessary knowledge about child protection laws, thus compromising their legal responsibilities.

Issues with mandatory reporting training were consistent at both the pre-service and in-service level. The amount of training they received varied greatly from no training to some training every few years. The method of delivery also varied from online, to discussions at staff meetings, or via manuals provided at the commencement of each year. One participant reflected "I can't really remember when the last one [training] would've been, probably maybe 5 years ago, something like that . . . it's probably maybe 2 hours a year, I'd say. It's part of a staff meeting, usually" (Participant [P] 7). Another stated, "I'll say 2 hours of training . . . over a 4-year Bachelor of Education degree" (P29). Some participants perceived the training as not extensive or frequent enough at either the pre-service or in-service level given the serious nature of their child protection duties. One participant noted that during their training "[Mandatory reporting] wasn't really covered. Not to the extent of what it, I think, should have been, to go into teaching" (P14). Another participant reflected "[The training] was online . . . It wouldn't have taken that long . . . It was very minimal" (P4).

Related to the issues of inconsistency and inadequate mandatory reporting training was the participants' lack of knowledge about their legal responsibilities as a mandatory reporter and, importantly, that this lack of knowledge can act as a barrier to making a formal report. For example, it was a widely held belief that a report of child maltreatment need only be made within the school, predominately to the principal, and that this met a teacher's legal reporting obligations. One participant reflected "We report to the principal. They would report it to somewhere in the Education Department, I'd presume" (P6), while another reflected "I have never had to, have never actually made a report. I suppose, I don't know the rules on that, we haven't been told. I would go within the school, I guess" (P18). Participants were unaware that they were legally responsible for making a report and that the report should be made to CPS, consequently they relied heavily on their principal's decision as to whether or not a report should be made and sought guidance from those within the school rather than external authorities. One participant stated:

I wouldn't know where else to take the suspicion, probably if I'd already tried that path (making a report to the principal) and come to a standstill, I probably would speak to another member of staff about it. And I think I would probably like a little more back-up in my observations. So somebody else to say yeah I actually think you're right there, or whatever. I then probably would speak to the school psychologist. I don't know what agencies there would be beyond the principal. I suppose that's something I would investigate if I had the time. (P14)

A further negative impact of inadequate training and, as such, a barrier to reporting was that many of the participants lacked confidence in determining if a child was the victim of maltreatment. Participants perceived that they were poorly equipped to identify the signs beyond the most obvious, such as bruising or a disclosure from the child. One participant stated:

I think because they're [neglect and physical maltreatment] outward, you don't have to have the child to actually come up and say "This has happened". You can see in their lunchboxes, you can see by the sight of their clothes, bruises. (P7)

Of those participants who had made a report of child maltreatment, most had reported instances of physical abuse. These comments demonstrate the importance of a teacher's confidence in identifying and, therefore, reporting instances of child maltreatment whereby obvious signs of harm make it easier for teachers to form a belief on reasonable grounds and make a report. As one participant reflected: "Because they're [neglect and physical abuse] visible. Sexual abuse, it's, I mean, I think, I don't know how you would know". (P27). Others stated "I think the signs are a little bit clearer for the other ones [neglect and physical abuse], to me, than with the sexual abuse". (P23)

I guess I would expect there to be more physical signs for physical abuse. And I think with neglect that perhaps there would be more signs than maybe sexual abuse. I'd know what to look out for. Whereas perhaps for sexual abuse there are also indicators but I'm less aware of what I'd be looking for. (P8)

The Need for Certainty

The participants felt they had an important role to play in child protection and advocated the best interests of the child, however, most wanted to be certain that a child was indeed the victim of maltreatment – beyond that of forming a reasonable belief on reasonable grounds. Most participants, however, were unwilling to make a report based on suspicion alone. For some participants their unwillingness was related to them fearing repercussions for the child, the family or fears for their own safety: "Well, you do want certainty because you don't want to accuse . . . you could accuse somebody but it might turn out to be nothing, and you can ruin people's lives". (P30).

I [would not report to CPS] if I really thought it wasn't in the child's best interests. We had another incident where there

was possibly talk of something, and we were very concerned at the time that if we did anything about it the situation actually would get a lot worse. The child had obvious marks so there was a lot of physical abuse, and a lot of bruising and marks and very timid and very withdrawn and don't-touch-me type stuff, so we were just worried about what was going to happen if the parents found out, because they knew that we were watching and keeping an eye on them. (P20)

I guess being unsure and I guess not knowing the implications of that either on the child or on the family. I guess knowing if I'm not correct how does that affect the child, are they going to get into trouble or am I causing harm to the family? (P19)

If I suspected a child was being abused by a parent to not know fully and to go ahead and report that, could be really detrimental for myself and also, you know you have to pass parents all the time, pass politeness and conversation so it's not something you would take very lightly. (P2)

The need for certainty, beyond forming a belief on reasonable grounds, in order to initiate a report was seen as crucial for many of the participants:

I think, when I look back, I could have probably made more reports just so a professional would have followed it up for me, do you know what I mean, like err on the side of the child. I might be wrong, perhaps the family would be embarrassed, but looking back, there were probably sometimes I should have probably just gone with it. I don't think I was sure enough, I was looking to be absolutely sure. (P20)

He did lift up his shirt and he was covered in cigarette burns. So as soon as I saw that I just said to him, "thank you", and I didn't make a big fuss, "just put your shirt back down", and I just went straight in and reported it to the principal. So there was direct evidence, there was no ambiguity about that. (P11)

The need for certainty meant that most of the participants sought opinions from others or gathered further information in order to feel confident and assured that a report was warranted: "I'd discuss [my suspicions] first with maybe the welfare coordinator in conjunction with the principal, I imagine." (P15).

So, if I was in charge of a class and I was worried about a child there, I would go and discuss it with, perhaps, colleagues as well, or a colleague that I felt might also know something, might also be aware, maybe, of the situation, and then discuss it with the principal and discuss how we felt about the situation . . . (P10)

I need to feel extremely sure and I need to have back up, I wouldn't just go and do that [make a report]. I would seek the counsel of other staff and make sure that we're all on same page about it before moving forwards. (P2)

The participants also garnered assurance and certainty that a report of maltreatment was necessary by gathering evidence to confirm or disconfirm their suspicions. The gathering of evidence ranged from monitoring the child, speaking with the child's parents or speaking directly to the child: "If I didn't know the child well enough I wouldn't do

it [make a report]. I would wait and see for much, many more signs and symptoms". (P5)

If I was uncertain I might query it with the parents, not directly but I might indirectly ask them questions that might assist me in formulating the view that there is a referral to be made. (P22)

I was suspicious, I was team teaching at the time so I had another teacher in so I worked with him, he talked a little bit [to the child] and then I just organised a meeting with the parents. (P23)

Although some participants were aware of the potential ramifications of questioning a child, such as contaminating evidence, most of the participants thought this was an appropriate way to ensure a report was warranted or limit making an unfounded report: "Yes we questioned the child, I did and other teachers did and the principal did as well". (P25)

That was a really awkward thing to ask the child directly but other kids were noticing and that's when you have to address it. I actually called the mother and asked for her to come in and see me. I did [question the child] with her mother at the same time . . . Just to question around, see the mother's reaction. Understanding what's going on. (P1)

I would question the child in terms of, "are you alright, can you tell me, you know, have you fallen over", trying to get them to give me an explanation, just to hear what the explanation is first. (P11)

Neglect is an Ambiguous Concept

A theme related to the need for certainty was that of the ambiguous nature of the concept of neglect. Although neglect falls under Duty of Care obligations rather than mandatory reporting, the issue that this posed for the participants was noteworthy. The participants generally felt that neglect was a difficult concept to understand and one that was open to individual interpretation. Consequently, for some of the participants the ambiguous concept resulted in uncertainty and acted as a barrier to reporting:

Well I don't quite know how you define "neglect". I mean, you see kids where I am whose behaviour is – how would you describe it? – It's – they're very angry kids and sometimes kids don't turn up with their lunch, and I don't know whether that's defined as "neglect" or not . . . but I don't know what level "neglect" is, you know, I mean neglect is – to me it's a very broad word. (P17)

I just think sometimes it's easy to make assumptions about being neglected, a child being neglected, that may not necessarily be true, if you're using judgments like cleanliness, and the state of their clothing, all those sorts of things. Sometimes parents just don't really think that that's so important, but not to a neglect state I would say. (P14)

I don't know if this is defined as "abuse" or "neglect" or anything, but there's a kid, he's always there really early and standing by himself outside the classroom and that troubled me a bit because it's quite early in the morning and the kid, he's only 5, you know, prep, and to my mind, having a child by himself with no one else around is troubling, but again, I

don't know if you'd call that neglect or the parents happen to have to start early or something like that. So I mentioned that several times to both classroom teachers and the vice principal. So again, I don't know whether you'd call that neglect? (P15)

Discussion

The aim of the current study was to explore whether issues such as complex reporting laws and policies, ill-defined reporting concepts, fears of making a report to CPS and inadequate training are, in fact, barriers that discourage teachers in the Australian jurisdiction of Victoria from reporting child maltreatment and if teachers consider it necessary to question a child about the maltreatment before initiating a report.

Two broad themes were identified in the data; one related to inadequate and inconsistent mandatory reporting training and the other about the need for certainty. These themes highlight the difficulties and dilemmas teachers experience when faced with potential cases of child maltreatment. Although teachers reported prioritising the child's best interest, they highlighted how a number of factors can impede this objective.

The results of the study suggest that inconsistent and inadequate mandatory reporting training is a significant barrier to the identification and reporting of child maltreatment. There is evidence of a varied approach to mandatory reporting training in Victoria. Some teachers receive what they consider to be comprehensive training whilst others receive no training, and for some it is delivered sporadically. The mode by which training is delivered also varies – from a lecture within a teacher training degree, to staffroom presentations or via a purpose written online course. Regardless of the frequency or mode of delivery, it seems that mandatory reporting training is likely to fall short of its objective of enabling child protection.

The implementation of training about mandatory reporting legislation and a teacher's legal responsibilities has largely been left to schools based on DET policy. As such, this appears to have resulted in teachers relying heavily on their school's interpretation of the policy and to deferring to staff, in particular the principal, if they suspect that maltreatment has occurred. Participants were largely unaware that the responsibility was solely theirs and of the legal penalties associated with failing to make a report. It could be argued then that the complexity of mandatory reporting legislation and policy is not a barrier to reporting as such given how inconsistent and inadequate training impacts on teachers' lack of awareness of the legal and procedural mandates. Mandatory reporting training that addresses the legislation, a teacher's legal responsibilities and the associated legal ramifications for failing to make a report to CPS is imperative in assisting teachers to make an informed decision when maltreatment is suspected and to reduce their exposure to legal liability.

The mandatory reporting training that had been undertaken by the participants in this study did not appear to

provide the depth of learning that makes for skilled identifiers and reporters of child maltreatment. For some years now, mandatory reporting training in Australia has been identified by teachers and researchers (Goldman, 2007) as an area that requires improvement and yet it appears to remain inadequate, notwithstanding the changes to child protection legislation and the consequent responsibilities of teachers. It may be that all in-service and pre-service teachers would benefit from a single, evidence-based programme that is delivered at frequent intervals and by facilitators who are child protection experts. A multidisciplinary approach has been adopted by the International Society for the Prevention of Child Abuse and Neglect and the Darkness to Light organisation and the latter training programme has been evaluated as moderately effective (California Evidence-Based Clearinghouse for Child Welfare, 2015). However, it remains that there is little empirical evidence to guide design and implementation of an effective child protection training programme. Goldman and Grimbeek (2014) identified that a face-to-face, 13-week, 10-credit-point course delivered to pre-service teachers as part of their training was the ideal way to help prepare teachers for the duty of mandatory reporting. Additionally, providing direct experiences of professionals in the field of child maltreatment (e.g., school counsellors, teachers and medical practitioners) was established as some of the preferred content of such a course. A study on the delivery preferences of mandatory reporting training determined that student-teachers preferred a training programme of 2 days duration, face-to-face and delivered just prior to their initial practice teaching in schools (Goldman & Grimbeek, 2015). There is an obvious gap in the research to identify best-practice mandatory reporting training programmes, and this needs to be bridged with some urgency.

Inadequate and inconsistent training further resulted in most of the participants lacking confidence in their ability to detect child maltreatment unless there were very obvious signs, such as bruising, or an outright disclosure by the child victim. Participants in this study typically lacked knowledge about the indicators of abuse beyond that of obvious neglect or obvious physical abuse. This finding suggests that teachers may be missing cases of child maltreatment, especially when the signs are not as apparent to those teachers who have had little training about, or experience with, less evident manifestations of maltreatment. Although this issue has been identified and investigated in numerous studies for over two decades, (e.g., Levi, Crowell, Walsh, & Dellasega, 2015; Tite, 1993; Walsh, Farrell, Schweitzer, & Bridgstock, 2005), it appears that this is still a gap in the mandatory reporting training Victorian teachers receive. Training needs to ensure a teacher has the capabilities to identify when a child is the victim of maltreatment. Given the daunting nature of making a report of maltreatment, perhaps it is unlikely teachers will ever feel the level of confidence they seek – even after appropriate training. However, there would appear to be a clear need for training to at least begin to

address this gap in knowledge and consequent under confidence. Future research on the effectiveness of the current child protection training available to Victorian pre- and in-service teachers is recommended as a starting point to the development of a training programme that empowers teachers to carry out their mandatory reporting responsibilities with confidence and validity.

Given the participants' lack of confidence in detecting child maltreatment beyond cases that demonstrate obvious signs, it is not surprising that physical abuse and neglect were the types of maltreatment most often identified. This finding corresponds with previous studies (e.g., Kesner & Robinson, 2002; Walsh, Bridgstock, Farrell, Rassafiani, & Schweitzer, 2008). The interplay between mandatory reporting training and a teacher's confidence in detecting maltreatment appear to determine whether a teacher will make a report to authorities. This replicates the findings of Kesner and Robinson (2002) who suggested that teachers with little training are more confident reporting cases of physical abuse because the evidence is generally more visible compared to other forms of child maltreatment.

The need for certainty that a child is indeed being maltreated was also identified as a barrier to reporting. Specifically, the fear of the potential repercussions of making a report based on less than absolute certainty. This finding is supported by previous research (Abrahams et al., 1992; Alvarez et al., 2004; Kenny, 2002; Mathews et al., 2010; Schols et al., 2013; Zellman, 1990). The outcomes of reporting can be serious – a child or children could be removed from their parents, the parents could be rigorously investigated, unsubstantiated allegations and the associated doubt cast could act to fracture family relationships – as such, there is a need for certainty that the belief formed is solid, indeed, more than just a belief. Related to this was the need for most of the participants to involve other staff members to help them form or confirm a belief that a child is being maltreated. This finding has been supported in other studies (e.g., Schols et al., 2013). Despite Victoria's legislation and policy requiring only a belief on reasonable grounds to be formed for a report to be made, the reality is quite different, thus presenting a discrepancy between the legal requirements and the actual practice of teachers. Correspondingly, teachers struggled with the concept of neglect which likely impedes identification and reporting of this type of maltreatment. This struggle may be a consequence of the concept being poorly defined in policy. Alternatively, it may simply be the teacher's interpretation and practice of the "best interests of the child" edict. Certainly going forward there is need for improving the clarity of child protection legislation and policy so that there is no ambiguity about such concepts.

Of some concern was the finding that some participants felt the need to substantiate their suspicions, to become more certain a report is warranted, by waiting or gathering more evidence rather than initiating a formal report. What was the suspected victim enduring while more proof was gathered to increase the confidence of the reporter? Simi-

larly, participants had or would substantiate their suspicions to form a belief by asking questions of the child they suspected was being maltreated or the parents. This strategy is also troubling because the law does not require notifiers to investigate or prove maltreatment before making a report. Moreover, in Victoria it is a DET policy requirement that teachers do not conduct their own investigation if they suspect a child is being maltreated (Department of Education and Training Victoria, 2015; Victoria State Government Health and Human Services, 2016). Research is required to explore what questions teachers ask when they suspect child maltreatment, the reasons compelling these questions and if inculpatory or exculpatory evidence is likely to be contaminated in the process. While some research has explored the types of questions teachers ask (Brubacher, Powell, Skouteris, & Guadagno, 2014), it has not extended to why they ask the questions they do when maltreatment is suspected.

Some limitations of this study should, of course, be noted. Since the collection of this data, the ongoing Australian Royal Commission into Institutional Responses to Child Sexual Abuse has influenced public awareness and attitudes across Australia. Additionally, the Crimes Act 1958 (Vic) was amended in 2014 to make it a criminal offence for any adult to fail to report a suspected sexual offence by an adult against a child under 16 years ('failure to disclose' offence; Commonwealth of Australia, 2016). Similarly, the introduction of compulsory child-safe standards for schools (and any organisation that provides services for children) has occurred. As such, there may be a greater focus on mandatory reporting training and perhaps teachers are now more aware of their legal responsibilities. As with most studies that use small sample sizes, it may be that the findings presented here do not generalise to a wider population of Victorian teachers or even the broader Australian and international teaching communities. In contrast, a potential strength of these findings may be that they translate to teachers of older or younger children and other types of professionals who are mandated to report child maltreatment. A further strength of this study is that it appears to be the first to identify the barriers that impede Victorian teachers from reporting child maltreatment. It also appears to be the first study to identify that Victorian teachers are likely to seek out further evidence to confirm or disconfirm their suspicion that a child is being maltreated.

Conclusions

The findings from this study resonate with other research that has investigated mandatory reporting by teachers and the barriers that may preclude them from making a report when they suspect a child is being maltreated. Whilst there are limitations to the interpretations of the results, it would seem there is a clear disparity between what child protection legislation and policy requires of a teacher as a mandatory reporter and how a teacher interprets and practices those requirements. This disparity is likely related to ambiguities

in definitions and concepts within legislation, and how the legislation is operationalised. Furthermore, a lack of consistent, compulsory, effective training can result in teachers being apprehensive to report child maltreatment even when a belief has been formed. It is also apparent that teachers perceive they lack the skill to identify cases of maltreatment when the signs are less than obvious. As a consequence, it is probable that cases of maltreatment are going undetected and, therefore, unreported. Moreover, teachers are engaging in questioning children, their parents or both to confirm or disconfirm their suspicions of maltreatment. This practice is concerning as the integrity of potential exculpatory or inculpatory evidence may be threatened. It is important that research explores the questions teachers may ask when they suspect child maltreatment along with the reasons compelling these questions - what type of information do teachers seek in their conversations with these children? And what actual questions do they ask in pursuit of this information? Advancing understanding in these areas may go some way to assisting teachers when they are faced with reporting child maltreatment and may also assist the development of appropriate mandatory reporting training.

Notwithstanding the issues related to mandatory reporting by teachers, there is little doubt that the best interests of the child are of paramount importance to teachers. Rectifying the disparities between legislation and policy and their practical application, along with overcoming the barriers to reporting are imperative in the pursuit of best practice child protection by teachers. Addressing these issues may go some way toward mitigating the problems faced by teachers as mandatory reporters, whilst providing the necessary skills to help them in their role of child protection.

Endnote

- 1 Australian Capital Territory: Children and Young People Act 2008 (ACT) s 356; New South Wales: Children and Young Persons (Care and Protection) Act 1998 (NSW) ss 23, 27; Northern Territory: Care and Protection of Children Act 2007 (NT) ss 15, 16, 26; Queensland: Child Protection Act 1999 (Qld) ss 22, 186), Public Health Act (Qld) ss 158, 191 (doctors and nurses), Education (General Provisions) Act 2006 (Qld) ss 364–366A (school staff); South Australia: Children's Protection Act 1993 (SA) ss 6, 10, 11; Tasmania: Children, Young Persons and their Families Act 1997 (Tas) ss 3, 14; Victoria: Children, Youth and Families Act 2005 (Vic) ss 162, 182, 184, Crimes Act 1958 (Vic) ss 327, Child Wellbeing and Safety Act 2005 (Vic) ss 17; Western Australia: Children and Community Services Act 2004 (WA) ss 124A-H; Commonwealth: Family Law Act 1975 (Cth) s 67ZA.

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