

# Child Abuse and the Media : Victoria introduces mandatory reporting after an intensive media campaign

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## Background

The history of the development of child protection services in Victoria has been described as 'long and complex' (Goddard 1990:12). Much of that development has been described and debated in this journal (see, for example, Hiskey 1980; 1981; Boss 1985; Goddard 1990). The last ten years have seen a number of significant reports into aspects of protective service provision: *Child Welfare Practice and Legislation Review* (1984); *Sexual Offences Against Children* (Law Reform Commission of Victoria 1988); *Victoria's Protective Services: Dual Tracks and Double Standards* (Goddard 1988); and *Protective Services for Children in Victoria: An Interim Report* (1989).

One of the most controversial aspects of child protection, and certainly the one that caused the most heated debate in Victoria, was the consideration of mandatory reporting of child abuse. The early history of this debate is concisely described by Boss (1980:85–89). In summary, as Boss outlines, a series of reports in the 1960s and 1970s supported voluntary rather than mandatory reporting of child abuse (for example, the *Report of the Child Maltreatment Workshop* (1976); *Maltreating Families: Report of a Melbourne Study* (Bishop & Moore 1978)).

Not that developments, or lack of them, were straightforward. The release of the report by Bishop and Moore (1978) is drily described by Boss; the report was printed in 1978 but:

...not released by the Victorian government until 1980, and then only

because its existence was leaked to the press by the Labor opposition.

(Boss 1980:86)

Attempts to balance the psychological view of causation by one author (Bishop) and the sociological orientation of the other (Moore) led to problems, Boss reports. The government media release stated that:

...certain inconsistencies in the text of the Report reflecting different points of view held by the main authors on certain points and some disagreement on the interpretation of data.

(Victorian Government News Release 'Child Protection Services Expanded' 27 May 1980; quoted in Boss 1980:86)

It is of particular interest that it was the release of the report to the media that prompted its public release. This was not the first or last time that media coverage prompted action in Victoria's child protection debate.

Since the forced release of the Bishop and Moore research, reports by the Law Reform Commission of Victoria (1988) *Sexual Offences Against Children*, and by vicSPCAN (Goddard 1988), recommended mandatory reporting, while the *Child Welfare Practice and Legislation Review* (1984) and *Protective Services for Children in Victoria* (1989) came out in favour of voluntary reporting.

In March, 1993 the decision was made by the Victorian Government to introduce mandatory reporting. It is not the purpose of this article to reiterate the arguments for and against mandatory reporting; that debate is reviewed in Boss (1980) and Goddard (1988). Instead we intend to examine how that decision to introduce mandatory reporting was made and, in particular, the

influence of the media on that decision. We will also examine the relationship between child abuse, child protection and the media, and draw upon the British literature in particular.

At the outset, we must say that to varying degrees we have both been players in the debates about child protection and mandatory reporting during the development of a 'modern' child protection system in Victoria. We have both argued in favour of mandatory reporting for many years, though for somewhat different reasons. We are, therefore, part of the discourse we are describing and it is important to acknowledge that.

## Child Abuse and the Media

The relationship between child abuse and the media is a particularly interesting one. The very 'rediscovery' of child abuse by Dr. C. Henry Kempe and his colleagues provides a fascinating example of that relationship. As various writers have noted (see, for example, Pfohl 1977; Goddard 1988; and Howitt 1992), the way the history of child abuse has been written makes it appear that until Kempe's initial work was published in 1962 child abuse did not exist. The work of other professionals, particularly that of social workers, was ignored. Indeed, Kempe deliberately called the problem 'The Battered-Child Syndrome' in order to attract media attention.

The media, in turn, espoused Kempe's definition of the problem and his explanation of its causes because he had medicalised these and promised a 'quick, clean solution' (Howitt 1992:19).

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With the assistance of the media, the problem of child abuse was defined as medical, all blame was placed on the parents, and the problem was:

... effectively distanced from all issues related to social structure, such as poverty, divorce and unemployment.

(Howitt 1992:20)

Howitt might have added that the problem was also distanced from other factors, notably gender.

Since then, particularly in Britain, the media role in discussion of child abuse and child protection has been played out with the regularity and intensity of a television soap opera. The first episodes involve the deaths of children already identified as abused and under the supervision of social workers:

The names of the children, Maria Colwell, Darryn Clarke, Tyra Henry, Jasmine Beckford and others comprise a litany engraved on the minds of British social workers and familiar to many working in child protection in Australia.

(Goddard & Tucci 1991:3)

The inquiries that were established into the deaths of these children were often prompted by public concern, which in turn had been sharpened by media reporting (Reder, Duncan & Gray 1993 :18).

The next episodes of the soap opera concern apparently 'false allegations' of child sexual abuse and ritual abuse. The names of parts of Britain rather than individual children appear regularly in the headlines: Cleveland, the Orkney Isles, Rochdale, and Nottingham. The Cleveland cases attracted some attention in Australia; in part, at least, because one of the paediatricians at the centre of the 'scandal' was an Australian. As a number of writers have pointed out, in Cleveland the doctors and social workers were publicly criticised for removing children from their homes. Previously they had been castigated for leaving children in their homes (see, for example, Fry 1991).

Recent episodes in this soap opera have been concerned with the appalling treatment of children in children's homes. The most widely publicised of these was the so called 'Pindown' affair, so named after the harsh methods of treatment used against children in Staffordshire (Kahan & Levy 1991).

Superficially, it is easy to see the media coverage of these child abuse 'disasters' in Britain as part of a continuing and orchestrated media campaign against professionals in general and social work more specifically. Such a view, however, is simplistic. It also ignores the awful truth that, in some instances, it appears that the problems (in particular we refer to the cruelty to children in children's homes) would have continued if it had not been for media exposure.

The public image of social workers in Britain is poor. Thatcherite Britain, with its ideological adherence to private solutions for all problems whatever their nature, produced a hostile climate for social workers and those they seek to represent. According to writers such as Franklin and Parton, social work has become a 'metaphor for the entire public sector' (1991:9).

A recent headline in the *UK Mail* (21 June, 1993) reads 'Social Workers, the final folly of the Sixties!' A month later, an Editorial in the *International Express* (14 July 1993) is dominated by the headline 'Slap down the thought police'. Referring to social work's 'unacceptable face', the Editorial concludes with the following paragraph:

The shadow of the social work stalks the land. It is time this Government – supposedly dedicated to freeing the individual from the cold and bullying clutches of the state and its agents – lifted that shadow.

(*International Express*, 'Opinion' 14 July, 1993)

Similarly several writers have noted that the increased activity of the media has changed the very nature of social work practice (see, for example, Stevenson and Parsloe 1978). Social work, in child protection at least:

...is no longer a private activity conducted by professionals with individuals but has become subject to a number of contradictory public concerns.

(Franklin & Parton 1991:10)

Ashley Wroe's (1988) analysis of how social work is described in the press in relation to one child death in Britain, and why social work is presented in the way it is, provides further graphic examples of this point.

Franklin and Parton (1991:29–30), however, also describe how reactions to the much-publicised child abuse cases create a climate that makes change more likely.

Philpot (1993:20) suggests that the British *Children Act* of 1975 grew out of the concerns aroused by media coverage of Maria Colwell's death, and the 1989 *Children Act* came out of the Cleveland cases.

Indeed, it is essential to view the media as friend as well as potential enemy. The media have assisted in increasing public awareness of domestic violence (Martin 1987; Dobash & Dobash 1992) and have been used to publicise programs that combat that violence (Roberts & Roberts 1990). The media have assisted in the creation of an atmosphere in which it is regarded as acceptable to talk about and disclose sexual abuse (Fulmer 1990). From another perspective however, the portrayal of violence in the media is seen both as reflecting violence in society as well as contributing to it (Stith & Rosen 1990; Williams 1990).

## Media 'Panics'

In Victoria, if not the rest of Australia, the media has played a significant part in the development of child protection policy. Policy development by press release rather than by consultation and reflection has been common.

This method of policy development has meant, however, that changes have not received the consideration that they require. In part at least, we suggest, there is a dissonance between the politicians' attention to the media and the attitude of welfare practitioners. The view of child welfare workers, we believe, has more in common with the academic view of the media which is critical of their 'shallowness of vision and ideological seduction' (Schroder & Skovmand, 1992:1).

Media reporting of child abuse and child protection issues has been classified by some as an example of what has become known as a 'moral panic'. Moral panics were initially described by Stanley Cohen in his work *Folk Devils and Moral Panics* (1972). Cohen, who was influenced by Becker's work on deviance (Drotner 1992) sought to explain the increasing media fascination with mods and rockers in Britain in the 1960s which fed back into the increasing concern of the public. A 'spiral' is created when experts (including social

workers) define the problem as some form of threat; more media attention follows; and action is subsequently taken (Drotner 1992: p.43).

Children and young people are primary subjects of media panics. A number of explanations have been offered for this (Drotner 1992). It is clear that children frequently figure largely in media campaigns and it is essential, therefore, that those concerned with any aspect of child welfare policy reflect not only upon the issues but on the factors which are influencing media perceptions of such issues.

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Franklin and Parton have suggested that 'moral panic theory', as they term it, provides some explanatory utility but is 'suggestive rather than substantive' (1991:45). Franklin and Parton allude to (but do not fully describe) the irony that social workers formed part of the group of experts who contributed to the spiral of past panics, but subsequently (in the child abuse media coverage) became the 'folk devils' who were to be 'vilified' (1991:45).

It is also important to note that Cohen's descriptions of moral panics appear to ascribe to the media the role of orchestrating public opinion (Drotner 1992: 44). In future analyses, more attention must be paid to the question of who orchestrates the media.

### The Death of Daniel Valerio

When the Liberal-National Coalition was elected to Government in Victoria in October 1992 its stated policy was one of opposition to mandatory

reporting. In March 1993 the Minister for Community Services announced the introduction of mandatory reporting. One extreme case of child abuse caused that about-face in policy. The child's name was Daniel Valerio.

Only a brief summary of Daniel Valerio's short life is possible here. The facts are taken from *The Sunday Age* (Tippet, 1993) and the CSV internal inquiry report (CSV 1991).

Born in April 1988 to Michael Valerio and Cheryl Butcher, Daniel was Cheryl's fourth child, the second by Michael Valerio. After Cheryl Butcher's relationship with Michael Valerio ended in October 1989, Cheryl Butcher met Paul Leslie Aiton in February 1990 and he moved into her home on the outskirts of Melbourne. In the words of *The Sunday Age*, this was when Daniel's 'fatal nightmare began' (Tippet 1993). Daniel was nearly two years of age. Barely five months after Aiton moved in, Daniel was dead.

At Aiton's trial, it was reported that changes were soon noted in Daniel. Neighbours were worried. Daniel's siblings' teachers were worried. Substantial bruising was noted. An anonymous call was made to Community Services Victoria (CSV). A succession of doctors in a succession of consultations saw a succession of injuries. Daniel was admitted briefly to hospital.

A week after his discharge from hospital, another call was made to CSV. Short staffed, CSV transferred the case to the Police. The fax containing relevant information never arrived, it was claimed by the police. A week later (August 1990) an electrician working at the family home reported Daniel's condition to the police:

Daniel in particular shocked me because he had been bashed about the head and had bruises on his arms and legs. One eye was closed and the other was almost closed. He could barely see. He had swellings on the cheeks and on the jaw bone.'

(Tippet 1993)

The same afternoon the Police visited. Daniel was not there, but later that afternoon Cheryl Butcher took Daniel to the GP. The Police returned that night and arranged for Daniel to be seen by the Police Surgeon the next day. The Police Surgeon appears to have been uncertain as to the cause of

the injuries. Daniel went home. A week later (September 8) he was dead (Tippet 1993). In that intervening week he saw the GP on September 5, 6 and 7. The autopsy lists amongst Daniel's injuries fractured clavicles, more than 100 bruises, and severe abdominal trauma.

On 19 February 1993 Aiton was found guilty of murder. On 26 February 1993 he was sentenced to 22 years' jail. On 3 March 1993 the headline in *The Age* read 'Mandatory reporting soon: State's backflip on child abuse'; and the main headline on the front page of *The Herald-Sun* of the same day said 'CHILD ABUSE WIN: Law to Change'.

### A Brief Analysis of the Campaign

The introduction of mandatory reporting, the so-called 'back-flip', took place because of a massive media campaign. The campaign was led by *The Herald-Sun* under its new editor-in-chief, Steve Harris. The success of the campaign is interesting for a number of reasons.

Firstly, the details of Daniel's death, as exposed in the media during Aiton's trial, had previously received extensive coverage. In November 1991 CSV's internal inquiry report received massive exposure in *The Sunday Age* (3 November 1991). Almost one year later, in October 1992, there had been further extensive reporting when the jury at Aiton's first trial for murder failed to reach a verdict and a new trial was ordered (*The Sunday Age*, 18 October 1992). This lends weight to our view that it was this media campaign that resulted in the introduction of mandatory reporting. The facts of the case had long been in the public arena.

Secondly, the intensity of the campaign by *The Herald-Sun* was in our opinion unprecedented. During and after Aiton's trial, barely a day passed without Daniel's face on the front page of the newspaper. The photograph used was a particularly poignant one: a severely beaten child attempting an impish smile. (The photograph, we believe, was taken by the Police Surgeon only days before Daniel died.) The same photograph was used on the front cover of *Time* magazine. The coverage of the second trial was turned into a campaign,

organised by *The Herald-Sun*, entitled 'Save Our Children'. Every day the paper carried a pro-forma letter, demanding the introduction of mandatory reporting, which could be cut out and sent to the Minister for Community Services.

Thirdly, the campaign was not only picked up by talk-back radio (for example, Neil Mitchell on 3AW), but *The Herald-Sun* took another unusual step in calling a public meeting. The public forum, also entitled 'Save Our Children', attracted several hundred people to Melbourne's Dallas Brooks Hall on February 28. The powerful expression of feeling that came from this meeting, from a broad range of people in the community, added considerable power to the campaign. Speakers from the Royal Children's Hospital and the Police lent professional credibility to the forum.

Fourthly, media resources were used to great effect against the Liberal-National Government's initial refusal to agree to implement mandatory reporting. Most senior Government Ministers were on record as supporting mandatory reporting when in opposition. The judicious researching and use of supporting quotations by the media was used to portray the Government as concerned about the potential cost rather than lives. The Premier Jeff Kennett, for example, was reminded of his statement that 'children will suffer because politicians have failed them' when supporting mandatory reporting in a previous incarnation as Opposition Leader.

Fifthly, the media campaign had much in common with the initial 'rediscovery' of abuse by Kempe and his colleagues thirty years before. Kempe was concerned about his fellow professionals' inactivity in the face of abuse. Similarly, the media in Daniel Valerio's case made much of the fact that 21 professionals had been involved in the weeks leading up to his death. Kempe's work had also offered a neat description and understanding of the causation of a complex problem. Similarly in Daniel Valerio's case, mandatory reporting was seen as providing a simple and straightforward solution to the unacceptable child death.

Daniel's story also demonstrates the media's love of a 'runner' or 'running

story' (Fry 1991:69). Child abuse not only shocks readers and sells papers; the story can be followed through its several stages. The coronial inquest is still to take place in Daniel's case. Furthermore, Daniel's natural father is talking of suing the doctors involved in his case, a course of action which would involve yet another major court case, to add to the two murder trials and the leaked inquiry report that have already been played out in the media. Such stories serve as a continuing popular narrative (Erickson, Baranek, & Chan 1991).

This point is reinforced by an examination of the front pages of *The Herald-Sun* while the story was at its peak. Even when there were no new developments, Daniel's face appeared on the front page. On February 17, for example, it was featured next to a caption 'DANIEL: YOUR LETTERS : Page 17' and on February 25 'DANIEL: HOW YOU CAN HELP: Page 9.' Furthermore, Daniel Valerio's death has become media short-hand for all child abuse deaths. A three-page feature article on child abuse in *The Herald-Sun* of 26 June appeared under the headline 'THE OTHER DANIELS' *The Herald-Sun* has also used the Daniel Valerio campaign in its own publicity (July 13), as an example of a newspaper responding to community problems.

### Conclusion

There has been surprisingly little analysis of the role of the media in child protection issues in Australia. With one or two exceptions (see, for example, the description of a previous media campaign about child protection in Victoria in Goddard 1990a and 1990b; and Goddard & Carew 1993) there has been little comment on the role played by the media in changing human services.

It is easy to be critical of the media coverage of child abuse. The descriptive term 'moral panic' used by Cohen is hardly neutral. Franklin and Parton, in the analysis of the media coverage of the Cleveland and other child abuse cases in Britain, listed seven major criticisms (1991:24-27). Media reporting, they claim, sensationalised and trivialised the issues; was biased; presented an oversimplified account of events; misrepresented vital issues and was inaccurate; sought scapegoats; was racist; and was sexist.

Furthermore, Franklin and Parton (1991:27-29) identify three substantive issues not addressed in the media: the lack of resources allocated to the problem of child abuse; the gender issues in child sexual abuse; and finally, the rights of children (as opposed to the rights of the State and the rights of parents).

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All these sins of omission and commission can probably be levelled at the coverage of Daniel Valerio's case in Victoria. Yet the media has had a large part in the child protection policy process in Victoria and has made a major contribution to change. Such events may be described as 'legislation by tabloid' (Franklin & Lavery 1989:26) or as 'tabloid turbulence' (Moore 1992:46) but cannot be dismissed. Such media coverage not only changes the way child protection is practised; it also moulds community perceptions of child abuse and child protection practice.

The media are implicated in social policy on at least two levels, in its creation and in its administration. Firstly they frame public debate, advancing priorities and a sense of issues in a way that media researchers have labelled agenda-setting ... At a second level the expectations, mythologies, stereotypes and elisions of media creation influence the day-to-day administration of policy.

(Golding & Middleton 1982:236)

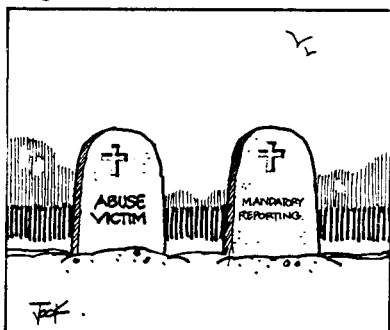
We have described the Daniel Valerio case as a contribution to what we hope will be an increasing literature on the role of the media in human services. More case examples are needed as a basis for more extensive analysis. The potential contradictions and unanticipated consequences in the development of social policy can occur at all stages of the policy-to-practice implementation sequence. The pressures on this process exerted by various vested interests need

to be better understood if good policy is to be developed. If the real underlying rationale for development of policy is 'moral panic' we need to be concerned about how long lasting that policy will be.

This concern is possibly best illustrated by the Daniel Valerio case. The outcry over Daniel's death led to the introduction of mandatory reporting, and yet it is not immediately apparent how mandatory reporting would have saved Daniel's life. In the last weeks of his life, all the professionals who could have taken action on his behalf already knew of the case. Daniel's death occurred because of the failure of the child protection system. (It is possible to argue however, that 'system failure' would have been less likely if mandatory reporting was in place because the introduction of mandatory reporting would have made a clear statement about children's rights to protection.)

At the same time as announcing the introduction of mandatory reporting, the Victorian Government announced yet another review of protective services by Justice Fogarty. In August 1988, Justice Fogarty was appointed in similar circumstances, after a media campaign that led to major changes in Victoria's protective service provision, including a large increase in budget, 118 extra protective workers, a central register, and a 24-hour service (Goddard, 1990a; Goddard & Carew, 1993).

Leaving aside potential criticism of such a review (see Liddell 1992; Liddell & Liddell 1993) one wonders how strong the Victorian Government's commitment to mandatory reporting will be given the contradictory grounds on which it introduced this policy. As supporters of mandatory reporting we are both intrigued by the process which led to its introduction and concerned that, unless there is full support for its effective implementation, the legislation will be as short-lived as the child who brought about its introduction. ♦



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