

# Child Abuse and Neglect: A Socio-legal Study of Mandatory Reporting in Australia

## Introductory material to be published on the website with the study:

### Nature of the research project

Complete details about this research project are provided in each Report in *Appendix 1: Research Approach*. This Appendix should be consulted for more detailed information about the nature of this research project and the methodologies adopted. A summary is provided below.

In 2012, the then Standing Council on Community and Disability Services (SCCDS) identified that the investigation of the effectiveness of Mandatory Reporting legislation in jurisdictions was a priority under the Second Action Plan (2012-2015) of *the National Framework for Protecting Australia's Children 2009-2020*. This research was funded by the Commonwealth Government Department of Social Services in 2013-14 and managed by the Victorian Department of Human Services.

The research project was designed by negotiation between the researchers and Victoria's Department of Human Services, and this formed the basis of the research contract. The researchers are four experienced academics from four disciplines (law, psychology, education and medicine) and three jurisdictions who have extensive expertise regarding child maltreatment and Australia's different child protection systems.

The contracted research project required the researchers to explore, using legal research and quantitative analysis of State and Territory child protection data for the period 2003-12, the reporting by different reporter groups of different types of suspected child abuse and neglect (physical abuse, sexual abuse, psychological or emotional abuse, and neglect), and the outcomes of those reports.

### Deliverables

The researchers prepared a customised report for each State and Territory, and presentation of key national findings in a separate report for the Commonwealth Government Department of Social Services. The outcomes of the research are presented in these nine reports on this website. Together, the nine reports collectively make up the entire report for the project. In addition, the authors prepared a separate Executive Summary for each jurisdiction, highlighting key findings. These appear in each report, and are collated in the report for the Commonwealth Government Department of Social Services.

### Disclaimer

In the development of these reports extensive liaison with State and Territory agencies elicited feedback and agencies have endorsed the final reports for public release. Interpretations nevertheless remain those of the researchers, and may not always reflect those of State and Territory agencies either collectively or individually.

### Research approach and methodology: a research project in three stages

**Stage 1** involved analysis of legislative mandatory reporting duties in each State and Territory over the period 2003-12. This identified which persons were mandated reporters, for which types of child abuse and neglect, in each jurisdiction at 1 January 2003, and changes in the duties over the decade. This enabled:

- identification of the timing and nature of significant changes in the reporting duties;
- comparative analysis of which groups were mandated reporters, and for which types of abuse;
- tracking trends in mandated reports and exploring the impact of legal change on reporting practice.

**Stage 2** involved analysis of administrative data (existing collections of anonymised unit record data at the unique child level) to identify numbers and outcomes of 'notifications' of each type of child abuse and neglect (physical abuse, sexual abuse, psychological or emotional abuse, and neglect) made by mandated reporter groups and other reporter groups, in each jurisdiction, for each year from 2003-12. Summary descriptive statistics and data mining enabled:

- identification of numbers of reports and outcomes of reports for different reporter groups for distinct types of abuse and neglect;
- identification of significant trends and changes in reporting within jurisdictions over time, for different reporter groups and for different types of abuse and neglect;
- mapping of reporting trends against legislative reporting duties and major changes to them;
- analysis of the reporting practice of the 'major mandated reporter groups' (generally, four key groups who collectively make the vast majority of all mandated reports: police, teachers, doctors and nurses), and of non-mandated reporters;
- identification of the numbers of distinct children in total numbers of reports and their outcomes.

**Stage 3** involved two systematised literature reviews. The first concerned factors influencing the reporting of child abuse and neglect. The second concerned theoretical critiques of mandatory reporting laws.

### **Parameters of the research**

The research contract confined the research project to an exploration of:

- the period from 1 January 2003 - 31 December 2012 only;
- legislative mandatory reporting duties only (not reporting duties in occupational policy, although these may exist and strongly influence reporting practice eg in Queensland for police);
- reports (notifications) of child abuse and neglect only (physical abuse, sexual abuse, psychological or emotional abuse (which includes exposure to domestic violence), and neglect) or of the harm co-existing with or caused by such abuse or neglect; not reports of family support issues or low-level child welfare issues (child concern reports) or reports made directly to differential response systems;
- data about reports and their outcomes based on whether they were investigated and substantiated, but not extending to service provision or other subsequent outcomes;
- the association of legislative reforms and major known contextual factors on reporting, but not an exploration of all contextual factors and all other internal agency factors which may have influenced reporting practice and outcomes at points in time or generally;
- substantiated cases as officially recorded after government agency investigation of reports, but not the true incidence of child abuse and neglect in the population;
- effective reporting; in this regard, note that it is not only a report that is officially 'substantiated' that is an effective or useful report (see Appendix 1 for further information);
- law and reporting trends and outcomes to identify opportunities for harmonisation, but not to make concrete reform recommendations.

### **Limitations of the research**

The research has several limitations, due to the scope of the research contract, data limitations, inter-jurisdictional differences, and feasibility:

- some jurisdictions did not provide complete datasets at the unique child level, or for the entire decade;
- analysis was not conducted based on age, gender, ethnicity, Indigenous status, or urban/rural location;
- analysis of reports and substantiations was based on the primary (most serious) reported kind of abuse (whereas in some cases, a report may have involved multiple kinds of abuse, or a report of a primary form of abuse or harm may have resulted in substantiation of a different kind of abuse or harm);
- analysis could not distinguish between reports and substantiations of abuse or harm that had already occurred, as opposed to risk of future abuse or harm;
- interpretations of trends in reports and outcomes over time was based on numerical and proportional changes, and was subject to feedback by State and Territory child welfare agency staff;
- differences exist between jurisdictions in agency-related features and factors, and report intake systems. Accordingly, results are not strictly comparable across jurisdictions (and often even over time within a jurisdiction, where, for example, local contextual factors can influence decisions about coding of intakes as notifications, and decisions to investigate). In particular, for example:
  - in the ACT and Tasmania, intakes are 'caller-defined' (automatically coded as a 'notification', which produces higher numbers of 'notifications' with consequent effects); in contrast, intakes elsewhere

- are 'agency-defined' (the agency determines if the intake is a 'notification' regarding suspected child abuse or neglect, or is a less serious 'child concern' report regarding general welfare);
- agency decisions about whether to investigate a notification are influenced by multiple factors including different availability of alternative diversionary services, different levels of resources, and a range of agency policies and practices about investigation which can be influenced by local factors (Queensland is an example of this);
  - agency decisions about whether an investigated notification is substantiated are influenced by multiple factors including: different thresholds for reaching a finding of 'substantiated'; and differences in the availability of diversionary services (where a notification is referred to such a service, this will not be counted as a substantiation).

### **Participation of State and Territory agencies**

Staff from every State and Territory child welfare agency extracted and provided the data used in Stage 2 of this research. The researchers engaged with agency staff from these departments to obtain detailed feedback on drafts of the reports, especially for data accuracy and soundness of data interpretation.

### **Currency**

As required by the research contract, the law as stated is current to 31 December 2012. In Queensland, substantial legislative amendments commenced in 2015 which broaden some reporting duties, but narrow others, and move Queensland's position close to that existing in Victoria.

### **Ethics**

The research did not involve human participants, was restricted to existing collections of de-identified data, and was of negligible risk. Accordingly, the QUT *University Human Research Ethics Committee* assessed this research on 29 September 2013 as meeting the conditions for exemption from HREC review and approval in accordance with section 5.1.22 of the *National Statement on Ethical Conduct in Human Research* (2007).

### **Moral rights**

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### **Suggested citations**

Mathews, B., Bromfield, L., Walsh, K., & Vimpani, G. (2015). *Child abuse and neglect: A socio-legal study of mandatory reporting in Australia - Report for the Australian Government*. Brisbane: Queensland University of Technology. ISBN 978-0-9941872-8-4.

Mathews, B., Bromfield, L., Walsh, K., & Vimpani, G. (2015). *Child Abuse and Neglect: A Socio-legal Study of Mandatory Reporting in Australia - Report for the ACT Government*. Brisbane: Queensland University of Technology. ISBN 978-0-9941872-6-0.

Mathews, B., Bromfield, L., Walsh, K., & Vimpani, G. (2015). *Child Abuse and Neglect: A Socio-legal Study of Mandatory Reporting in Australia - Report for the New South Wales Government*. Brisbane: Queensland University of Technology. ISBN 978-0-9941872-0-8.

Mathews, B., Bromfield, L., Walsh, K., & Vimpani, G. (2015). *Child Abuse and Neglect: A Socio-legal Study of Mandatory Reporting in Australia - Report for the Northern Territory Government*. Brisbane: Queensland University of Technology. ISBN 978-0-9941872-7-7.

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