Heads You Win, Tails I Lose: The Dilemma Mandatory Reporting Poses for Teachers

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Abstract: Australian teachers are mandated to report instances of child maltreatment should they suspect a child is being maltreated. Some teachers are reluctant to make a report based on suspicion alone. This review examines the barriers that may prevent teachers from reporting. It is suggested that to overcome these barriers and form a reasonable belief that a child is being maltreated, teachers may attempt to seek out proof by questioning the suspected victim. Inappropriate questioning can have detrimental consequences such as wrongful reporting when maltreatment is not occurring, or worse, no report made when a child is being maltreated. Based on the review of the literature presented in this paper and given the changing landscape of mandatory reporting in Australia, research is recommended. First, to determine if the barriers for reporting still hold true and, secondly, to establish the motivations of teachers who may question a child when they suspect maltreatment, along with exploration on how they approach this task.

Introduction

Child abuse and neglect are major public health concerns and are associated with a range of negative outcomes which can adversely affect a victim's mental health, education and interpersonal relationships (McKee & Dillenburger, 2012). Furthermore, negative outcomes of child abuse are not limited to the victim but also impact the child's family and have costly consequences for society (Tavkar & Hansen, 2011). For example, in Australia during 2013-14 there were 304,097 reports of suspected child abuse and neglect (hereafter collectively referred to as child maltreatment) received by state and territory authorities (Australian Institute of Family Studies, 2015) and approximately $3.2 billion was spent on child protection during 2012-13 (Australian Institute of Family Studies, 2014). Child protection includes regulations focused on mandatory reporting of child maltreatment by certain professions that regularly come into contact with children and, consequently, are in a position to detect child maltreatment and alert the appropriate agencies.

Teachers are one professional group who, by virtue of their constant and long-term interaction with children and their knowledge of children's characteristic behaviour, are well positioned to identify and report cases of suspected child maltreatment to authorities (Hawkins & McCallum, 2001a). Consequently, in many countries including Australia, Brazil, Canada, Taiwan and the United States (see Mathews & Kenny, 2008 for a comprehensive list of countries that have adopted reporting requirements in an effort to protect children) teachers are mandated to report suspected child maltreatment should their suspicions be aroused and a

reasonable belief is formed (Abrahams, Casey, & Daro, 1992; Hawkins & McCallum, 2001b; Mathews & Walsh, 2004). To this end, the majority of Australian teachers undertake some form of pre-service or in-service training for mandated reporters (Mathews, Walsh, Butler, & Farrell, 2010). Despite this training, there is evidence to suggest that teachers lack confidence in their abilities to identify child maltreatment. A teacher's uncertainty that maltreatment is occurring may result in feelings of apprehension and thus failure to make a report (Goldman & Grimbeek, 2009; Hawkins & McCallum, 2001a; Kenny, 2001; Laskey, 2004).

To eliminate their uncertainty and help form a reasonable belief that a child is being maltreated, teachers may directly question the child (Beck & Ogloff, 1995; Schols, De Ruiter, & Öry, 2013; Tite, 1993). This is concerning because, first, in certain jurisdictions it may be a policy requirement of certain agencies that reporters do not conduct their own investigation if they suspect a child is being maltreated (for example, see Protecting children: Mandatory reporting and other obligations for the early childhood sector, Department of Education and Training Victoria). Secondly, inappropriate questioning may negatively influence the child's responses, ultimately contaminating their accounts and, consequently, potential testimonial evidence (see Bruck & Ceci, 1999 for a review). Overall, this need teachers feel to question a suspected victim suggests a disparity between the extent of evidence required by law compared with the extent teachers seek to feel confident to make a report; that is, even after a belief has been formed a teacher may not make a report until they have indisputable evidence. To this point, Blaskett and Taylor (2003) noted that mandated reporters from various professions feel pressured to have hard evidence of maltreatment rather than a "well-founded belief" (p. 5) before feeling that it is appropriate to contact child protection services (hereafter referred to as CPS) about a case. Despite the stipulations of legislation and policy, it appears some teachers are reluctant to report child maltreatment based on suspicion alone and seek out evidence to help them form a reasonable belief. This may include questioning the child.

Questioning a child to elicit detailed and reliable information about an incident such as maltreatment is a complex task requiring specialised skills in interviewing (Ceci, Powell, & Principe, 2002; Cronch, Viljoen, & Hansen, 2006; Hughes-Scholes & Powell, 2008; Milne & Bull, 1999; Powell, Fisher, & Wright, 2005; Powell & Snow, 2007a). If a child is inappropriately questioned it can have detrimental consequences. A less detailed account may result with fewer facts reported thus impacting a teacher's ability to form a reasonable belief that maltreatment is occurring. Further, leading or suggestive questioning practices may contaminate the child's memory of the event (Ceci & Bruck, 1995; Powell et al., 2005). To overcome these issues there are various guidelines available to direct the effective interviewing of children (Lamb, Hershkowitz, Orbach, & Esplin, 2009). These have been created largely for police and CPS investigators to use, yet may be helpful to teachers who deem it necessary to elicit accurate information from a child in order to reach a belief on reasonable grounds.

This paper considers two issues. First, some of the problems related to mandated reporting that teachers may experience and how these may lead to a teacher questioning a child suspected of being maltreated. The literature on Australian mandatory reporting legislation as it pertains to teachers will be reviewed along with the key issues that may result in some teachers feeling unconfident or hesitant to report child maltreatment. Evidence will be presented to demonstrate that some teachers are attempting to substantiate their suspicions, indeed form a reasonable belief, by questioning the suspected child victim. Secondly, this paper considers the types of questions teachers ask when attempting to establish whether a mandatory report is required. This article will conclude with directions for future research.

Mandatory Reporting by Teachers

Child maltreatment can be defined as physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in potential or actual harm to a child's health, development or dignity (World Health Organization, 2013). To ensure the safety and protection of children, legislative regulations across all Australian States and Territories have been introduced for compulsory reporting of suspected child maltreatment[1] by certain professions including teachers. In Australia there is no single, unified system; rather, legislation, policies and practices vary across the nation resulting in eight different systems in operation (Mathews et al., 2009; Walsh et al., 2011). With regard to mandatory reporting legislation, Bromfield and Higgins (2005) note the obligation to report differs across states and territories, however, a consistent factor is that teachers are obliged to report if they have a reasonable suspicion or belief that a child is or may be a victim of maltreatment. The legislative differences across the states and territories include the types and level of maltreatment to be reported; the age range of children covered by the legislation; how the legislation is implemented by the state/territory; differences in reporting procedures and the authorities to whom a report is to be made; and different sanctions for failing to report a suspected case of maltreatment (see Mathews & Walsh, 2014).

While there are financial penalties in each jurisdiction for failure to report when a belief has been formed, the amount of the penalty varies across states and territories. Mathews (2014) notes the following penalty differences: in the Australian Capital Territory failure to report can result in a fine of $5,500 or six months imprisonment or both, in Victoria, recent changes have resulted in penalties of up to three years imprisonment (Crimes Act 1958 - Sect 49c) and a $1,408 fine (Children, Youth and Families Act 2005), in South Australia the penalty is $10,000 and in Western Australia $6,000. Teachers in the Northern Territory are penalised $26,000 whereas those in New South Wales face no penalties. Queensland teachers are penalised $2,200 and Tasmania fines teachers $2,400 for failing to report. Common to legislation in each jurisdiction is immunity from legal liability for all mandatory reporters if their report was made in good faith.

The daily contact teachers have with children and their knowledge of child development can facilitate the observation and detection of the warning signs of child maltreatment (Abrahams et al., 1992; Goldman, 2010). Furthermore, a teacher may be the only adult a child feels is trustworthy, can make a disclosure to, and will seek help from (Laskey, 2004). Consequently, with the exception of police, teachers make more reports of maltreatment than any other professional group mandated to report (Mathews & Walsh, 2004; Walsh, Farrell, Schweitzer, & Bridgstock, 2005). For example, in 2013-2014, the top three Australian professional groups to report their suspicions of child maltreatment were police with 30,898 reports, school personnel with 22,771 reports, and hospital/health centre staff made 5,287 reports (Australian Institute of Health and Welfare, 2015). Although teachers have high representation as notifiers, research shows they are reluctant to make reports. An Australian survey of teachers ($N = 254$) from 30 primary schools in Queensland found less than half of the respondents who had detected a likely incident of maltreatment had ever reported their suspicions to the relevant authorities (Walsh et al., 2005). To this end, it appears that there are several barriers impeding teachers' willingness to report on suspicion alone (Hawkins & McCallum, 2001b; Walsh et al., 2012). These barriers include the

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[1] Australian Capital Territory: Children and Young People Act 2008; New South Wales: Children and Young Persons (Care and Protection) Act 1998; Northern Territory: Care and Protection of Children Act 2007; Queensland: Child Protection Act 1999; South Australia: Children's Protection Act 1993; Tasmania: Children, Young Persons and their Families Act 1997; Victoria: Children, Youth and Families Act 2005 and the Crimes Act 1958; Western Australia: Children and Community Services Act 2004.

complexities of legislation and policies; ill-defined reporting concepts; teachers' reporting fears and attitudes; case, victim and reporter characteristics; and inadequate training of teachers.

Complexities of Mandatory Reporting Legislation and Policies

As outlined, the child protection system in Australia is complex. Legislation and policy place a heavy burden on teachers who are already heavily burdened with a role that is far from limited to that of educator. Not only must teachers be thoroughly informed of their legislative obligations, they must also adhere to numerous policy-based duties (Walsh et al., 2011). For example, in Victoria the process for reporting suspected child maltreatment for teachers and principals is set out in the Department of Education and Training (DET) Child Protection policy. The policy informs teachers and principals about the following:

- Legislative acts under which all Victorian teachers and principals operate (i.e. 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)
- Purpose of the policy
- Teachers' duty of care
- Types of maltreatment they are mandated to report
- Indicators of maltreatment
- To whom they should make the report – internally and externally to the school
- The investigation process
- Related legislations that underpins the policy (Crimes Act 1958; Education and Training Reform Act 2006; and Victorian Institute of Teaching Act 2001)
- Various related policies to which they must adhere (i.e., Duty of Care policy; Police and DHS Interviews policy; and Responding to Student Sexual Assault policy; Requests for Information about Students; Risk Management Subpoenas and Witness Summonses)

Essentially, teachers should be aware of the state laws, government department policy, and the operationalisation of these policies at the individual school level in which they practice as educators. The expectation that teachers be fully informed of the myriad of mandatory reporting laws and policies of the state within which they operate is likely daunting and confusing, particularly given the changing landscape of child protection resulting from the on-going Australian Royal Commission into Institutional Responses to Child Sexual Abuse (Anthony et al., 2015).

Research suggests that navigating the complexities of mandatory reporting duties can lead to confusion for teachers (Mathews et al., 2009). Several studies have found that, even after mandatory reporting training, many teachers remain uncertain of their reporting obligations (see Clarke & Healey, 2006; Mathews et al., 2009; Mathews et al., 2010). Mathews et al. (2009) conducted a study with teachers ($N = 470$) across three states of Australia – New South Wales, Queensland and Western Australia and found that many teachers were insufficiently familiar with the legislation for them to answer questions about their legislative reporting duty (N.S.W 25.3%; Queensland 53.1%). Furthermore, 76.3% of teachers in Western Australian non-government schools were not aware or were unsure of the school policy for mandatory reporting. In Victoria, potentially contradictory information provided in mandatory reporting training available to teachers could also be a source of confusion. The Department of Education and Training Victoria's online course in child protection obligations (see Protecting children: Mandatory reporting and other obligations for

the early childhood sector) advises school staff that investigating whether child maltreatment has actually occurred is not their responsibility. Paradoxically school staff are also advised that when a child discloses maltreatment they should only ask questions that will provide further important information. These questions include "When did this happen? What did the person do? Where did this happen?" (p. 25). It could be argued that to ask questions after a disclosure has been made by a child is indeed investigating whether maltreatment has actually occurred.

Teachers may find the complexities of mandatory reporting legislation and policies overwhelming and this may lead to misinterpretation and confusion, further compounding the potential for non-reporting (Mathews et al., 2009). Irrespective of their legal reporting requirements, self-report studies of teachers' reporting practices indicate a number of teachers fail to report their suspicions of maltreatment (Alvarez, Kenny, Donohue, & Carpin, 2004; Kenny, 2001; Kesner & Robinson, 2002; Mathews et al., 2010; Walsh et al., 2005).

Ill-defined Reporting Concepts

For a teacher to meet their mandatory reporting obligations, legislation stipulates that by law they must report their suspicions of maltreatment based on reasonable grounds. However "belief on reasonable grounds" is not specifically defined by the applicable state or territory Acts (Hawkins & McCallum, 2001b). For example, 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))
Additionally, it has been argued that legislation fails to clearly define "abuse" and "neglect" (Crenshaw, Crenshaw, & Lichtenberg, 1995). These definitional ambiguities further add to the complexities of mandatory reporting by calling for subjectivity and conjecture which may lead teachers to try to strengthen their belief or suspicion of maltreatment by seeking substantiation directly from the child.

The ways in which teachers overcome definitional ambiguities and establish a "belief on reasonable grounds" outside the most obvious cases of maltreatment (e.g., clear indications of physical abuse such as severe bruising or a direct disclosure of sexual abuse) has had limited investigation (see also Levi, Crowell, Walsh & Dellasega, 2015). Tite (1993) employed a methodology of interviews and 10 vignettes designed to determine how teachers define maltreatment, their experience with such situations and the action they took in response. Findings revealed that defining maltreatment was problematic for teachers; further, they had concerns about establishing 'reasonable grounds'. The majority of teachers placed a broader definition on maltreatment compared with the formal legislative definition. The vignettes presented were considered by the teachers as describing maltreatment even though only three met the legislative definition. Whilst this may indicate teachers have a high level of concern for their students, it may also be indicative of the dilemma teachers experience with regard to the intended definition of maltreatment. In addition, the interviews revealed that although incest is the most regularly reported type of maltreatment for CPS, the sampled teachers indicated they would not report suspected cases of incest but would instead simply monitor the child. Furthermore, every case that the teachers said they would formally report to CPS included a disclosure from the child, suggesting teachers will formally report only indisputable cases. In one instance of suspected sexual abuse, a principal instructed the teacher involved to speak with the child and obtain a clear disclosure in order to meet the

criteria of 'reasonable grounds' before making a report to CPS. In instances where minor bruising was noted, teachers preferred to consult with other teachers and, notably, *question* and watch the child. Arguably these instructions and practices go beyond the intention of the mandate and as a result may threaten the integrity of any information reported by the child. It is apparent from Tite's (1993) research that only disclosure by the child or the most obvious signs of physical abuse would lead a teacher to formally report. However, there have been many changes to child protection and mandated reporting laws since Tite's study, as such, research is required to determine whether these conclusions remain salient more than two decades later.

Teachers' Reporting Fears and Attitudes

With or without a child's disclosure or a solid belief that a child is the victim of maltreatment, many teachers fear the consequences of making a report to authorities (Alvarez, Kenny, Donohue & Carpin 2004; Schols, De Ruiter, & Öry, 2013). These fears include retaliation against the child by the family; fear of damaging the teacher-child or parent-child relationship; fear they could be 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 resulting in an unsubstantiated report (Abrahams et al., 1992; Kenny, 2002; Mathews et al., 2010; Schols, De Ruiter, & Öry, 2013; Zellman, 1990). Lawlor (1993) surveyed school teachers ($N = 450$) and found 67% feared being sued for incorrectly reporting suspected sexual abuse. For some teachers, fear of the potential negative consequences of reporting their belief of maltreatment causes a sense of dread and stress for them and may lead to non-compliance with their duty to report (Blaskett & Taylor, 2003; Davies, 2002 cited in Laskey, 2004). These fears may be exacerbated by a teacher's attitude toward or experience with CPS. A common reason cited by teachers for not reporting suspected maltreatment relates to their belief that CPS will not offer help to the maltreated child (Francis et al., 2012; Kenny, 2001). It is not known if the outcomes of the studies cited still hold true given the changing landscape of child protection in Australia related to the on-going Royal Commission into Institutional Responses to Child Sexual Abuse. Certainly a renewed focus is required to determine if reporting fears are still factors in a teacher's hesitancy to report.

Case, Victim and Reporter Characteristics

Several characteristics of a case can influence reporting behaviour. First, the visibility of the maltreatment can play a role. Many incidents of maltreatment do not exhibit corroborating physical signs (Crenshaw et al., 1995; Faller, 1996). Cases where a reasonable belief has been formed may not be reported because teachers believe they require more than a belief or suspicion and feel they lack sufficient visible evidence to report (Bryant & Baldwin, 2010; Goldman & Padayachi, 2002; Tite, 1993; Walsh et al., 2005). Secondly, the severity of the maltreatment can impact reporting behaviour. It is more likely that severe sexual abuse and physical abuse will be reported compared to less serious cases of neglect or emotional abuse (Crenshaw et al., 1995; Hawkins & McCallum, 2001b; Kenny, 2001; Walsh et al., 2005). Thirdly, the perceived consequences of making a report can affect a teacher's decision to report. Some teachers believe that the repercussions of making a report of neglect would be far worse for the child compared to the level of neglect they may be experiencing (Crenshaw et al., 1995; Hawkins & McCallum, 2001b; Kenny, 2001; Walsh et al., 2005).

Certain victim characteristics have been shown to play a role in a teacher's decision to report maltreatment. A child's age can determine reporting behaviour in that reports of maltreatment of older children occur less frequently (reports of children aged 15–17 years are 3.2 per 1,000 compared with 7.5 per 1,000 for children aged 5–9 years). This may be consistent with school counsellor's experience with CPS in that they believe cases of maltreatment of adolescents receive less attention from CPS than cases involving young children. (Australian Institute of Health and Welfare, 2015; Bryant & Baldwin, 2010; Vanbergeijk, 2007). Another potential reason for fewer reports may be that mandatory reporters perceive maltreatment of older children as less serious because they are better able to protect themselves compared with younger children (Hawkins and McCallum 2001b). Furthermore, the willingness or reluctance of victims to disclose maltreatment is also a factor that should be taken into account when considering characteristics that influence reporting behaviour. It is possible that maltreatment is more likely to be reported by a teacher if a child discloses that he or she has been abused (Falkiner, Thomson & Day, 2017).

Characteristics of the reporter can also impact whether a report is formally made to CPS. When surveyed, teachers who had previously made reports to CPS were more likely to make future reports than those who had never made a report (Crenshaw et al., 1995; Kenny, 2001; Walsh et al., 2005). This suggests that prior experience with mandatory reporting is a factor in the likelihood a teacher will make a report. It is also possible that some teachers are more predisposed to reporting due to other factors such as their seniority as a teacher. Additionally, there is some evidence that the gender of the teacher can affect reporting behaviour. Male teachers are less likely to make a report or to help other teachers with a report (Kenny, 2001).

Inadequate Training of Teachers

Although there is a diverse range of teacher education programs across Australia, there is scant information regarding how these programs undertake training teachers in child protection. Available evidence suggests that pre-service child protection preparation of teachers is infrequent, disparate and largely insufficient (Arnold, Maio-Taddeo, & Brennan, 2007; Walsh & Farrell, 2008; Walsh et al., 2011). Arnold, Maio-Taddeo and Brennan (2007) gathered information about child protection training in teacher education courses from 33 Australian universities. The researchers determined that of the 14,500 students who potentially graduate each year from Australian teacher education programs, 76.6% do not participate in any dedicated courses in child protection within the programs offered by their institution. Furthermore, results show that only around 1,200 student teachers engage in specific child protection training of one day or less; and only 850 student teachers engage in more than eight hours training in a dedicated program. The inadequate provision of child protection training has been posited as a principal reason for teachers failing to report cases of maltreatment (see Abrahams et al., 1992; Alvarez et al., 2004; Hawkins & McCallum, 2001b). Collectively, the literature suggests teachers enter the profession insufficiently trained to perform their role of mandated reporters.

As a consequence of inadequate child protection training, many teachers remain doubtful they are suitably skilled to detect and report cases of maltreatment and, accordingly, lack the confidence to do so. Several Australian studies have examined the adequacy of information and preparation of student-teachers training for their role as mandatory reporters. Goldman and Grimbeek (2008) reviewed Queensland student-teachers ($N = 52$) in their final semester of a four-year Bachelor of Education (primary school) degree. In an anonymous questionnaire, participants self-evaluated their knowledge of the Queensland Department of

Education policy on suspected child sexual abuse and their confidence in that knowledge. Findings revealed these student-teachers felt professional information and training on mandatory reporting of child sexual abuse was inadequate. Participants perceived the information and training did not facilitate the skills and, consequently, the confidence to fulfil their reporting obligations. Similarly, Walsh et al. (2005) surveyed 254 teachers from 30 Queensland schools and determined that teachers were unsure of their ability to accurately detect maltreatment, particularly child sexual abuse. The researchers also found those teachers who had recently completed child protection training lacked confidence in correctly identifying any form of maltreatment other than neglect.

Hawkins and McCallum (2001b) reviewed the outcome of the South Australian Education Department Mandated Notification Training program for teachers and found that even after training there was a disparity between the level of evidence required by law and the level teachers deem necessary to feel confident to report to authorities. A questionnaire was administered to 145 teachers and school personnel in South Australia. Forty-one people had recently completed the South Australian Education Department Mandated Reporting Training program, 31 people had not completed training and 73 people had completed training some years previously. Findings 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). The researchers noted:

Respondents are reluctant to report without taking the opportunity to develop additional evidence for reasonable suspicions. A Recently Trained respondent supported this view when she wrote, "I believe it is sometimes better to do some investigation first or checking up before notifying the authorities." (p. 1618)

Hawkins and McCallum (2001b) noted that teachers seek more evidence than is necessary to meet their legal reporting responsibilities, particularly those teachers who were untrained in the requirements of mandatory reporting of child maltreatment.

The sense of unpreparedness to detect and report child maltreatment is corroborated by international studies. For example, a North American study of teachers, school counsellors, principals, superintendents and school psychologists determined that only 9.6% of participants ($N = 664$) "felt very well prepared" to recognise and report child maltreatment, with teachers perceiving themselves as "barely adequate, poorly or not at all prepared" (Crenshaw et al., 1995, p. 1099). A further North American study surveyed teachers ($N = 265$) to determine their competence in detecting signs of child maltreatment (McIntyre, 1987). Only 21% of the sample reported high awareness of the signs of physical abuse, 19% of emotional abuse, and 30% of physical neglect. Seventy-six percent of the sample disclosed an inability to recognise the indicators of sexual abuse. An additional North American study found that school counsellors ($N = 193$) wanted more training on mandatory reporting (procedures, laws, reporter and investigator responsibilities); identifying types of maltreatment and, interestingly, "questioning potential victims of abuse" and "strategies to encourage children to disclose abuse" (Bryant & Baldwin, 2010; p.180). In the United Kingdom, Rossato and Brackenridge (2009) surveyed recently-graduated teachers and student-teachers enrolled in sport-related education courses from 20 higher education institutions. The researchers found respondents had a minimum level of knowledge of and confidence in their child protection responsibilities. Child protection training was perceived

by these teachers as lacking in information on how to deal with and report child maltreatment. A more recent Dutch study found that teachers ($n = 16$) did not believe that post-graduate education programs on child maltreatment consistently addressed their needs, citing that the examples used in training did not reflect reality (Schols, De Ruiter, & Öry, 2013).

Collectively these findings suggest that, with the exception of the most obvious signs of physical abuse, teachers lack confidence in their abilities to correctly identify and report maltreatment. Even after a belief has been formed, some teachers may question children to gather proof of the suspected maltreatment before reporting. In instances where teachers embark on establishing a belief of maltreatment by questioning the child, it is important to understand how they go about this task, particularly given potential ramifications from false positive or false negative identification.

There is scant research on how teachers question children when they suspect maltreatment. Before reviewing the limited studies in this area, a review of the broader child interviewing literature offers insights as to how teachers should, if deemed necessary, go about eliciting accurate information to assist them in confirming (or disconfirming) their suspicion a child is being maltreated. It is not the intention of the authors to suggest that teachers take on the role of an investigative interviewer, rather, that for teachers to obtain the information felt necessary to meet their interpretation of "belief on reasonable grounds," it is best achieved using a procedure that maximises the accuracy of a child's account.

Guidelines for interviewing children

Many children are reluctant to readily disclose information about maltreatment. Non-disclosure is only one of several reasons why the process of eliciting detailed and accurate information from a child is complex, requiring a broad array of specialised interviewing skills and competencies (Powell et al., 2005; Powell & Snow, 2007a). There are several interview guidelines available that offer instruction as to the optimal way to question a child about an alleged event including maltreatment (for example, Guidance for Achieving Best Evidence in Criminal Proceedings (hereafter ABE; Home Office, 2002), The National Institute of Child Health and Human Development Protocol (hereafter NICHD; Sternberg, Lamb, Esplin, Orbach, & Hershkowitz, 2002), the Step-Wise interview (Yuille, 1991; Yuille, Marxsen, & Cooper, 1999) and the Cognitive Interview (Fisher & Geiselman, 1992)). Although there are minor variances across these guidelines, experts agree that a phased structure to an interview is the best method for questioning a child about an alleged event (Lamb, Hershkowitz, Orbach, & Esplin, 2009; Ord, Shaw, & Green, 2004; Powell et al., 2005; Wilson & Powell, 2001).

The Structure of an Interview

Typically there are three phases to an interview. During the first phase the goal of the interviewer is to build rapport with the child to ensure the child feels comfortable enough to give their account of the alleged event (Orbach et al., 2000; Teoh & Lamb, 2010). Additionally, the interviewer should use this time to instruct the child on what should or should not be said throughout the interview (e.g., "Please tell me everything you can remember" or "It's okay to say "I don't remember" if you don't remember because I don't want you to make anything up when you talk with me today"; Wakefield, 2006). The second phase (often referred to as the substantive phase) is the pivotal part of an interview. This is

when the child is questioned in detail to elicit a disclosure of and information about the alleged event (Orbach & Pipe, 2011). The literature in this area has largely focused on the types of questions essential for maximising the accuracy and detail of the child's account of the event (Powell, Skouteris, & Murfett, 2008). For this reason the questioning techniques will be discussed in detail in the following section. The final phase of the interview, closure, affords the interviewer the opportunity to reassure the child, ask if the child has anything further to add and to answer any questions the child may have (Davies, Westcott, & Horan, 2000; Orbach & Pipe, 2011). The interviewer should finish by shifting to neutral topics so the child does not leave the interview in a distressed state (Orbach & Pipe, 2011).

Questions Used In Child Interviews

As previously noted, the majority of literature in the investigative interviewing and child testimony domains has focused on the types of questions professionals should ask a child to maximise the accuracy and detail of the alleged event. Three distinctly different types of questions are commonly recognised across the literature: (1) open-ended; (2) specific; and (3) leading.

Open-ended questions are questions that promote a detailed response without dictating what specific information is required, for example "Tell me what happened" (Feltis, Powell, Snow, & Hughes-Scholes, 2010; Guadagno, Powell, & Wright, 2006; Lamb et al., 2009). These questions elicit a broad amount of information about the event in the child's own words because they tap recall memory (Lamb, Sternberg, & Esplin, 1994).   In contrast to open-ended questions, specific questions focus on a particular aspect of the event and dictate what information the child is required to report (Hughes-Scholes & Powell, 2013; Powell et al., 2005; Wilson & Powell, 2001). Specific questions (i.e., 'who', 'what', 'when', 'where' and 'why' questions) include cued recall questions (e.g. "You said you saw the man's hair. What colour was his hair?") and closed questions that direct the child to give a yes/no or one-word response (e.g. "Was the man's hair brown?").

Leading questions (also known as suggestive questions) are those that falsely presume information not already mentioned by the child, for example "What colour was the man's hat?" when no hat had previously been referred to (Hughes-Scholes & Powell, 2008). They can also suggest a certain answer is wanted (e.g., "The bad man touched you, didn't he?"; Wilson & Powell, 2001).

The Utility of Question Types

In addition to identifying the different types of questions used in an interview, researchers have developed clear empirical evidence about the comparative usefulness of open-ended, specific and leading questions. Open-ended questions should be most heavily relied upon when eliciting an account from children. Specific questions may be needed, though they should be delayed until the child's free narrative account has been exhausted (Powell & Snow, 2007a). Specific questions should be kept to a minimum to follow up important details the child has not already provided spontaneously in response to open-ended questions. Leading questions should be avoided.

There are several reasons why open-ended questions should be prioritised when questioning a child. First, open-ended questions are likely to elicit longer, richer responses (Lamb, Hershkowitz, Orbach, & Esplin, 2009; Poole & Lamb, 1998; Sternberg et al., 1996). Secondly, open-ended questions elicit more accurate responses because the child is afforded

the flexibility to report what is remembered (Hutcheson, Baxter, Telfer, & Warden, 1995). Thirdly, an open-ended questioning approach is fundamental to building rapport with the child, eliciting a disclosure of maltreatment and determining the temporal attributes of the event(s) (Powell & Guadagno, 2008; Powell & Snow, 2007b; Roberts, Lamb, & Sternberg, 1999, 2004). Finally, open-ended questions are favoured by legal professionals because they elicit the most comprehensive and credible statements from the child and because they offer the child the opportunity to provide an uninterrupted account of what they can remember about the event, in their own words and at their own pace (Guadagno et al., 2006; Powell & Snow, 2007a; Wright & Powell, 2006). This account is often referred to as a 'free narrative' account because it is uninfluenced and uninterrupted by the interviewer (Powell & Snow, 2007a).

Research has established that children provide longer, richer responses to open-ended questions (compared with specific and leading questions). In 100 field interviews of children aged 6-16 years (71 girls and 29 boys), Norwegian police officers specially trained in interviewing children elicited responses four and a half times longer when they used open-ended questions compared to other types of questions (Myklebust & Bjørklund, 2010). Additionally, the increased accuracy of information elicited from open-ended (compared with specific and leading) questions is also a widely replicated finding, shown in research involving staged (Goodman & Aman, 1990) as well as unstaged events (e.g., medical check-ups; Goodman, Hirschman, Hepps, & Rudy, 1991). These studies have consistently shown that open-ended questions elicit more accurate responses from children, even those as young as 3 years of age. Furthermore, the information elicited using open-ended questions was found to be accurate even after long delays of up to one year between the event and recall compared with the information elicited from specific questions (Goodman et al., 1991).

Child interviewing experts agree that specific questions may be needed when conversing with children, however interviewers are instructed to consider where and how these questions are asked (Hughes-Scholes & Powell, 2013; Powell & Guadagno, 2008). Interviewers should restrict such questions until late in the interview and should only ask for relevant detail that was not spontaneously provided by the child to earlier open-ended questions. Specific questions tap recognition memory which is more narrowly focused and can pressure the child to respond whether sure of the response or not (Sternberg et al., 1996). Further, specific questions increase the likelihood the child will offer answers without reflection and, as such, may increase error in the child's account (Wright & Powell, 2006).

There is consensus in the child interviewing literature that leading questions can contaminate children's accounts and for this reason these questions should be avoided when conversing with children. Leading questions, particularly those that raise or presume false information not previously-mentioned by the child, are likely to increase error rates in responses (Hughes-Scholes & Powell, 2008; Peterson & Grant, 2001; Powell & Snow, 2007a). Moreover, experts agree that interviewers should adopt a non-leading, open-minded approach when conversing with children, rather than looking for evidence to confirm a preconceived idea about what may have occurred (Powell et al., 2005; Powell, Hughes-Scholes, & Sharman, 2012). It is well documented that biased interviewers are likely to use leading questions and these biases can significantly influence a child's statement of events (e.g., Ceci & Bruck, 1995; Powell et al., 2012; Yeschke, 2003).

What is Known About How Teachers Question Children

Currently there is limited literature to provide insights as to how teachers are actually approaching the task of questioning a child when they suspect maltreatment. One study that

offers some insight investigated teachers' questioning styles with children who witnessed incidents of wrong doing. Brubacher, Powell, Skouteris and Guadagno (2014) asked Australian teachers ($N = 47$) to complete a mock interview with an adult who was trained to play the role of a 'child witness'. Each teacher had to elicit an account of the incident of wrong doing from the child witness. These incidents included witnessing a school playground accident, a situation of bullying and an incident whereby a group of older boys pulled down the pants of a younger boy in the school toilets. Notwithstanding conceptual issues, such as a lack of systematically defining the concept of "wrong doing", results revealed that in their attempt to elicit an account of the incident of wrong doing, the teachers primarily asked questions that were more likely to falsely presume information not reported by the child. Such questions were likely to contaminate the witness's account of the incident, ultimately compromising its evidentiary value with regard to legal pursuit (Powell, Roberts & Guadagno, 2007). The authors concluded that the teachers' interviewing performance could be improved with training, potentially resulting in an increase in the proportion of child maltreatment reports submitted by schools and investigated. However, the authors based this on the teachers' interviewing skills as applied to scenarios that arguably do not carry such serious repercussions compared to incidents of child maltreatment (e.g., removing a child from the parents' care).

It appears that teachers are able to effectively employ best practice questioning techniques when trained to do so. Extending their 2014 study to determine the impact of e-training on teachers' use of open-ended questions, Brubacker, Powell, Skouteris and Guadagno (2015) further engaged 36 of the original participants ($N = 47$) in simulated interviews with a virtual avatar. Participants were advised that the child avatar was a typically developing five year old. They were also provided with a description of the avatar's living arrangements and were told she had disclosed to her teacher about playing sex games at the home of her friend's uncle during after school care. Participants engaged in the interviews two ($n = 8$) or three times ($n = 28$) over a seven day period during which they were asked to choose the best of four possible questions to ask the child avatar. The avatar was designed to respond to the chosen question based on children's cognitive development, furthermore, the simulation provided feedback for every question asked by the participant. One week after the training, participants engaged in a 10-minute mock interview scenario identical in method and content to that of their original study (see Brubacker et al., 2014 for details). The authors found that with just two or three training sessions, the amount and proportion of open-ended questions increased while the number and proportion of specific and leading questions decreased. The authors were cautious about the ability of the participants to maintain their immediate post-training performance over an extended period of time. While the findings of this study are largely positive, the ability for teachers to perform as well when faced with actual disclosures or suspicions of maltreatment may prove otherwise.

Directions for Future Research

The evidence presented suggests that teachers experience a number of barriers to reporting child maltreatment. These can result in teachers seeking to garner confidence to make such a report by questioning the suspected victim. This is concerning. If suspected victims are questioned inappropriately by teachers the consequences can be detrimental. A teacher may contaminate the child's memory of the incident(s) or may miss important information that either confirms or disconfirms that the child is being maltreated. This may result in a report to child services when there is no case of maltreatment or a case is not reported when the child *is* actually the victim of maltreatment.

To date there is limited research investigating the way in which teachers approach the task of questioning children to confirm or disconfirm their suspicions of maltreatment. Furthermore, some of the earlier research presented here (e.g., Abrahams et al., 1992; Tite, 1993; Zellman, 1990) may lack relevancy due to the changing landscape of mandatory reporting in Australia. Research is required to better understand the factors that motivate teachers to question children about their suspicions of maltreatment (if indeed they are delaying reports to CPS until such conversations are had). Do teachers question children in an attempt to establish whether a report to CPS is required and what is their motivation for doing so? It is also 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.

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