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## Child Protection Training for Teachers and Mandatory Reporting Responsibilities

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## **Child Protection Training for Teachers and Mandatory Reporting Responsibilities**

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### **Abstract**

It is widely recognised in child protection literature that teachers have a significant role to play in both detecting and reporting child abuse. This paper considers the role of teachers in child protection work and the challenges that exist in reporting abuse. The training needs of teachers in the area of child protection are also outlined. Recent changes in legislation, following the commencement of the remaining provisions of the Children First Act specify teachers registered with the Teaching Council as ‘Mandated Persons’. The requirements of mandated persons in the school environment are outlined. Given the responsibilities of this role, a renewed focus on training in child protection seems very timely. The paper draws on interviews completed with sixteen Designated Liaison Persons (DLPs) for child protection in Irish primary schools, illustrating the training requirements of both DLPs and teachers. The current training models that are available to schools are also outlined.

**Keywords:** Child protection, training, teachers, mandated persons.

### **Child Protection Training for Teachers and Mandatory Reporting Responsibilities.**

“Teachers are particularly well placed to observe and monitor children for signs of abuse and neglect. They are the main care-givers to children outside the family context and have regular contact with children in the school setting” (Department of Children and Youth Affairs, 2011, p. 23). Outside of the home, children under 12/13 years of age spend the majority of their time in the primary school. School is an especially important place in a young child’s life, where they make and maintain friendships and develop relationships with teachers in whom they place a great deal of trust. “The contribution of teachers to effective child protection work has increasingly been brought to the fore with an acknowledgement that the role of teachers in school is crucial” (Bishop and Lunn, 2002, p187). Recent changes in legislation in Ireland, following the commencement of the remaining provisions of the Children First Act 2015, specify teachers registered with the Teaching Council as ‘mandated persons’ (Government of Ireland, 2015). The Act provides for a number of key child protection measures including; a requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the Child and Family Agency (CFA)/Tusla. This paper considers the role of teachers in child protection work and the challenges that exist in reporting abuse. The requirements of teachers, in their mandated capacity are also considered, as outlined in the updated Child Protection Procedures, published by the Department of Education and Skills (2017a). The paper draws on interviews completed with sixteen Designated Liaison Persons (DLPs) for child protection, illustrating the training requirements of both DLPs and teachers. The current training models that are available to schools are also outlined.

### **The role of Teachers in Child Protection Work**

While the role of the DLP in the primary school is as a resource and support person to any member of school personnel who has a child protection concern (Department of Education and Skills, 2017a), the effectiveness of a DLP depends on a large extent on the ability of other teachers to report their concerns and respond appropriately to children who may be at risk (Baginsky and MacPherson, 2005). It is widely recognised in child protection literature that teachers have a significant role to play in both detecting and reporting child abuse, although that role can go largely unacknowledged. Baginsky (as cited in McKee and Dillenberger, 2009) observes that as children spend one third of their time in school, teachers and others working in the field of education, are in a unique position to contribute to child abuse detection and prevention. Indeed, the teacher's role has a far reaching influence because they are able to observe early signs of abuse, such as changes in behaviour or failure to develop typically.

Walsh et al. (2006) argue that teachers have a background in child development, and are trained to be recorders and observers of children's play and learning, and the practice of teaching includes a focus on individual needs and interests which equips them with many skills for a role in child protection. Braun and Schoenfeld (as cited in Webb and Vulliamy, 2001) contend that a teacher's concern to educate the whole child by meeting their social, emotional and psychological needs as well as developing them academically means the value base in a teacher's work is very supportive to child protection work. Nohilly (2018) outlines that, considering the amount of time pupils spend in school, combined with the unique perspective that teachers have of all the children in their care, that schools have much to offer by way of supporting children in need of care and protection. However, even though legislation mandates all teachers to report abuse above a certain threshold, teachers can find their role in reporting very challenging.

### **Challenges for Teachers in Reporting Child Protection Concerns**

Historically, teachers have been reluctant to engage with the child protection system and in Ireland, the small amount of research evidence that does exist indicates teachers' commitments to fulfilling their child protection obligations is fragile (Buckley and McGarry, 2010). Many of the major high profile cases both here in Ireland and in the United Kingdom have been critical of teachers for a number of reasons. A high profile case of child protection in Ireland, the Roscommon Case of Child Abuse, raised questions about the role of the teacher. The Irish Times (as cited in Buckley and McGarry, 2010) notes: "it is not possible that teachers and other people at their school did not notice that these children were not toilet trained, that they were crawling with head lice down their faces and that they were unable to learn". A glance at the international literature highlights the non-reporting rates of child abuse by teachers. Non reporting rates varied from 14% to 67% for US teachers and 8% to 46% for Australian teachers (Bunting et al., 2010).

A number of factors may interfere with teachers' ability to identify and report child abuse. To begin with, teachers are better at reporting some kinds of abuse over others. For example, cases of physical abuse are more likely to be reported over emotional abuse and neglect, and teachers consider cases of physical abuse as more reportable (Walsh et al., 2006). "This tendency has been attributed to teachers' difficulty in recognising symptoms as evidence of abuse and the complexities involved in determining if abuse has occurred when the signs and symptoms of abuse are difficult to distinguish from other childhood and developmental difficulties" (Walsh

et al., 2006, p68). Kenny (2004) further indicated that teachers' lack of ability to identify symptoms specifically deters teachers from reporting suspected abuse. Buckley (2015) notes that detection of abuse is a complex process and requires a 'trained eye', 'confidence' and regular engagement with the family in order to become more assured in decision making. With teachers, there is a tendency to delay reporting until they feel that they have significant evidence. For some teachers, there is a mismatch between the level of evidence required by law and the level teachers expect to satisfy their own personal need for confidence in initiating the seriousness of a child abuse report.

Concerns and fears about the negative consequences of reporting also influence teachers. Smyth (cited in Walsh et al., 2006) notes that this may be as a result of prior negative experiences of reporting. Often, despite interventions by school staff, which includes reporting concerns of abuse, a student remains in difficult circumstances. Witnessing this can leave staff helpless, inadequate, angry and perhaps less likely to report in the future (O' Dowd, 2008). Interpersonal difficulties, including poor communication between schools and the CFA, and lack of feedback from staff have been cited in Irish schools as reasons which discourage schools from reporting (Buckley and McGarry, 2010). Other factors which may inhibit reporting include the fear of legal consequences due to a false allegation, fear of reprisals against the child, parental disapproval and denial of reports (Walsh et al., 2006). Reluctance to report may be due to fears of retaliation of parents who live in the same community (ibid). However, these concerns must be considered in the context of teachers' legal requirement to report.

### **Teachers' Mandatory Duty to Report**

"Mandated persons are people who have contact with children and/or families and who, because of their qualification, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors" (Department of Children and Youth Affairs, 2017, p19). All teachers registered with the Teaching Council are mandated persons. Mandated persons have two main legal obligations under the Children First Act 2015. These include to report the harm of children above a defined threshold to the CFA and to assist the CFA, if requested, in assessing a concern which has been the subject of a mandated report (Department of Children and Youth Affairs, 2017).

Not all concerns of child protection in the school context will be determined as 'mandatory' reports, only those that fall 'above' a defined threshold of harm. Section 2 of the Children First Act 2015, defines harm as: "assault, ill-treatment or neglect of a child in a manner that seriously affects, or is likely to serious affect the child's health, development, or welfare, or sexual abuse of the child" (Government of Ireland, 2015). The Children First Procedures for primary and post-primary schools, published by the Department of Education and Skills, outline the practicalities of the mandated teacher's role, considering that the DLP is the resource and support person for the school in all dealings relating to child protection. In addition to reporting the concern to the DPL, once the concern is determined 'at or above' the threshold of harm by both the DLP and the registered teacher, "the concern shall, as soon as practicable, be submitted as a mandated report to Tusla jointly by the DPL and the registered teacher concerned" (Department of Education and Skills, 2017a, p35). There is also clear guidance outlined as to how to proceed if the DLP and teacher are unsure whether the report is a mandatory report or not, and also how to proceed when the concern is not at or above the defined threshold of abuse,

but is still considered a ‘reasonable ground for concern’. In the case where there is uncertainty, Tusla should be contacted for advice and in the case where there is a ‘reasonable ground for concern’, that is not ‘at or above’ the defined threshold of harm, the DLP shall report the concern to Tusla. This is a huge departure for teachers, who, heretofore, have passed on disclosures of abuse or suspicions or concerns to the DLP. The role requires knowledge of recent legislative changes in child protection, exploration of the signs and symptoms of abuse to determine those that are and may be determined ‘at or above’ the threshold of abuse and an understanding of the steps to be followed when a mandatory report must be submitted to the CFA/Tusla. So, what training have teachers availed of in preparation for their role?

### **Child Protection Training for Teachers**

Training in the area of child protection is so important for the DLP of each particular school, and for the teachers and wider school staff who build a relationship of trust with children and engage with them on a day-to day basis. Continued Professional Development (CPD) is available to schools through national support services and through the education centre network and schools may also engage with private providers of CPD. The Professional Development Service for Teachers (PDST) provides support to primary and post-primary schools in the area of child protection and in addition, schools may also apply for support on the Stay Safe programme. The Stay Safe programme is “is a primary school based approach to the prevention of child abuse. The aim of the programme is to reduce vulnerability to child abuse and bullying through the provision of a personal safety education programme for children at primary school level” (Child Abuse Prevention Programme, 2017). The Department of Education Procedures (Department of Education and Skills, 2017a) outline all primary schools must fully implement the Stay Safe programme. When schools apply for CPD for staff in the area of Stay Safe, the rationale for delivering the programme is set in the context of the Children First Guidelines and Procedures and the incidents of child abuse that are reported to Tusla on an annual basis.

When the revised Child Protection Procedures (Department of Education and Skills, 2017a) were made available to schools, as is customary, a department circular was issued announcing the revised procedures. Department of Education circular 0081/2017 addresses the issue of ‘support for schools’: “Continuing professional development to support schools in the implementation of the new procedures will be made available through the Professional Development Service for Teachers (PDST). Schools will be permitted two separate half-day closures during the 2017/18 school year, to allow time as a school community, to engage with the revised procedures and to access the support available” (Department of Education, 2017b, p.4-5).

Following on from the circular, an updated letter on support arrangements for CPD was issued by the Department of Education and Skills in February 2018 (Dept. of Education and Skills, 2018). The letter encouraged schools ‘as a first step’ to access the universal e-Learning programme developed by Tusla. The Tusla e learning programme is a universal e-learning programme called ‘Introduction to Children First’. The programme, which takes approximately 90 minutes to complete, is intended to support people of all backgrounds and experience in recognising and reporting child protection concerns, should they arise. The topics covered during the programme include recognising and reporting child abuse, the role of mandatory persons, the responsibilities of organisations working with children to safeguard children and the role of DLPs (Tusla, 2017). The letter issued by the Department of Education also outlined

two further e-learning programmes made available to schools that were designed by the PDST. The first programme is designed for all school staff and is based on the Child Protection Procedures issued by the Department of Education and Skills (2017a). The programme addresses legislation, the role of mandated persons, the role of the DLP, recording and reporting and handling a disclosure from a child. The second programme addresses risk assessment and the development of a child safeguarding statement, which all schools were required to have in place by March 11<sup>th</sup> 2018 (Dept. of Education and Skills, 2018). In addition, the letter also outlined the provision for ‘face-to-face’ seminars, facilitated by PDST, from mid-March 2018. These seminars were specifically for DLPs and focused on their roles and responsibilities, supporting staff, reporting, communication with parents and the Board of Management, curriculum implementation and oversight arrangements, which are a feature of the revised departmental procedures. Substitution cover for attending the seminar day was made available, as required, for DLPs (*ibid*).

In summary, while a face-to-face seminar day was available to the DLP of the school, e-learning programmes from Tusla and PDST were made available to teachers and school staff to engage with and school staffs were also afforded dedicated time by the Department of Education to engage with the available programmes and prepare a child safeguarding statement. Findings from a study completed with DLPs shed some light on training requirements for schools.

### **The Current Study**

The current study was undertaken as part of a doctoral thesis with sixteen DLPs in primary schools, with a variety of levels of experience and serving in different categories of school. The purpose of the study was to investigate the role of the DLP in detail and the issues of what meanings the DLPs assign to their ‘lived experience’ of the role would underpin the investigation. As part of the exploration of the role, the DLPs reflected on the care practices that are undertaken across the school that support children on a daily basis.

Interpretative Phenomenological Analysis (IPA) was chosen as the most suitable qualitative approach for this study. IPA argues that “human beings are not passive perceivers of an objective reality, but rather that they come to interpret and understand the world by formulating their own biographical stories into a form that makes sense to them” (Brocki and Wearden, 2006, p.88). This ‘lived experience’ is coupled with a subjective and reflective process of interpretation, in which the analyst explicitly enters the research process (Reid et al., 2005). As a result, the researcher’s background in the area of child protection and personal perspectives related to this phenomenon were made explicit as a process of self-reflection.

Semi-structured interviews were conducted with sixteen DLPs, fifteen of whom were the principal of their school, while one participant was a teacher in the school. Each interview took approximately one hour to complete. The study participants outlined below were drawn from a range of both urban and rural primary schools, including schools with teaching and administrative principals, inclusive of Gaelscoileanna, special schools, and schools designated as disadvantaged. The schools were also managed by a variety of school management bodies. The participants had varying years of experience in the role: from less than a year to over twenty years. The table below outlines the demographic profile of the participants chosen for interview, highlighting the type of school they worked in and the number of years of experience

they had in the role. Purposive sampling was adopted as a strategy in order to recruit participants for the research. Participants were invited to participate based on their school type, years of experience as a DLP and gender. Participants were selected from a wide geographical area to ensure all criteria were met. Ethical clearance for this study was obtained from the university where the researcher was undertaking her doctoral thesis.

Table 1. Details of the participants who took part in the study

Name	Gender	Principal Type	School Category	Years of experience as a DLP
Participant 1 (P1)	Female	Administrative Principal	Co-educational	0-1 Year
Participant 2 (P2)	Female	Administrative Principal	Special	0-1 Year
Participant 3 (P3)	Female	Administrative Principal	Co-educational	3-4 Years
Participant 4 (P4)	Female	Teacher in school	Co-educational	3-4 Years
Participant 5 (P5)	Male	Administrative Principal	Co-educational	4-5 Years
Participant 6 (P6)	Female	Administrative Principal	All Girls	4-5 Years
Participant 7 (P7)	Male	Administrative Principal	Co-educational	5-10 Years
Participant 8 (P8)	Male	Administrative Principal	Co-educational	5-10 Years
Participant 9 (P9)	Male	Administrative Principal	Co-educational	5-10 Years
Participant 10 (P10)	Male	Teaching Principal	Co-educational	5-10 Years
Participant 11 (P11)	Female	Teaching Principal	Co-educational	5-10 Years
Participant 12 (P12)	Female	Administrative Principal	Co-educational	10-15 Years
Participant 13 (P13)	Female	Administrative Principal	Co-educational	10-15 Years
Participant 14 (P14)	Female	Administrative Principal	Co-educational	10-15 Years
Participant 15 (P15)	Female	Administrative Principal	All boys	15-20 Years
Participant 16 (P16)	Female	Administrative Principal	All boys	20 + Years

### Child Protection Training Requirements from the Perspective of the DLP.

The training needs of DLPs, teachers and school staffs from the perspective of the DLP was outlined in one of the five superordinate themes of the thesis: 'Guidelines and Training'. All, but one, of the participants interviewed for the study had an opportunity to attend a training course on child protection since their appointment to the role. While the participants were in general satisfied with training received in terms of being upskilled in the guidelines and procedures, there were a number of suggestions provided as to what would improve training in

child protection for DLPs. These included an input from the different agencies involved in child protection, most especially the CFA/Tusla, legal training and training on filling forms and dealing with families where a report has been made. A summary of the training requirements which reflected the requests of many DLPs is articulated by participant 2:

*All the different agencies involved, it would be great to have an input in terms of their role, and how, maybe you know what we could do if this happens and where is your best place to look. Em, if you have concerns about a child and there may be different levels. You may not be at the point where you want to make a formal report. But there are other supports out there and it is about seeking them, so a bit more information about where to find help. And professionals, maybe a little bit more. I'd like to see more training about how to speak to people involved in a case, particularly families.*

In addition to training, Participant 6, who was both principal and DLP of the school spoke about the importance of what you prioritise in the school environment:

*You see an awful lot of it is to do with the ethos of the school and how you prioritise things yourself even more than training, even going around in your ordinary, casual conversations with people.*

A number of participants, both those new to the role and with years served in the role spoke of the value of experience in the job; "I know a fair bit from life experience and from teaching for a long time" (P1). All of the participants agreed that training should be provided regularly for DLPs, with some participants feeling it was so important that it should be done on a yearly basis, and it should be mandatory, rather than by invite only. Two participants drew an analysis between child protection training and First Aid training and agreed that one should have to acquire a certificate every other year, in order to keep training up to date.

All of the participants were unanimous in agreeing that staff training in the area of child protection was unsatisfactory. The importance of training for whole school staff was outlined:

*The best way to do it in my opinion would be for a presenter of a facilitator to come in, be it for a half day or a full day or whatever...and to present it to them (the staff), and to nail it down, as in what to do in particular situations, that everybody is aware and everybody gets training together at the same time. (P10)*

The participants in the study felt that it was so important staff members were aware of their duties as they are the people who are working with children every day: "More essential in many ways (that staff receive training), because you are dependant completely on your staff" (P2). Participant 13 impressed the importance of thorough exploration of the signs and symptoms of child abuse with staff: ‘

*I think everyone of the different types of abuse and all the different symptoms of it, every one of those need to be taken individually and they need to be presented to the teachers by professionals who are dealing with it.*

Participants also outlined the importance of training being available to Home School Community Liaison teachers who work in schools designated as disadvantaged, and also newly qualified members of staff and most importantly training for both DLPs and staff should be ongoing and available to schools.



## Discussion

The findings of this study highlight that training in the area of child protection is a real priority in a school, both for the DLP, all teachers and staff members. While the study was completed before implementation of the Children First Act 2015, the findings highlight training from both the perspective of the DLP and the teaching staff. Indeed, the training needs of teachers are more important than ever, following the outlined changes in legislation. Since the revised child protection guidelines and procedures were made available to schools in late 2017, specific training for the DLP is available through a one-day seminar provided by the PDST. As the person with the overall responsibility in the school for child protection, in addition to training, it provides a forum to meet other colleagues who undertake the role in their school, a role which is regarded as “time-consuming, isolating and fraught with decisions that are in reality not as simple as outlined in the guidelines” (Nohilly, 2018, p26). While the training has been updated to reflect all the changes in guidelines and training, there is no multiagency component to the training, which participants in the study would welcome. Indeed, this corresponds to literature which advocates multiagency training (McKee and Dillenberger, 2009). Given the volume of information that needs to be covered, a one-day seminar is a short event and there is potential to extend the training over a longer period of time, which would give more scope to address multiagency work and other concerns and issues, such as filling up a reporting form, as highlighted in the findings from the study.

The e-learning programme by Tusla and the online programme developed by the PDST are very welcome supports for DLPs and school staff. They are a ready and accessible mode of CPD, which schools and individuals can access at their own convenience. This allows greater flexibility when it comes to organising a CPD event for school staff and ensures there is a support available that fits with the calendar and time schedule of the individual setting. However, it must be considered that the Tusla online e learning programme is designed to support people from all backgrounds and all experiences in recognising concerns, and the PDST programme provides an overview of the Department of Education Procedures (Department of Education and Skills, 2017a), and, therefore are the programmes sufficient training for teachers in the context of their mandatory role and the significant role that teachers play in detecting and reporting child abuse? As outlined through the study findings, time really does need to be spent exploring the signs and symptoms of the different categories of abuse in detail and how the school will monitor these symptoms over a particular time period. Watson (2005) who has explored neglect in some detail highlights, for example, that neglect may be slower to be reported than other forms of abuse. This is for a number of reasons including its links to poverty and a reluctance to pathologise families already disadvantaged by being poor, as well as also isolated incidents which occur over time that are considered too ‘trivial’ to report and risks often remains unrecognised and manifests itself over time. Certain behaviour can also become ‘normal’ for a family and ‘case drift’ occurs where there is failure to notice how bad things have become for the family. A study completed by Buckley (2015), with personnel from a number of support services who work with children across Ireland, further highlights that cases of neglect and emotional abuse are the most challenging in terms of identification, given the high levels of ambiguity associated with them. Exploration of signs and symptoms of abuse at school level will support greater understanding and awareness and systematic monitoring systems also need to be established in school in relation to child protection.

It is clear from the literature that the role of teachers in child protection work, particularly in reporting child abuse, is complex. Bourke and Maunsell (2015) categorise barriers to teachers

reporting as both explicit and implicit. Explicit knowledge includes lack of knowledge or awareness in relation to child abuse cases, including lack of necessary awareness of the signs of child abuse, and lack of knowledge of the appropriate procedures to follow. Implicit obstacles to reporting among teachers may be located across three domains: the personal, the professional and the cultural domain. Within the personal domain, each person's unique theory about child protection and abuse will influence how they respond to information that does or does not fit with their own implicit theory. In relation to the professional domain, the theories that teachers hold about the services that are available to children from a protection and welfare perspective and their role in same are identified as a potential obstacle. Finally, the wider cultural view of children and attitudes towards, for example, child protection intervention in family life can influence an individual's implicit theories. Bourke and Maunsell (2015) believe that training in the area of child protection should address both implicit and explicit obstacles to reporting. Providing teachers with an opportunity to become aware of, and, reflect on their own implicit theories in relation to child protection may raise awareness of obstacles across the personal, professional and cultural domains that they are not aware of. This requires space and time and facilitating training for teachers in order to reflect on these obstacles in a deep and meaningful way. Given the busyness of school life and the number of competing priorities that exist at any one time, coupled with the fact that opportunities to access face-to-face training are very limited, opportunities to experience this type of holistic training approach are not available to teachers in Ireland.

Opportunities have been made available, even if in a limited capacity for teachers to attend CPD in all areas of the primary school curriculum over the last 20 years, as the 1999 primary school curriculum was implemented. Indeed, this cycle is commencing again as an integrated language approach to the teaching of Irish and English becomes embedded practice in primary schools in the coming years, alongside a further iteration of the current curriculum. In all this time, no full day of CPD has ever been afforded to the area of child protection where all school staff have an opportunity to attend a facilitated training day. Furthermore, the checklist for reviewing the child safeguarding statement of the school which must be completed every year by the Board of Management asks if the DLP and the Deputy DLP have received training in the area, but there is no question posed as to whether the staff have received training. Considering the changes in legislation that have brought about additional responsibilities for teachers, now is an ideal time for the Department of Education and Skills to illustrate a real commitment to the priority of child protection by facilitating whole-staff training in child protection to the people who are at the frontline with children on a day to day basis. Indeed, as the findings from this study suggest, training in child protection should, for both DLP's and teachers, adopt an approach similar to First Aid training, where it must be kept up to date every few years. Once the e-learning programme from Tusla is complete, a certificate is made available to the participant which is valid for three years. At the very least, this certificate should be mandatory for all teachers to acquire, and this programme could be a core module of training for teachers, and is built upon to include whole staff face-to-face training where both explicit and implicit barriers are explored. In his foreword to the Child Protection Procedures, the Minister for Education, Richard Bruton, outlines that "all of us that are involved in working with children must do our utmost to ensure their protection and welfare" (Department of Education and Skills, 2017a, piii). In light of the recent changes in child protection, perhaps it is timely to engage those people once more, who deal with children on a day-to-day basis to ascertain if the training available to them is adequate or if there are further supports they would like to avail of.

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