The Report of the Victorian Child Welfare Practice & Legislation Reviews was released this year. Peter Boss & Frank Ainsworth comment on some aspects of the report.

Mandatory and Central Registers in Child Abuse — Two issues from the Carney Report that should not be closed off from further debate.

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The Child Welfare Practice and Legislation Review Committee of Victoria (Carney Committee) examined the child protection management system and made far reaching recommendations for improving it. Amongst the issues examined were mandatory reporting and central registers. The Committee came out against the introduction of either of these for Victoria. This article questions the grounds on which the Committee arrived at its conclusions and suggests that these issues should not be considered closed.

The need to protect children from abuse was one of the many child welfare areas explored in the Carney Report (1984). Those of us in Victoria who have worked long and hard in this field and who were vitally involved in the historic Child Maltreatment Workshop (1976), which included Dr. Carney himself, would in general be satisfied with the recommendations in his recently published Child Welfare Practice and Legislation Review Committee Report. Not everything will be achieved even if the Victorian government implements all the recommendations, in itself a doubtful proposition, but if it does, Victoria should at last have a child protection policy, legislation and management system that can stand comparison with those of the majority of the Australian States. Until now, that has not been the case. In the child abuse and protection area Victoria has been a distinct laggard.

Two issues in child abuse naturally occupied the Review Committee. One was mandatory reporting and the other, central registers. Both issues are high in the emotional discharge they generate amongst professionals in the field, but low in empirically derived information.

The contention in this article is that the Carney Committee discussed the issues with less than adequate objectivity, arriving at findings against mandatory reporting in Victoria and introduction of a central register for child abuse cases, without adequate exploration of the issues. So much so that anyone reading about child abuse for the first time from the Report might be forgiven for heartily agreeing with its findings and recommendations. That would be a pity since the pros and cons of these issues are far too finely balanced to enable one to come down firmly on one side or the other. A more thorough examination of such evidence — rather than myths — that we do have suggests extreme caution in making assertive statements. The danger is that with the Carney recommendations on record and given the high status that the Report will inevitably be accorded, the debate on reporting and registers will be considered closed.

It is just for that reason — that the debate should not be closed — that this article is being written. It should also be known that this writer is by no means committed in favour of or against mandatory reporting or central registers, but that he is concerned that we should keep the debate going and in particular, distinguish between the emerging evidence and professional ideologies whose make-up, at least in the social sciences, derives all too little from empirical evidence. Perhaps in ten or twenty year's time we shall be able to speak with more confidence, but at present we simply do not have enough of that evidence — so let us be more cautious, less assertive and dismissive.

MANDATORY REPORTING

In September 1983 the Carney Committee published a discussion paper (Child Welfare Practice and Legislation Review Committee) to which it invited public response. In a section devoted to mandatory or voluntary reporting it stated the following:

> "The most controversial debate in child maltreatment at the moment is the issue of mandatory reporting. It is frequently an emotional debate: advocates of mandatory reporting are seen as 'for' the protection of children and those who oppose mandatory reporting are seen as 'against' the protection of children. The introduction of mandatory reporting laws of themselves do little to extend protection of children at risk." (p.48)

The discussion paper then briefly outlined the case for and against. Below are reproduced in even briefer outline, these pro and con arguments, since there is now

ample published discussion available. (Child Maltreatment Workshop Report, 1976; Boss, 1980; Seymour, 1982).

Mandatory Reporting Case

...for

- the rights to protection for the child demand it;
- responsibility of reporting is shared between professionals;
- it underlines the public commitment to child protection;
- it assists in research into child abuse and assists with planning of appropriate services.

...against

- it discourages families from help;
- it removes discretion from professionals working with difficult cases;
- it undermines confidence families place in their professional helpers;
- it is difficult to enforce;
- it can be seen to act as a substitute for adequate servicing.

In its final Report, published little more than a year after the discussion paper, the Carney Committee found that it might have misjudged the temper of the community debate, when it said:

> "While it might have been anticipated that there would be extensive community debate on the issue of mandatory reporting, this turned out not to be the case. Over recent years the matter appears to have become far less controversial; there is now a degree of consensus in favour of voluntary reporting and against mandatory reporting" (p.219)

However the Committee had no evidence on the matter from any research which tapped into the public at large and which might have expressed its own particular view of what was expected from those professional groups charged with the protection of children in Victoria. In the main report the Committee did not even repeat the juxtaposition of pros and cons as it did in the discussion paper; instead it repeated the 'con' case only, adding to it for good measure!

The Committee did make a brief mention of the Australian Law Reform Commission Report, 1980 (Seymour, 1982) which had also considered child abuse reporting and which had also rehearsed the arguments pro and con, and which came to the conclusion that:

> "After carefully weighing the arguments which are finely balanced – the Commission decided to recommend the enactment of compulsory reporting legislation in the A.C.T.".

In other words, the Law Commission having considered the matter in much the same light as the Carney Committee nevertheless came to the opposite conclusion. Who, we may ask, has the right view? If we believe that the numbers have it, the proponents of mandatory reporting certainly have the edge in Australia. Of the six States, South Australia, Queensland, New South Wales and Tasmania have mandatory reporting, Western Australia and Victoria have not. Of the four that have, South Australia and Tasmania have the most extensive schedules of professional groups required to report – in effect all groups supplying professional services to children. New South Wales, at least for the present, and Queensland confine their requirements to medical practitioners. There is no published evidence to suggest that these four States have erred in introducing mandatory reporting, in that it drives families underground, retards development of services or does any of the undesirable things canvassed in the Carney Report. Aware of the situation in the other States, and obviously faced with having to explain them away, the Committee came out with this parochial gem of State superiority:

> Inter-State comparisons are not useful models for the Victorian situation. Victoria's unique blend of government, non-government and community based support services, together with the development of community based initiatives to deal with maltreatment, allow for a different and ultimately more innovative program to be adopted here." (p.221)

One is tempted at this point to list the names of some of the children who died in sometimes atrocious circumstances at the hands of their abusing parents over the past few years in Victoria, to question the propriety of this statement and to ask to which of the "innovative services" they could have turned or where the "community based initiatives" were to help them.

We do have some evidence from Victoria that suggests that the introduction of mandatory reporting would make only a marginal difference to the projected behaviour of human services professionals. A study by Webberley (1985) of 221 health, welfare, education and police professionals, asked them about their likely future behaviour should mandatory reporting be introduced. The question was not of relevance to 67 of the respondents who worked in the police force or the Children's Protection Society and therefore were already obliged to report, but of the remaining only 7% indicated that they would act differently in relation to reporting specific families. This must be taken as a small proportion, thus seeming to bear out the Carney Committee's contentions, but as Webberley says:

> "Victorian data tend to indicate that making reporting mandatory will compel only a small number (7%) of involved professionals to change their reporting behaviour for specific families. However that is not to say that notifications wouldn't increase substantially if the problem was simultaneously tackled on a number of fronts such as mandatory reporting, PLUS increased services, PLUS education programs."

It is just this combination of child abuse management programs that has seen the large increase of reported cases in the four States mentioned above.

The Carney Committee might have called to its side another study to add support for its contentions. Shamley et al (1985) asked a sample of 74 professionals working in the health area about their attitude to mandatory reporting. After discovering what others before have discovered – namely that health professionals are reluctant or lax or tardy about reporting anyway, whether the system is voluntary or mandatory, the researchers found that introduction of mandatory reporting would make little difference to their practice:

> "A further question in the series as to whether the introduction of compulsory reporting would influence respondents' action drew an 81% response that it would make no difference, 5% indicated that these factors (i.e. certain resistances to current reporting behaviour) would be eliminated if compulsory reporting was implemented and 14% were undecided about the issue".

The fact that the sample resulted from a low response rate, 30%, might militate against its capacity for generalisation, but it is in line with Webberley's results.

A conclusion to be drawn from even such little evidence as we have suggests that helping professionals in Victoria are not enamoured of mandatory reporting – but to this writer that is not the main issue. Professionals are not there to have their preferences indulged, of course they will resist anything that might be seen to interfere with the exercise of their discretion. Rather we should turn to the wider community, including the victims of abuse, and get their views on the matter; that would be a better guide to what we should do about mandatory reporting in Victoria. Alas, all we have to date is how the professionals feel about this. The issue must not be considered closed, we have too many children killed, maimed and otherwise damaged – the Carney Committee showed far more complacency in the matter than is justified.

CENTRAL REGISTERS

As for the issue of Central Registers, the Carney Committee was even more dismissive than it was in the matter of mandatory reporting. At least the latter got a couple of pages in the main Report – albeit all negative. Central Registers got just two paragraphs in the discussion paper (pp. 49-50) and about a page in the main report (pp. 221-222).

The Committee rejected the idea of a Central Register on the ground that it did not fit into its philosphy of preventive services, believing such registers to represent a heavy-handed approach which would cause families to avoid seeking early assistance with their child-rearing problems. The Committee cited no evidence which could throw any light on this contention.

What exactly are Central Registers?

In the area of child abuse, they are essentially an index of notified cases providing details that enable a record to be kept of children and families reported for abuse and whose progress from then on

can be monitored. From such an index, according to Gibelman and Grant (1978) one can:

"...identify cases of recidivism and detect 'hospital shopping'.

...assist in the diagnostic assessment of parental abuse patterns and of child abuse victims.

...enhance the accuracy of data related to child abuse and neglect, to assist in program planning, case management and resource development.

...establish and maintain a body of data from which statistical analyses (including longitudinal research studies) can be conducted."

In case it be asked 'what is wrong with that?', all the propositions sounding like laudable and reasonable goals, the answer is that the assumed value of all that has to be weighed against the presumed invasion of civil liberties of families included in such a register. The study that Gibelman and Grant made of Central Registers in the U.S.A., where the majority of the States have adopted that system, confirmed some of the Carney Committee's misgivings ...but the authors also state – which the Carney Committee whilst referring to the study, did not mention:

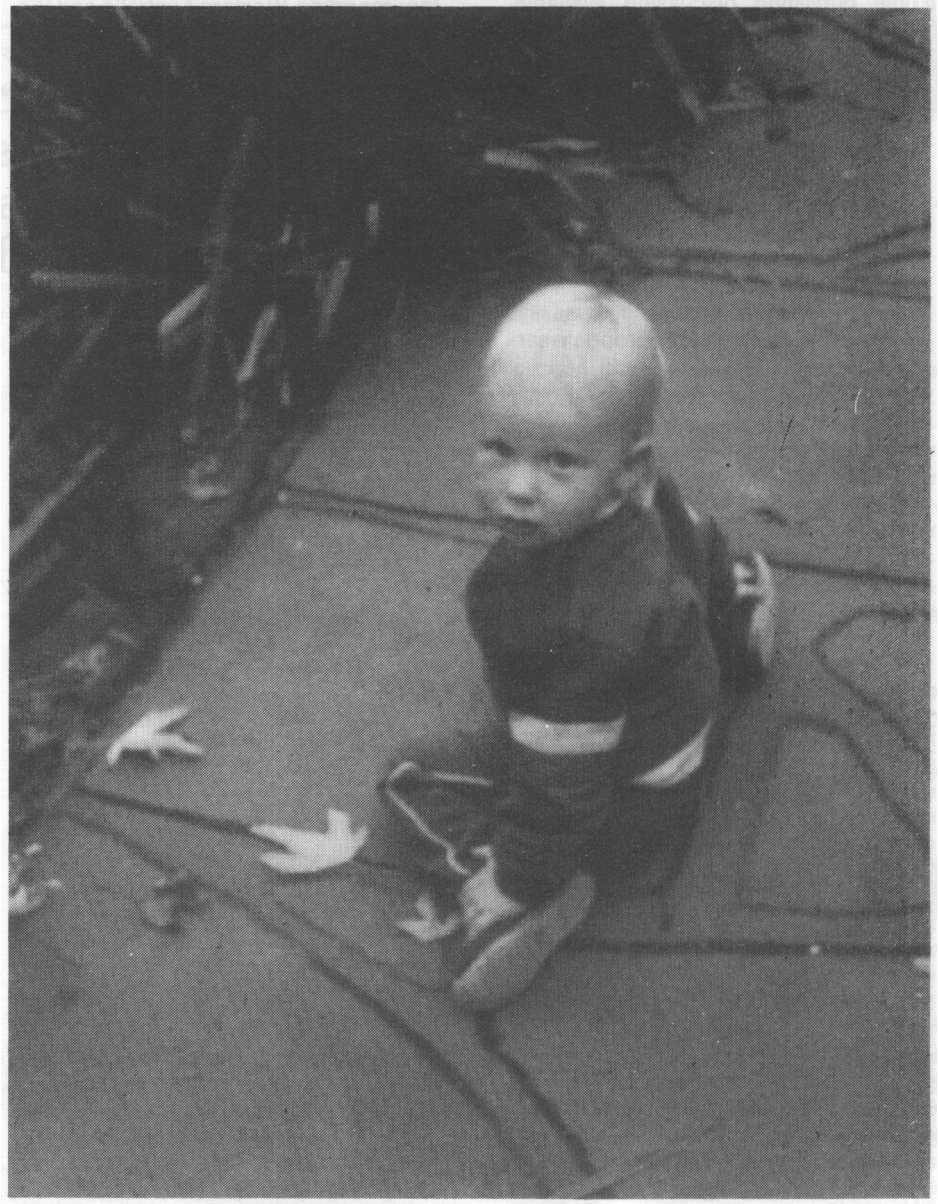
"the findings on problems in the use of Central Registries (sic) do not necessarily lead to the conclusion that such systems should be abandoned. Recognition of the problems however should be an incentive to systematic study and discussion of the advantages and disadvantages of Central Registries."

In the United Kingdom where Central Registers were developed by local authorities following recommendations made by the Central Department of Health and Social Security as a result of the Maria Colwell case, the advantages of the systems were deemed to outweigh the disadvantages. Such registers play an important part in the discreet and discrete dissemination of information to the various professional groups engaged in the struggle against child abuse. (Boss, 1980).

The value of Central Registers in the U.K. was endorsed by the British Association of Social Workers Working Party in 1978. They saw such registers to be one important element in a management system which perforce involves a multi-disciplinary approach. (B.A.S.W., 1978).

Access to relevant and significant information and the capacity to communicate it are vital to successful work in child abuse. That much is made abundantly clear in the analysis of the eighteen cases of death through child abuse, subjected to enquiry in the U.K., commencing with the Maria Colwell case in 1973 and going up to the time of the Malcolm Page enquiry in 1981. (D.H.S.S., 1982)...

What has clearly emerged, at least to us, is a failure of system compounded of several factors of which the greatest and most obvious must be that of lack or effectiveness of communication and liaison." (p.48)



Much the same conclusions were drawn in the analysis of the events that led to the death of Paul Montcalm (Lawrence, 1982) in New South Wales. Paul's case was inadequately handled by the Department of Youth and Community Services and Professor Lawrence, who undertook the analysis for the Minister of the Department, placed faults in the system of communication high on the list of reasons. So far as is known to this writer, the enquiry into the Montcalm case is the only one that has been undertaken in Australia, at least in recent years, and is important for that reason alone – yet the Carney Committee does not seem to have been aware of its existence. If it had, it might have had a good deal more to say on the subject of adequate communication systems and how they could best be established. It might even have led the Committee to consider Central Registers as a useful way of achieving these objectives, instead of dismissing them out of hand as "heavy-handed" and contrary to the spirit of prevention of child abuse.

Any agency, whether government or non-government, working in the child abuse field will keep its own records to which its workers contribute information and to which they go for it. It is a self-contained, in-house house system. The hallowed principle of client confidentiality which plays a large part in the professional lives of the workers ensures that officially at least, no outsider has access to this information. So it happens that in Victoria, where at least three agencies – police, Children's Protection Society and Royal Children's Hospital – with substantial interest in child abuse work, cannot even know to what extent they share cases or what data and information the others have of presumably the same cases. The Carney Committee did not even touch on these issues but were quite content to inveigh against Central Registers; its exploration of these issues was unacceptably deficient.

Central Registers, which allow access to information to accredited users who can demonstrate their integrity do not have to be the "evil" things that the Carney Committee makes them out to be. They can be deficient, misused or used badly but that, as Gibelman and Grant pointed out in their study, has more to with the need to make them work properly and to lay down

acceptable criteria for their use, than it has with the concept as such.

Queensland has a Central Register, so does New South Wales; it would be interesting to see reactions from those quarters to the Carney Committee's observation that:

> "A Central Register will not provide a quick, cheap or easy solution to this problem. In particular, the case for a Central Register relies on over-simplifications of the complex issue of child abuse and neglect, and comes at an unacceptable human and financial cost." (p. 222)

Perhaps they might consider the cost as money well spent. Certainly their Central Registers must be superior to the current mess in Victoria where the Community Services Department could not even tell us what the incidence of reported cases is, was last year, or is likely to be in the future.

CONCLUSION

Finally, it is reiterated that what is written here has been offered as a contribution to what should be an ongoing debate. Reporting systems, Central Registers or any other instrument in the array of resources used to fight child abuse are by themselves insufficient. That far we can agree with the Carney Committee. They can play their parts as aspects of a properly resourced, concerted strategy... but it remains necessary to keep these instruments under constant review to ensure that they are effective, efficient and relevant. For those reasons, we should not just settle for the Carney Committee as having the last word.

REFERENCES

1. Boss, P. (1980) **On the Side of the Child – An Australian Perspective on Child Abuse**, Fontana-Collins
2. Boss, P. (1983) **Child Welfare Practice and Legislation Review Committee Discussion Paper**, Victoria
3. Boss, P. (1984) Child Welfare Practice and Legislation Review Committee (Carney Report) **Equity and Social Justice for Children, Families and Communities, Victoria**
4. British Association of Social Workers (1978) **The Central Child Abuse Register** (U.K.)
5. Department of Health, (1976) **Child Maltreatment Workshop**, Melbourne
6. Department of Health and Social Security (1982) **Child Abuse – A Study of Inquiry Reports, 1973-1981**, H.M.S.O., (U.K.)
7. Gibelman, M. and Grant, S. (1978) "The Uses and Misuses of Central Registries in Child Protection Services", **Child Welfare**, 57, 7, pp. 405-413 (U.S.A.)
8. Law Reform Commission (1980) **Child Welfare – Child Abuse and Day Care Discussion Paper No. 12**, pp. 25-28
9. Lawrence, R.J. (1982) **Responsibility for Service in Child Abuse and Child Protection** – The Statutory and Moral Responsibility of the Department of Youth and Community Services in New South Wales in the Light of an Analysis of the Case of Paul Montcalm
10. Seymour, J. (1982) "Child Abuse and the Law. The Australian Law Reform Commission Approach", **Australian Child and Family Welfare**, 7, 1, pp. 3-9
11. Shamley, D., Kingston, L., Smith, M. "Health Professionals' Knowledge of and Attitudes Towards Child Abuse Reporting Laws and Case Management in Victoria", **Australian Child and Family Welfare**, 9, 1, pp. 3-7
12. Webberley, H.R. (1985) "Child Maltreatment Reporting Laws: Impact on Professionals' Reporting Behaviour", **Australian Journal of Social Issues**, 20, 2, pp. 118-123