

FAMILY VIOLENCE -
YOUNG PEOPLE AND YOUTH SECTOR WORKERS
INFORMING GOVERNMENT
ABOUT THE IMPLEMENTATION OF MANDATORY REPORTING
IN VICTORIA

*REPORT OF A RESEARCH PROJECT FUNDED BY
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CO- PRINCIPAL INVESTIGATORS:

DANNY SANDOR
Convenor, Juvenile Justice Working Group
Youth Affairs Council of Victoria

JULIAN BONDY
Lecturer, Department of Community Services Administration
Royal Melbourne Institute of Technology

RESEARCHER

PHILIP HILL

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Copies of this Report are available from the Youth Affairs Council of Victoria
Suite 1/250 Gore Street Fitzroy Vic. 3065 Tel (03) 9419 9122

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The views expressed in this report are those of the Co-Principal Investigators and the responsibility for any errors or omissions is theirs alone.

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CONTENTS

HEADING	PAGE
ACKNOWLEDGMENTS	1
EXECUTIVE SUMMARY	4
<u>A. INTRODUCTION</u>	7
1. The Study	7
2. A Brief Historical Context	8
3. The Introduction of Mandatory Reporting in Victoria	10
4. What the New Mandatory Reporting Laws Require	12
5. What Happens After Notification	14
6. Special Considerations in the Protection of Adolescents	16
7. The Present Research about Young People	19
8. The Profession of Youth Work	20
9. The Context of Youth Work	20
10. Youth Work Training	21
11. The Present Research about Youth Sector Worker Training and Mandatory Reporting	22
<u>B. METHODOLOGY</u>	24
1. The Project Steering Committee	24
2. Consultations with Young People	24
3. Survey of Workers with Young People	30
<u>C. RESULTS OF THE SURVEY OF WORKERS WITH YOUNG PEOPLE</u>	34
1. Section One - Service and Worker Profile	34
2a. Section Two (A) - Workers' Knowledge	36
2b. Section Two (B) - Training	37
3. Section Three - Skills in Working with Young People	38
4. Section 4 - Workers' Attitudes	40
5. Section 5 - Youth Sector Workers' Recommendations	43
6. Summary and Comment	44

D. FOCUS GROUP RESULTS

1.	Introduction	47
2.	Young People's Knowledge of Mandatory Reporting Laws	49
3.	Young People's Perceptions of Mandatory Reporting	54
4.	Young People's Fears About Disclosure	62
5.	Young People's Needs When Disclosing Abuse	69
6.	Young People's Recommendations for the Implementation of Mandatory Reporting.	77
7.	Summary and Comment	86

E. RECOMMENDATIONS 89

1.	Legislative and Administrative Changes	90
2.	Training	95
3.	Information	97
4.	Program Initiatives	102
5.	Research	104

F. TARGET AUDIENCES FOR THIS REPORT 105

G. BIBLIOGRAPHY 107

Appendix 1	Consent form
Appendix 2	Focus Group Proforma
Appendix 3	Focus Group Questions
Appendix 4	Focus Group Information Sheet
Appendix 5	Qualitative Tree Used for Focus Group Analysis
Appendix 6	Survey of Workers

EXECUTIVE SUMMARY

Introduction

This study questioned young people and youth sector workers about various aspects of new Victorian mandatory reporting laws. Focus groups were conducted by peer researchers with 163 young people comprising a mix of those who had experienced and had not experienced protective intervention, and a specially designed self-report survey was administered to 150 workers drawn from the membership of the peak youth affairs body for the State.

Key findings of the Survey of Youth Sector Workers

- workers have important knowledge deficits in relation to mandatory reporting;
- workers feel lacking in numerous skills which they perceive as important or very important;
- in deciding to report a disclosures of abuse, workers appear to be influenced by factors such as:
 - * whether the young person concern agreed to a formal report being made;
 - * the worker's concern that abuse would continue.
- nearly half of the sample had at least once decided not to make a report and the major reasons were:
 - * whether the survivor was still in reach of the perpetrator;
 - * the young person's attitude to notification;
 - * the capacity to arrange services without official involvement;
 - * concern that notification may lead to systems abuse.
- although there was majority support for the notion of the mandatory reporting laws workers were concerned about the circumstances of their implementation and were undecided or could envisage a situation where they would not comply with the requirement;
- the major recommendation from the sample was for training.

Key findings of the Focus Groups with Young People.

- young people lack knowledge and understanding of the mandatory reporting system which affects them and do not seem to appreciate that a guarantee of confidentiality is not the alternative to a worker being required to report;
- young people were concerned that mandatory reporting may be a deterrant to disclosure of abuse;
- young people did not call for complete exemption from the mandatory reporting laws but rather for a presumption that their wishes prevail;
- young people seem more concerned about their right to have choices about to whom they disclose, whether their disclosure is notified and, if so, the course of the investigation than whether youth workers as a category should be mandated or not;
- young people have a range of fears about the consequences of their abusive situation coming to the notice of the authorities; and
- young people lack knowledge of their rights when contemplating a disclosure, want more information about this and feel they need a support person if they embark upon the process;

Recommendations

1. Legislative and Administrative Changes

- i). H & CS SHOULD PREPARE AND ISSUE ADMINISTRATIVE GUIDELINES PLACING A POSITIVE EXPECTATION UPON NOTIFIERS AND PROTECTIVE INTERVENERS TO ACT IN ACCORDANCE WITH THE WISHES OF YOUNG PEOPLE AGED 14 YEARS AND ABOVE.
- ii) THAT THE GOVERNMENT NOT PROCEED AT THIS STAGE TO GAZETTE YOUTH WORKERS.

2. Training

- i) THAT SPECIFIC TRAINING BE PROVIDED TO YOUTH WORKERS IRRESPECTIVE OF THEIR STATUS IN RELATION TO THE LEGISLATIVE REQUIREMENTS OF THE VICTORIAN MANDATORY REPORTING LEGISLATION. IT IS ALSO RECOMMENDED THAT THE CONTENT AREAS FOR THIS TRAINING BE IDENTIFIED FROM THIS RESEARCH.

3. Information

- i) THERE SHOULD BE A RANGE OF AGE APPROPRIATE MATERIALS EXPLAINING THE MEANING AND CONSEQUENCES OF MANDATORY REPORTING TO YOUNG PEOPLE AND THEIR RIGHTS WHEN PROTECTIVE INVESTIGATION IS TO BE TRIGGERED OR HAS BEEN TRIGGERED. THE PROCESS OF PREPARING SUCH MATERIAL SHOULD ALSO SERVE AS A MECHANISM FOR MAKING CLEAR THE APPLICABILITY OF THOSE RIGHTS.
- ii) PRINTED MATERIAL IN RELATION TO RECOMMENDATION i SHOULD BE AVAILABLE IN SCHOOLS, HOSPITALS, DOCTORS' AND DENTISTS' SURGERIES, DEPARTMENT OF SOCIAL SECURITY, COMMONWEALTH EMPLOYMENT SERVICES, TRAIN STATIONS.
- iii) CREATIVE AUDIO-VISUAL APPROACHES TO ENHANCING YOUNG PEOPLE'S KNOWLEDGE AND UNDERSTANDING SHOULD BE CANVASSED.

4. Program Initiatives

- i) ESTABLISHMENT OF A STATEWIDE ADVISORY LINE FOR YOUNG PEOPLE AND THOSE WHO WANT TO PROVIDE SUPPORT TO THEM
- ii) THE DEVELOPMENT OF A TARGETED PEER EDUCATION PROGRAM.

5. Research

- i). THE FOCUS GROUP METHOD USED IN THIS PROJECT SHOULD BE REPLICATED WITH SPECIFIC ATTENTION TO THE EXPERIENCE OF INDIGENOUS AND NON-ENGLISH SPEAKING BACKGROUND YOUNG PEOPLE.
- ii). THERE SHOULD BE AN ASSESSMENT OF ACTUAL YOUTH SECTOR WORKER PRACTICES IN THE MANAGEMENT OF ADOLESCENT ABUSE DISCLOSURES.

The report concludes with a list of key target audiences for the document.

A. INTRODUCTION

1. The Study

The abuse of children and adolescents has been the subject of a particularly great deal of public discussion in Victoria since the early 1980s. One of the key areas for debate concerned whether or not Victoria should introduce a legislated compulsion upon certain professional and occupational groups to report (also called "notify") that a child or adolescent was suffering abuse, i.e. mandatory reporting of abuse (see for example Boss 1985; Law Reform Commission of Victoria 1988; Fogarty and Sargent 1989).

The debate is not merely philosophical (see the arguments for and against contained in The Australian Capital Territory Community Law Reform Committee 1993:51-65). Mandatory reporting is not unequivocally viewed as an efficient way to distribute child and adolescent protective service resources either in Australia (Rayner 1995:64) or in the United States (Krugman cited in The Australian Capital Territory Community Law Reform Committee 1993:65).

Nor has the effectiveness of the measure been established in Australia studies (Webberley 1985; Lamond 1989; Ridoutt and Filis 1993) or overseas jurisdictions (see the review by Bell and Tooman 1994). The New South Wales research by Ridoutt and Filis (1993) found that more important factors influencing reporting rates included agency policies, reporters' relationships with welfare authorities and, importantly for this study, the level of reporters' skills and knowledge.

For many years, Victoria, Western Australia and the Australian Capital Territory were the only States and Territories in which there was no such obligation in force. But in 1993, legislation to introduce mandatory reporting was passed in Victoria. A staged process is now underway in which a range of professions and occupations are coming under the legal duty to report.

A striking feature of the literature is its focus upon *children* with scant consideration of *adolescents*, their different developmental characteristics and the special practice issues that arise. Yet they are encompassed by all mandatory reporting schemes.

The Youth Affairs Council of Victoria, the peak body representing young people and the youth affairs sector in this State, recognised that the new duty would have significant special implications for young people and the wide range of people who have a professional role with them. The Council, in conjunction with Royal Melbourne Institute of Technology, applied successfully to the Criminology Research Council for funding to carry out this research project.

The study had two specific aims and associated objectives. The first aim was:

to identify adolescents' understanding of mandatory reporting, their sources of knowledge, their recommendations for its operation, their views on the impact the system would have on disclosure and their suggestions for disseminating information about the new system. The objective was to provide government with advice from

potential consumers on the implementation of the mandatory system and the special requirements in relation to adolescents.

The second research aim was:

to assess the knowledge and skill levels of workers in the youth affairs field, their training needs, their recommendations for the operation of the system, the impact the system will have on their working relationships with adolescents and their recommendations for implementation. The objective was to design a targeted training package which would be based on core competencies identified by the Youth Worker Core Competencies Project auspiced by the National Youth Sector Training Unit.

Obviously, a great deal of literature is open to be reviewed and it has been necessary to be compact in many areas not essential to the central thread of this report.

2. A Brief Historical Context.

"Child [and adolescent] protection in Victoria is very much the creature and captive of its particular history and no understanding of the present situation of child protection is possible without reference to that history." (Fogarty and Sargent 1989:15).

Victoria is notable historically for its strong church based child-saving movement and in the mid nineteenth century, it lobbied for the power to take children away from their parents on grounds other than the well-established reason of abandonment (Jaggs 1986:50). The title as well as the provisions of legislation such as the *Neglected and Criminal Children Act 1864* (Vic.) testified to the assumption of an indivisible connection between a minor's neediness and their propensity for criminality. The common outcome was effectively, a sentence to reformatory education and training.

Apprehension of neglected children had long been a function of police. After the formation of the Victorian Branch of the Prevention of Cruelty to Children, "child-saving" church groups were also given the legal basis to intervene upon finding neglect. This shared responsibility for apprehension between police and voluntary agencies persisted until the 1980s along with a reliance by the government upon non-government (usually religious) organisations for the care of children and young people after disposition.

The name of the governing legislation changed over the years to incorporate the notion of "welfare". In doing so, the reasons for which a child or young person might warrant intervention expanded (Jaggs 1986:139). This was in keeping with an assumption that state intervention was necessarily beneficial, the rise of social work as a profession and the ascendancy of mental health models, particularly in the explanation of criminal deviance.

Critical attention to the area flourished in the late 1970s. There were complaints that the legislative scheme, found in Victoria and elsewhere, was lagging behind conceptual criticisms of the "welfare model". In tandem, there was a growing emphasis upon rights when dealing with children and young people and their families.

The election of a new Labor government in Victoria in 1982 brought with it a platform to overhaul the child welfare system within the context of its social justice framework. It

established the Child Welfare Practice and Legislation Review ("the Review") chaired by Dr. Terry Carney and its recommendations formed the basis, if not the detail, of the resulting law, the *Children and Young Persons Act 1989 (Vic)* (see the Minister's Second Reading Speech).

The breadth of the issues canvassed in the Review are too extensive to detail here. The following two broad points are the most significant:

(i). The criteria for protective intervention

These had previously covered abandonment, inadequate parental supervision, becoming orphaned and that:

"The child or young person has been or is likely to be ill-treated, exposed, or neglected or his physical, mental or emotional development is in jeopardy" (Section 31(1)(a) *Community Services Act 1970 (Vic)*).

The wide discretion given in this and similar statutes enabled sexist (Hancock and Chesny-Lind 1985; Girls Action Project 1990), racist (Gale and Wundersitz 1986) and socio-economic (Harris 1989) bias in its application. Such discretion was borne of a view that coercive intervention was desirable and a step of first resort rather than a last resort which followed supportive assistance.

The latitude was especially applied to young women and entailed moral rather than professional judgments about their behaviour, companions and independent lifestyles. Commentators such as Simpson and Simpson (1989) have suggested that intervention on the grounds of being "exposed" or receiving "inadequate parental supervision" were punishment for rebelliousness which was only thinly veiled as "protection"; see also Carrington (1993) with respect to New South Wales legislation.

The Review sought to shift the basis of protective intervention from **needs based** to a **harms based**. The general approach involved:

- limiting intervention to where prior harm of a substantial kind could be established;
- enhancing the rights to information, advocacy, and participation in the process, thereby improving the accountability of decision makers and service providers;
- enabling voluntary access to services with flexibility in service provision; and
- aiming for empowerment through services that strengthen family ties not weaken them.

The harms based approach was reflected in legislation which for the first time, expressly recognised sexual abuse as a distinct category. A predictive aspect (i.e. likely to suffer significant harm) was included (*cf* the English *Children Act 1989* which uses a phrase not found in the Victorian legislation "is suffering significant harm" and the discussion in *Re M (a minor) (care order:threshold conditions)* [1994] 3 All ER 298 HL).

For the first time, sexual abuse was specified as a distinct category of abuse alongside physical, emotional and psychological harm (see section 63 of the *Children and Young Persons Act 1989 (Vic)*).

(ii). The Responsibility for Protective Intervention

The Review was critical of the responsibility for investigation of abuse resting with the non-government sector and saw this as inconsistent with the gravity of the power exercised.

Although the legislation permitted a range of bodies to undertake this role it was, at the time, exercised by the modern version of the Society for the Protection of Cruelty to Children - the Children's Protection Society. They and the police were responsible for entry into the system. The Department of Community Welfare Services had responsibility for overall policy, post-court supervision and funding of non-government agencies. These three limbs were frequently in conflict and failing to co-operate to the point where there was public concern about inaction over reports of maltreatment (Fogarty and Sargent 1989:22-29).

The Review concluded that protective intervention should be carried out directly and only by the state as a matter of principle (The Review 1984:222). The current legislation reflects this stance, with Victoria Police and the Department of Health and Community Services ("H & CS") the only authorised protective interveners (section 64 (2) of the *Children and Young Persons Act* 1989 (Vic.).

As a matter of policy, H & CS is the primary agency with police undertaking a role which is limited to supporting the Department in its investigations and pursuing associated criminal investigations. This is in keeping with the recommendations of the Fogarty and Sargent (1989) report. Implementation began through administrative arrangements before the commencement of the *Children and Young Persons Act* 1989 (Vic.) and required the establishment of an after hours protective service within H & CS.

3. The Introduction of Mandatory Reporting in Victoria

The stated intent of mandatory reporting legislation is to,

"...underline the crucial nature of sexual abuse and severe physical abuse...(and that children have a right to be protected from serious crimes committed against them...". (The Hon. Michael John, Minister for Community Services, Second Reading Speech, *Children and Young Persons (Further Amendment) Act* 1993 (Vic.)).

The legislation was also a political reaction to a highly publicised child death, which however, may not have been prevented by the new measure (Swain 1993). Neither major political party had been urging for its introduction and the stated position of the State Liberal-National party coalition which took government in October 1992 was one of opposition to mandatory reporting: 'the so-called "back-flip" took place because of a massive media campaign'(Goddard and Liddell, 1993 : 25).

On 10th March 1993, the new Minister for Community Services, the Hon. Michael John M.P. made the following announcement in his Ministerial Statement on Child Protection:

"To assist me in both implementing mandatory reporting in Victoria and setting a clear plan for further improvement in protective services, I have asked Justice Fogarty to conduct a short, tightly focussed inquiry. Mr Justice Fogarty has proved himself to be a wise and fearless critic of shortcomings in existing services and able to provide strategic advice on how they should be improved.

His review will assess the impact of mandatory reporting on existing services and advise on how the services may meet the additional demands and responsibilities placed upon them."

Justice Fogarty's assessment quite properly took account of the economic context, one of budget cuts to both field staff in H & CS and the non-government sector which he considered had played such a vital role in maintaining a viable system until now. His overarching concern was the depletion of resources in the non-government sector at a time when demand was increasing generally and could be expected to leap as a result of the introduction of mandatory reporting. Similar concerns were voiced by the then Federal Human Rights Commissioner Brian Burdekin (cited in The Australian Capital Territory Community Law Reform Committee 1993:64)

In such a context, Justice Fogarty found himself unable to support the introduction of mandatory reporting, a measure he had strongly advocated for many years.

His concerns and apprehensions about the system in general and mandatory reporting in particular became and remain highly visible in the media. They will not be reiterated here, save for his specific references to the situation of adolescents.

The nub of Justice Fogarty's assessment with respect to young people was that the "pendulum of intervention" had swung too far towards inaction and had led to the "virtual abandonment of adolescents by the state" (1993:22).

In his view, an aggravating factor was the overly narrow approach to the interpretation of the new grounds for protective intervention whereby homelessness was not appreciated as giving rise to the likelihood of significant harm. The connection is well documented (see for example the research by Alder and Sandor 1989; Burdekin 1989; Hirst 1989; Robson 1992; Young Women's Housing Collective 1991 concerning the causal links between prior abuse and homelessness). Abuse within the family is a precipitant of homelessness which gives rise to heightened vulnerability to violence from other sources.

Justice Fogarty said:

"The view was formed that if they were not at risk from their parents and home environment they did not fall within the new protection grounds and thus were not within the child protection service and that this was so even though it was obvious that they had no active guardian and were in danger on the streets" (Fogarty 1993:33-4; see also :94-96).

Justice Fogarty also found that police were initiating criminal proceedings against young people in order to obtain a service response in the absence of protective intervention (1993:37) and was critical of the practice whereby protective clients were actively discharged from Departmental responsibility while the need to provide such a role remained (1993:38; see also Burdekin 1989 and Taylor and Burston 1988).

In a social and political environment which has placed a greater premium on the protection of younger children, the introduction of mandatory reporting holds special implications for those who work with adolescents. Moreover, as Justice Fogarty recognised, young people's transitional status towards adulthood presents particular issues for the implementation of mandatory reporting.

The next sections sketch the new obligations and the subsequent system processes.

4. What the New Mandatory Reporting Laws Require

Any citizen concerned about a child's treatment may notify or not notify the appropriate authorities. Mandatory reporting legislation is designed to remove such discretion for persons in designated groups by introducing a legal responsibility to make such a report (see the discussion of practical difficulties in Edney and Schepis 1994). The laws differ widely across Australia (see Ridoutt and Filis 1993 and Sandor 1994).

In Victoria, the *Children and Young Persons Act* 1989 (Vic.) is the legislation governing the civil protection of children and young people up to the age of 17 (see also the *Crimes Family Violence Act* 1987 (Vic.) in relation to the use of intervention orders).

Among other things the *Children and Young Persons Act* 1989 (Vic.) sets out:

- the criteria which determine whether protection is required;
- the processes to be followed for investigation;
- the powers, functions and orders of the Children's Court and how they are to be discharged;
- the responsibilities of the Victorian Department of Health and Community Services in relation to children who are alleged or ground to meet one or more of the criteria; and
- the Minister's responsibilities for services.

The grounds for protection are set out in section 63 and encompass:

- abandonment of the child (section 63(a));
- a child whose parents are dead or missing (section 63(b));
- where the child has suffered or is likely to suffer significant harm as a result of physical injury (section 63(c)) or sexual abuse (section 63(d)) and the child's parents have not protected or are unlikely to protect the child from harm of that type;
- where "the child has suffered or is likely to suffer emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged and the child's parents have not protected or are unlikely to protect the child from harm of that type" (section 63(e)); and
- where "the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical surgical or other remedial care" (section 63(f)).

Homelessness *per se* is not a ground for protection.

Originally, the Act permitted but did not require anyone to make a report. Section 64(1) reads as follows:

"Any person who believes on reasonable grounds that a child is in need of protection **may** notify a protective intervener of that belief and of the reasonable grounds for it." (emphasis added).

That is still the case, however, a new section 64(1A) was inserted to require the members of certain professional groups (listed in section 64(1C)) to report cases.

The duty did not arise immediately when the legislation was passed. Section 64(1D) provided that the duty arose on "the date fixed for the purposes of that paragraph by an Order made by the Governor in Council and published in the Government Gazette" (Section 64(1D)).

Section 64(1A) specifies the trigger for making a report.

"A person referred to in any of the paragraphs of sub-section (1C) to whom this sub-section applies who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as described in that paragraph, forms the belief on reasonable grounds that a child is in need of protection on a ground referred to in paragraph (c) or (d) of paragraph 63 must notify the Secretary of that belief and the reasonable grounds for it as soon as practicable-

(a) after forming the belief;

(b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief."

Section 64(1B) prescribes that:

"Grounds for a belief referred to in sub-section (1) or (1A) are-

(a) matters of which a person has become aware; and

(b) any opinions based on those matters."

Section 64(1C) of the Act provides the basis for legally requiring doctors, nurses, police, teachers, principals, pre-school teachers, child care workers, psychologists, government employed youth and child care officers, probation and parole officers to report a belief on reasonable grounds of the above types of abuse. Reports are to be made to the Victorian Department of Health and Community Service ("H & CS") and its officers are responsible for investigation of the notification.

The category of profession and work which includes, but not exclusively, Victoria's broadly based youth sector, is a category which reads:

"a person with a post-secondary qualification in youth social or welfare work who works in the health, education or community or welfare services field" (section 64(1C)(g)).

This category was initially due to come under the duty to report in late 1994. The timetable for implementation was subsequently reviewed and the proposed gazettal of workers under this category was put back to 1995. On 8th August 1995, YACVic received advice from the Minister for Community Services that the implementation timetable had been suspended and thus, there is currently now no expected date at which the duty will become legally binding on any professional other than: doctors, nurses, police officers, principals and primary and secondary school principals.

Some key points to appreciate about the scheme are:

- Mandatory reporting is confined to belief about physical or sexual abuse as set out in section 63 (c) and (d). There is no duty to report other categories which would attract intervention, (e.g. emotional harm, or harm to development - see section 63).

- In its plain words, there is no restriction to harm that has been or is likely to be inflicted by a **family member**.
- The harm must be “significant” which has been defined to mean “important” or “of consequence” not a harm that “may have some lasting or permanent effect unless it is resolved by the intervention of counselling and treatment” (Fogarty 1993:94-96).
- There is no specificity as to how recent a past significant harm need be to attract the requirement to report. Also, even if the belief was formed prior to the date that the duty applies to their profession or occupation (“the gazetted date”) there is a duty to report all known cases when the gazetted date arrives (section 64(1H)).
- Section 64 (1A) states that, having formed a belief of this kind, the person must make a report **as soon as practicable** and on further occasions on which the notifier becomes aware of further reasonable grounds. The meaning of the phrase is open to be shaped because there is no definition in the Act and other definitions in legislation and case law are not on point (Butterworths, 1993 : 118).
- Section 64(1A) provides for a proven charge to attract a fine of 10 penalty units but it is a defence to the charge that

“he or she honestly believed that all of the reasonable grounds for his or her belief had been the subject of a notification to the [department] made by another person” (section 64(1G)).
- The legislation also provides that a notification is neither unprofessional conduct nor a breach of ethics and, if made in good faith, does not give rise to liability (section 64(3)(a) and (b)).
- Section 64(3A) protects disclosure of the identity of the notifier and particular matters in the notification to the extent that a court or tribunal must first grant leave for such information to be disclosed. Section 64(4) establishes an offence punishable by 10 penalty units for disclosing such material to another person without the written consent of the person who made the notification.

5. What Happens After Notification

Notification requires an investigation to occur “as soon as practicable” (section 66(1): Ludbrook 1995 points out that to his knowledge, other Australian jurisdictions do not set a time frame for investigation, but that the New Zealand *Children Young Persons and Their Families Act* 1989 in section 17 imposes a requirement of investigation “as soon as practicable”). Moreover, section 66(1) requires that the investigation be carried out “in a way that will best ensure the safety and well-being of the child”.

The investigating worker must inform the child and her/his parents that any information they give may be used for the purposes of a protection application and there are restrictions on the disclosure of information obtained.

If following an investigation the protective intervener believes on reasonable grounds that the child (legally defined to include an adolescent up to but not including 17 years of age) is in

need of protection on one or more of the above grounds, a protection application may be initiated. The Children's Court of Victoria (Family Division) has exclusive jurisdiction in these matters (sections 15 and 17).

Section 68 provides for a protective intervener to proceed by notice requiring the child or young person to attend Court on a specified day (see also section 70) or to take the child into safe custody with or without a warrant. The legislation appears to create an expectation that the notice procedure will be used unless "it is inappropriate" (section 69(1)). Section 68(1A) requires the protective intervener to record information arising from the investigation on a central register.

If the child is taken into safe custody, s/he must, within 24 hours be brought before the Court, or a bail justice to enable an opportunity to apply for an interim accommodation order (section 69(5)). An application in respect of a "child of tender years" can take place in the child's absence.

Sections 73 to 75 provide for a court to make an interim accommodation order of up to 21 days duration requiring the child's placement in a range of options including: release on the child's undertaking to appear, release to the care of her/his parents, or placement with suitable persons or in a suitable service. The child can in fact be placed in a locked setting known as a "secure welfare service" "if there is a substantial and immediate risk of harm to the child (section 74(1)(e)). There is a wide provision (section 74(5) enabling any conditions considered to be "in the interests of the child". Section 78 provides for applications to extend the duration of the interim accommodation order.

The protection application may be determined in various ways and space does not permit a full discussion. Put briefly, the application may be withdrawn, the parties may between themselves consent to orders, the parties may reach an agreement following a pre-hearing conference, or may proceed to a contest before a Magistrate. In pre-hearing conferences and all Court proceedings, the child is entitled to a separate legal representative and the legislation assumes instructions based representation (see section 20).

The orders which may be made if the Court finds a child in need of protection are set out in Part 3 Division 6 of the Act and are as follows:

- An order requiring a person to give an undertaking;
- A supervision order;
- A custody to third party order;
- A supervised custody order;
- A custody to Director-General order;
- A Guardianship to Director-General order.

The court may also make an "interim protection order" of no more than 3 months duration "to test the appropriateness of a particular course of action" (section 110(1)(b)).

For a fuller account of the scheme and the implications of each order see Gorman and Brown (1990), Draper and Ardley (1991) and Fanning et al (1992).

6. Special Considerations in the Protection of Adolescents

The protection of young people involves a number of differing considerations in comparison with younger children. Some are related to the nature of the developmental stage while others arise from the qualities of the service systems. Overarching

1. Garbarino and Garbarino (1987:3) distinguish two patterns of adolescent victimisation: abuse that commences in childhood and abuse that commences in adolescence. They suggest a number of differing causes and effects including that, for the latter, "[m]ore self-reports come from victims with no childhood history of abuse".

2. Adolescence is a period when gender plays a stronger role in governing how young people are treated by families and the community at large. Patterns of adolescent abuse reflect this. For example, Garbarino and Garbarino (1987) indicate that fathers are more likely to be the abusers of adolescents whereas mothers are more often the source of abuse of younger children. Local data on substantiated cases (Angus and Wilkinson 1993 cited in James 1994) show that, overall, young females predominate as survivor/victims in the 10 to 17 years old age group. The importance of gender for an analysis of adolescent abuse can also be seen in criticisms of the greater attempts by protective systems to assume control of young women and the concern that "they often leave care worse off, or no better off, than when they entered the welfare system" (Liddell 1992: 21).

3. There is continually increasing public attention to abuse and the creation of a climate for disclosure (see Goddard and Liddell 1993; Swain 1993 and Rayner's 1995 discussion of prevention campaigns). Adolescents are acutely aware through their consumption of media and other sources.

4. Protection of adolescents comes more by disclosures volunteered or elicited than forensic detection, where outward signs are usually the trigger for intervention. This is not to ignore the finding that it is adolescents' behaviour which often brings them to the attention of agencies: (Fisher *et al* 1980 cited in Community Services Victoria 1991). It is to recognise that effective intervention with young people often hinges upon things they say and this, in turn, depends on the quality, nature and parameters of the relationships they have with trusted adults.

5. The state has a poor track-record of dealing with abused adolescents and systems abuse issues have loomed large. The deinstitutionalisation movement has redressed a prior reliance on incarceration of teenagers, particularly young women, for their protection, but there are intense concerns about "the virtual abandonment of adolescents by the state" in Victoria and elsewhere (Fogarty 1993: 22). Adolescents suffer systems abuse, abuse by actors in the system and abuse while homeless after escaping family violence. At best, the state's capacity to protect has a major image problem among adolescents and community workers. Young people and those who work with them in the community lack confidence that positive outcomes will result from state intervention and fear the ramifications. (See for example Burdekin 1989, 1993 ; Hirst 1989; Alder and Sandor 1989; Liddell 1992; Community Services Victoria 1992; Young People In Need 1992 ; Robson 1992; Community Law Reform Commission of the A.C.T. 1993:75-77; Brown 1993; Green 1993). Their apprehensions are not assisted by the paucity of systemic research as to the outcomes of protective intervention in general and with adolescents particularly.

6. Their fear is well founded if one examines the level of abuse in out of home care settings. For example, a study by Robson (1992) found an alarming proportion of young

people reporting sexual assault by those responsible for providing care, while Alder (1991) describes places of accommodation as sites of violence. Violence is also a disturbingly consistent theme in the plethora of studies which examine police interaction with adolescents (for example Alder 1991, Alder et al 1992, White et al 1991, Biondo and Palmer 1993). Police are protective interveners.

7. Adolescent responses to abuse such as running away, substance misuse and abuse, criminal offending, school refusal, and high exposure to public space through "hanging around" are prone to be interpreted as rebelliousness and anti-social attitudes (Garbarino and Garbarino 1987:7-9).

8. Many professionals avoid becoming involved with adolescents. They find adolescents too difficult, uncompliant and challenging of their arenas of control. By default, teenagers readily find their way into contact with the criminal justice system where their prior abuse is often not assessed or addressed (especially young women; see Community Services Victoria 1992).

9. Adolescents evoke a duality in public sympathy. Their profile is represented as both troubled and troublesome, particularly in "get tough" law and order climates. In a social context which selectively accords autonomy and responsibility, "victim blaming" of adolescent survivors is manifest in intolerant attitudes to young offenders, young people's use of public spaces and mythologies about young people being tempted to leave home by paltry income support allowances. Little children are more "clean cut" objects of public concern (see Rayner 1991:35; Garbarino and Garbarino 1987: 1-2).

10. Adolescents' peer relationships are potent and operate as a far-reaching grapevine. Information - factual and false - spreads quickly through young people's networks. This includes positive and negative representations of adult workers and information about protection systems (Sandor 1992; Young People in Need 1992). Adolescents in rural areas frequently voice particular concern about the escape of information told in what they considered to be private or confidential contexts (Youth Policy Development Council 1987).

11. In a Victorian study conducted by Brown (1993) young people expressed concern about workers reporting of abuse against the the young persons's wishes. They feared that such actions would result in alienation from their family, family break-up or worse. Other factors which inhibited disclosure to workers included that

"...hostile and predatory environment on the streets and in dormitories, squats and cheap hotels...have given some young people firm foundations for mistrusting adults and therefore they do not disclose sexual abuse until they feel assured that their disclosure would be received in confidence and with respect." (Brown 1993:103)

12. Young people seek to exercise their rights. The increasing role and reference to the United Nations Convention on the Rights of the Child ("the Convention") in Australia encourages young people to assert their rights and demands that the community respond in a way which takes proper account of them. For example, the Victorian Council for Civil Liberties (1994) and the National Children's and Youth Law Centre (1994) have prepared education kits for use in schools which raised the profile of the Convention.

This last point warrants special emphasis. Australia entered into the Convention with the agreement of all States and Territories. In *A National Youth Policy : A Statement of*

Principles and Objectives Endorsed by Commonwealth State and Territory Youth Ministers (Australian and New Zealand Youth Ministers, May 1993:5) it was said that:

“Youth Ministers acknowledge Australia’s ratification of the UN Convention on the Rights of the Child and the definition of young people (as contrasted with children), as those between 12 and 25 years of age inclusive.”

The guiding principle of the Convention is that the best interests of the child shall be a primary consideration. In relation to the topic of this aspect of the research, two Convention articles are especially relevant.

Article 19 states:

“1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardians(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

Article 12 states:

“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

Mandatory reporting squarely raises the potential for tension between these principles (see Swain 1993; Brewer and Swain 1993 for a discussion of how other Convention Articles apply). A critical passage in Justice Fogarty's report was his appreciation of the need for special consideration of teenagers in the implementation of mandatory reporting. His Honour's comments warrant reproduction in full:

"Particular problems relating to mandatory reporting involving adolescents have been raised during this review. Adolescents who consult with professionals need to have their own feelings and confidences respected. Although the obligation to report remains, the process by which that occurs and the manner in which it is handled needs to take account of these concerns, especially teenage girls reporting incidents of, for example, sexual abuse. Unless handled sensitively there is a risk that the adolescent

will be reluctant to make a disclosure where it is clearly in the interests of that person that he or she does so. Section 66 of the Children and Young Persons Act already makes provision about that as it provides that the protective intervener must investigate the report "in a way which will best ensure the safety and well-being" of the adolescent, but it is important now to re-emphasise this obligation.

There are obvious dangers in allowing a case to be controlled by the adolescent who may not be able to make informed decisions about his/her welfare. But the system has to give a clear message to adolescents that they have a right to be protected, that they are neither to blame for the abuse nor responsible for the outcome of any investigation, and that they are entitled to input into the manner and pace of the investigation."(Fogarty 1993:129).

A complementary but arguably less rights focussed position was taken by The Australian Capital Territory Community Law Reform Committee (1993). A "veto" power at the disclosure stage was advocated to the Committee by some child welfare workers but ultimately rejected (1993:77-9). The Committee instead recommended that:

The wishes of children about what will happen to them **after a notification** of child abuse is made should be taken into account (with the wishes of older children carrying more weight) **as a matter of welfare practice.** (p. 79, emphasis added).

7. The Present Research about Young People

It is with such considerations in mind that the present research was conceived. A driving force behind the first objective, i.e. to discover young people's views with respect to mandatory reporting, is the Council's recognition of young people's full range of human rights as set out in the Convention.

This research builds upon the direction of these statements of principle by consulting with potential and past consumers of the protective services system. By hearing what young people have to say about their knowledge of mandatory reporting, how they have heard about it, what they think about it and what impact they think it will have, this study treats them as sources of valuable information.

Like all sample groups adult and pre-adult their information is tempered by experience or lack thereof. The issues in question are human rights issues and as Rayner (1991:34) has put it, they are:

"fully entitled to human rights, rather than being objects of social concern and control; and as having a legal and ethical right to be heard."

From our literature search, this is the first Australian study to give young people a voice with respect to mandatory reporting. It is, therefore, necessarily exploratory but guided by the observations of Justice Fogarty and the above analysis of the particular considerations which attend the achievement of protection from abuse for adolescents as compared with younger children.

8. The Profession of Youth Work

Previous research into child abuse reporting behaviour has not focussed upon youth workers as a professional group. Instead, attention has been directed towards the teaching, health, and general welfare professions (See Webberly 1985, Lamond 1988).

One practical reason might be that youth workers are dwarfed by the sheer numbers of other mandated professionals. A further reason may be the absence of specific attention to adolescents within the discourse attending mandatory reporting.

Another reason may lie in the overt challenge to client confidentiality created by mandatory reporting legislation. The departure from routine practice is more readily apparent in the case of doctors, mental health workers and social workers. In contrast, for youth workers, there are no hard and fast ethical guidelines and it is possible that research in this area has tended to focus on professional groups where such exist.

The ethical challenge brought to youth work is more difficult to quantify than for other professional groups. Traditionally, there has existed a lack of consensus about the professional identity of youth work (Goodwin 1991), despite concerted efforts to foster common destiny and purpose in the sector (See Brown 1991). Representative bodies have experienced difficulty encapsulating the diversity of the youth sector and developing routine professional and ethical protocols around which practice should be based (see Brown 1991; Davey 1991). Authors appear to agree on one thing however - that the youth work field is lacking *homogeneity*.

The youth sector comprises workers of many disciplines including, but not confined to professionals who have formally trained in youth work. This lack of homogeneity, (whatever its cause, and aside from arguments about the negative and positive aspects of a disparate field) makes it very difficult to address the needs of the sector, particularly in relation to training.

9. The Context of Youth Work

Previous research in the area of sexual and physical abuse and the practice of youth work in Australia has drawn out several themes worth considering. Youth drop-in centres, a traditional workplace for youth workers, have been found to be male dominated areas where anti-sexist, and anti-racist work remains a low priority, and that the majority of service provision is aimed at young men (Omelczuk 1992, Delahunt 1991). Specifically, in relation to sexual abuse it has been found that,

"(m)uch of the emphasis on certain ways of working with young people comes from the workers themselves, their beliefs, attitudes, training, and understanding of the various issues affecting young people." (Omelczuk 1992:149-150).

Youth workers, therefore, respond to physical and sexual abuse in various ways, depending on their understandings of the causes of physical and sexual abuse.

Omelczuk's (1992) study revealed that many workers responded to cases of sexual abuse by listening to the young woman and supporting her, and following her directions regarding

involving police or other authorities. Some workers, however suggested that they would take action in the context of working with the family, as a priority over removing the young woman from the abuser. Others indicated that they would intervene immediately to remove the young woman from the abuser, in conjunction with an outside agency.

The general theme of responses, however was that youth workers were aware of having limited options for referral. A lack of appropriate services to provide support was also identified. This complements the findings of a Victorian research project (Robson 1992) which involved consultations and surveys of service providers to young people in North Eastern Melbourne about their experiences of working with survivors of sexual assault.

This study found that a number of workers had a perception that sexual assault was a specialist area in which workers needed training in order to provide support to victims of sexual assault. There was a need for training around intervention orders, legal definitions of sexual abuse, court procedures, the role of The Police, and the implications of the *Children and Young Persons Act* 1989 some did not understand the legal definition of rape (Robson 1992:51). A dominant perception among workers was that the legal system alienates and traumatises young people. There is also Western Australian research showing that many of the young people using youth services are disadvantaged and victims of violence perpetrated either on the street, or at home (White et al 1991).

It is arguably the function of youth work to directly assist young people to find solutions to problems caused by social disadvantage, violence, and to help accessing legal services. Available evidence however, suggests the existence of a lack of recognition of the legal concerns of young people by youth workers (O' Conner and Sweetapple, 1988; Staden 1987).

10. Youth Work Training

The need for improved training of youth workers has long been recognised and a range of high profile studies have highlighted the issue (Burdekin 1989, Hirst 1989, Royal Commission into Aboriginal Deaths in Custody, 1990). Where agencies are considering working with young people who have been abused, the skills and stability of staff and the service model is paramount (Omelczuk 1992:164).

The Federal government, in line with the redevelopment of training across a range of industries has supported the creation of what are known as core competencies for the youth work sector. Core competencies identify knowledge and skill areas required for people to work effectively in industry. These core competencies form the basis of more specialised areas of skill and knowledge, as required in the various work settings of the youth sector.

Competencies cannot include special values or beliefs required to work effectively with young people. Rather, they define specific *learnable* task areas. The ability to empathise, or to have a good sense of humour, for instance cannot be expressed in terms of competencies, however the ability to assess client needs and access relevant services can.

It must be born in mind that these competency standards do not set out to describe in an explicit way what workers are expected to know, nor what or who training providers should teach. They simply outline the expected outcomes of that learning.

In developing a nationally accredited competency based youth work training system, it is envisaged that the professional status and career pathways of youth workers will be enhanced. The National Youth Sector Training Unit in conjunction with other government and non-government training organisations is developing this system of competencies for youth workers. These competencies will provide a framework for youth work training, and practice. as youth workers and create a template for training curricula development. Some of the already identified units in the national competency standards pertinent to sexual abuse are:

- to identify the needs and rights of young people;
- to provide information;
- to assist young people in responding to crisis situations;
- to respond to young people in crisis situations; and
- to manage responses to crisis situations.

The first two of these points have been identified as core units by the National Community Services and Health Industry Training Body, that is they are units of competency which are essential for workers at all levels and in all types of situations.

Prominent among the set of competency standards of what youth sector workers across Australia are expected to do is the issue of respecting young peoples rights to confidentiality. Indeed core unit 1 - Identifying the needs and rights of young people lists among its performance criteria 'Young people rights to confidentiality is respected' (National Community Services & Health Industry Training Advisory Body with the Australian Federation of Youth Sector Training Councils 1995).

Performance criteria refers to the measures which an assessor would use to judge whether the youth worker is effective in the particular element of competency.

Confidentiality is again listed among the variables which are common to Service Delivery Cluster units ("SD") 2 (Assisting young people in crisis situations), 7 (Responding to young people in crisis situations) and 8 (Managing responses to crisis situations).

It is recognised that in many areas there is a tension between respecting the right of young people to privacy and self-determination and ensuring their protection and safety. This is reflected in many of the 43 units in the national youth standards. It is also the case that many of the competencies referred to will be impacted on by issues arising out of the mandatory reporting legislation. Areas which have been identified as assessable and legitimate competencies will be for many youth workers circumscribed by the legislation. For instance, element SD 7.3, 'Respond to young people who are in crisis due to their experience of violence' - lists among its performance criteria

'In collaboration with the young person referrals to specialist services are considered, weighing up the rights and needs of the young person and the type and quality of services available.' (SD 7.3.5)

11. The Present Research about Youth sector worker Training and Recommendations regarding Mandatory Reporting

By fettering a professional's discretion and, therefore, the capacity to negotiate or involve the young person in the process of notification, mandatory reporting risks being a barrier to safety

rather than a mechanism for achieving it. Reporting itself cannot be assumed the best pathway to produce safety and can have the opposite effect if young people break their relationship with the reporting worker and/or place themselves in situations of risk through running away (Brown 1993). Moreover, the desire of community professionals to help young people in abusive situations will give rise to dilemmas if confidence is lacking in the authority notified.

The literature review mapped the issues surrounding mandated reporting through legislation. It was found that there exists very little previous research regarding youth workers and the issue of mandatory reporting. Research into perceptions of child abuse and reporting had only peripherally identified youth sector workers as a discrete sample group to measure separately. Other research had shown that youth sector workers encounter sexual or physical abuse in their clients regularly and were under equipped to deal with these problems.

However there has been substantial Australian research relating to mandatory notification and other professional groups (Carter *et al* 1988; Ridoutt and Filis 1993; Webberley, 1985). This demonstrated that measuring the effect of legislative compulsion on the reporting behaviour of professionals was difficult to quantify and that comparisons between the States was fraught. Some studies (Lamond, 1989) using the 'before and after' method of determining the effect of legislation have shown increases in reporting rates without loss of accuracy. Other research has been unable to substantiate mandating legislation as a major influence on the reporting behaviour of professional groups who encounter disclosures of abuse while also reporting there was a strong **belief** that such legislation influenced their behaviour (Ridoutt and Filis 1993).

Cognisant of these findings, this research determined to examine youth sector worker' impressions and existing levels of understanding of Victoria's mandatory reporting laws as a way of considering approaches to the identification and intervention of child abuse and the implications for training.

B. METHODOLOGY

In this section the two major research exercises will be described, followed by some remarks about the limitations of the methodology.

1. The Project Steering Committee

A project steering committee was established to advise the researchers in the operationalisation of the research. Its major roles were to assist in the research time plan, to support and provide advice in the questionnaire design and protocols for the focus groups, to assist in the provision of research sample and to assist in the selection of peer researchers. The steering committee comprised of representatives and key players in the youth welfare, juvenile justice and youth affairs sector. Membership included:

Chair: Julian Bondy	Royal Melbourne Institute of Technology
Penny Armytage	Victorian Department of Health & Community Services
Colleen Clark	Victorian Department of Health & Community Services
Sandy Cook	School of Law and Legal Studies Latrobe University
Denise Dunn	Young People in Need
Tara Gupta	Legal Aid Commission of Victoria
Magistrate Greg Levine	Children's Court of Victoria
Mark Longmuir	Youth Affairs Council of Victoria
Alice Ann Macnaught	Childrens Welfare Association of Victoria
Gillian O'Brian	Info Deli
Bernie Marshall	Office of Youth Affairs
Katrina Stevens	Info Deli
Glenys Wilkinson	Childrens Welfare Association of Victoria

2. Consultations with young people

The consultations were designed to identify the key interests of potential consumers of the mandatory reporting system, that is, adolescent young people. The consultations with young people were focussed on the following four areas:

- their knowledge regarding mandatory reporting laws and their sources of knowledge;
- their perceptions regarding how the system will impact on disclosures, and;
- their suggestions for disseminating information about the new system;
- their recommendations for the operation of the mandatory reporting system.

The Sample

A total of twenty five focus groups with young people were conducted, including two pilot groups. Each focus group aimed to comprise eight to twelve young people for optimum participation (Schatzman and Strauss 1973) but this was not always achieved. The total sample of participants comprised 163 young people.

Young people aged between twelve and sixteen years of age were invited to participate in the focus groups. Mindful of the sensitive nature of the areas under discussion and the ages of the

respondents, informed consent was sought prior to any engagement. Participants were given a consent form which was explained to the prior to the commencement of the group (See Appendix 1 for a copy of the consent form).

Participants were paid \$12 for their attendance. The consultations were organised in two sample groups:

- young people selected from generic youth services; and
- female and male groups of young people selected for their experience with protective services system.

Some of the generic youth services groups were found to contain young people with first-hand experience of the protective services system or friends/acquaintances with such experience.

A further consideration which guided the intended sample was the need to balance statewide demographic and geographic characteristics with the different child abuse notification rates in various areas around Victoria. For instance, locations were sought in white, and blue collar areas, with a bias towards areas with higher notification rates.

The intended sample comprised 8 out of the 25 groups being conducted in rural settings as approximately 30% of Victorian young people aged 15 to 19 living outside the Melbourne and Geelong metropolitan areas (Australian Bureau of Statistics, 1986 Census Data).

Groups were conducted in both regional centres and smaller towns.

The H & CS system is organised and administered in 4 metropolitan and 3 rural regions. It was intended to conduct at least two groups in each of the five metropolitan and four rural H & CS regions, with an extra group being conducted in regions with the higher reporting ratios per person wherever possible.

Using maps showing regional boundaries, available demographic statistics and H & CS reporting data, a set of target municipalities was selected. The youth services coordinator from selected municipalities (where applicable) was approached, and the viability of conducting a general focus group in their municipality was discussed. A set of information about the project was then sent to workers who agreed to assist the research by organising a general focus group consisting of eight to twelve young people.

Under advice from the steering committee, it was the intention to avoid using H & CS services to assist in organising targeted focus groups. There was concern that participants may not be seen to attend groups on a purely voluntary basis if they were organised by statutory workers. When local agencies were contacted to assist in organising targeted focus groups, however, there was general reluctance on numerous grounds. It was therefore necessary to engage the department to request local H & CS services to assist in organising the targeted groups.

The process of organising and conducting these groups was a sensitive exercise. Inaccurate verbal information provided to young people from workers, instead of the intended information sheets, at times fostered misconceptions among the participants about the study's aims and methods. This confusion jeopardised the viability of a number of focus groups, and made it necessary to run one 'mixed focus group' with young men and young women

together. One single interview was also included in the data set. A young woman from a rural area, who had experience with protective services was interviewed. She was the solitary participant in a targeted female group originally expected to consist of six young women.

Focus group design - peer research

The focus group method is gaining ground as an appropriate method of consulting with young people regarding their experiences and perceptions of social conditions (see for example Australian Youth Foundation 1993). Focus groups use structured discussion in a group to elicit qualitative information. Given the exploratory nature of the objectives of this study it was considered most appropriate to consult with a large number of young people in groups, rather than pursuing a smaller sample through in depth interviews. These focus groups discussions were recorded on tape for subsequent transcription and detailed analysis.

The development of the discussion structure was pursued in three particular stages:

- the preparation of a literature review of previous work regarding mandatory reporting and the interests of adolescents in relation to the initial stages of statutory child protection;
- consultation with youth sector workers and young people regarding the most appropriate and effective approach to be followed in focus groups, capitalising on the valuable perceptions of the peer researchers employed for the study; and
- presentation and discussion of the focus group structure with steering committee members.

Employing young people as consultants and researchers was a major aspect of this study. Peer research methods are premised on the assumption that the research subjects provide more extensive and reliable information to those with whom they feel more culturally attuned and that young people are more comfortable in interviews conducted by young people who have had related or similar experiences. (Wilson and Arnold 1986)

A methodology which relies on the use of peer researchers conducting focus groups will necessarily contain instances where the form of questioning or prompting is framed in a manner less 'pure' than one would see in a highly structured questionnaire controlled by professional researchers. This is a trade-off which we sought to minimise through the training of the peer researchers and the presence of the adult researcher at the groups and we consider the rich and candid material we have obtained reflects the adequacy of these measures.

The peer research approach has been used in numerous projects on a range of different topics in recent years (Ferguson 1993; Knoblach 1992; Moore & Rosenthal 1992; Robson 1992; Alder and Sandor 1989) with favourable results and published discussions of their experiences in involving young people in their projects (Hill 1994; Wilkins et al 1993; Alder & Sandor 1989).

For the present study, a number of youth sector workers in metropolitan and rural settings were approached to refer young people who were thought potentially appropriate as peer researchers to the project. These young people were informally interviewed by the researcher and talked through an initial discussion paper regarding the design of the focus groups. These young people were paid \$20 for their contributions to the design of the focus group discussion structure. A short list of young people were then invited to be interviewed by the researcher,

a principal investigator and a member of the steering committee. It was attempted to make these interviews as informal as possible.

A formal approach to the recruitment of peer researchers in this project was pursued for two reasons. Firstly, the nature of the study as a statewide consultation project required a rigorous approach to recruitment in order to incorporate regional and cultural diversity; secondly, conducting focus groups required a level of pre-existing skills in addition to relevant personal experience.

Focus groups: the process

In recognition of the diverse experiences and interests of the sample group, the final discussion structure consisted of four separate stages, reflecting a variety of response modes, ie, informal responses, formal responses and recommendations. This structure was adapted according to the characteristics of the different focus groups. This flexibility was necessary due to the great variation in participants' backgrounds and personal experiences. In order to obtain recommendations regarding mandatory reporting it was also necessary to engage in some education about mandatory reporting and the initial investigation of official reports of child abuse. The assessment of young people's pre-existing knowledge came before these later parts of the focus group.

The first stage of focus groups involved completing the consent form which ensures the anonymity of participants. The consent form was signed by both participants and researchers. (See Appendix 1).

Participants were told that they were being consulted regarding the implementation of mandatory reporting laws. Introductions and where appropriate, "ice breakers" were conducted before turning on the tape recorder. Feedback was then invited regarding participants' knowledge of mandatory reporting laws and the child protection system. Facilitators then provided information about the new law, and invited comments on the investigatory process which were recorded on a white board where available. A break for refreshments usually occurred following this stage.

The break was a critical component of the group structure as it allowed young people to chat informally with the tape recorder off. Any initial trepidation about the group had usually dispersed by this stage, and participants were usually quite relaxed for the second half of the focus group.

The third stage involved using three scenarios to promote discussion of a third party incident, rather than focussing on participants' individual experiences. Participants were specifically asked whether they would recommend a report to protective services for each abusive scenario, and to explain their answers.

In the final stage, the facilitators reflected on the prior discussion in the group and invited recommendations about the new laws. The recommendation themes provided by participants in the initial groups were then presented in subsequent groups for further discussion (see Appendices 2, 3 and 4 for further information).

The general sample groups were joint facilitated by the two peer researchers, with the adult researcher attending groups at times to provide feedback on the performance of the peer

researchers. At times the researcher became actively involved in focus groups, particularly when identifying young people's recommendations. The female targeted focus group was facilitated by the female peer researcher and male groups by the male peer researcher with the researcher in attendance.

The duration of focus groups was 1.5 to 2 hours. All participants were paid \$12 for their attendance.

Focus group data analysis

The task of the researcher in qualitative research is create and order ideas by classificatory categories in unstructured records. However, the categorising of material from the same topic is not an end in itself. The aim in qualitative research is the discovery and ordering of themes and ideas through the emergent 'stories' and patterns.

The Richards, in their paper on the theory of categories and how they may be exploited by computational qualitative data analysis urge researchers to derive and use categories in two ways; firstly to develop data driven categories, that is that the formulation of categories **come from** the data and are not imposed **prior to** data collection. Secondly, to treat the categories as being linked and structured so that category production and the use of categories become the method of theory construction. (Richards & Richards 1994:1)

In concordance with these recommendations, theory in this part of the research was developed which was 'grounded' in the reality being studied rather than the traditional deductive process such as *a priori* hypothesis formulation. The advantages of this open approach over a pre-structured study were that by allowing substantive concepts and hypotheses to emerge on their own, the researchers were less likely to screen out relevant concepts and hypotheses. The storing and clarifying of our developing understandings and the linking of these ideas to data allowed formal theory to enter **after** the researchers had become convinced of its relevance.

All focus groups were taped and transcribed. Identifying remarks and extended passages of information provision from the researchers were not transcribed. After being transcribed, the peer researchers listened to the tapes again, and where possible they completed passages obscured by background noise.

The transcriptions were then transferred into an appropriate computer text format and entered into a qualitative data analysis program as a whole document. The N.U.D.I.S.T. program was selected as it allows great flexibility in manipulation, and detailed analysis of a large data set. The complete set of data amounted to approximately 200,000 words. The researcher, in conjunction with principal researchers developed a 'conceptual tree' for analysis of the data. This tree was a conceptual framework reflecting emergent themes in focus groups. Passages of text were indexed at multiple nodes reflecting whether statements reflected for example, a perception, a statement about knowledge, an experience, or a recommendation regarding a set of agents. By attaching various codes of this kind, text searches and inquires were conducted to investigate the frequency, and characteristics of the 'intersections' and 'unions' of the various nodes. (See Appendix 5 for the conceptual tree)

Methodological constraints

The findings from the major research tasks provided a set of results which sufficiently fulfill the stated objectives of the study. It is however worthwhile to comment on a number of interesting aspects of this study. The broad objectives and logistical constraints ensured a general approach to the question of how mandatory reporting is perceived by youth sector workers and adolescents. For instance, the broader theme often obscured important detail around the different cultural perceptions of abuse, and appropriate responses to abuse.

A recent NSW study has identified through consultations, the range of experiences and concerns relating to child and adolescent protection of refugee and/or migrant young people (NSW Child Protection Council 1993). Attempts were made to identify the different interests of non-English speaking background (NESB) groups, however, due to logistical constraints this was only partially achieved. The characteristics of the majority of youth services involved in this project reflect the dominant anglo-celtic cultural tradition.

It was considered inappropriate to pursue focus groups with any specific NESB groups as this would have risked the sample suggesting that chosen NESB groups were at increased risk of abuse. In groups where a proportion of young people were from a NESB, it was difficult to prompt discussion along cultural issues due to the sensitive nature of the groups. The research team reported that, at times, certain interesting topics arose but were not pursued in order to maintain the priority of a supportive and non-confronting group style. For NESB participants, it was difficult to pursue their perceptions of cultural issues in ways which allowed them to feel comfortable, and not highlighted as 'special' in the context of the rest of the group.

A similar limitation to the study concerns the absence of the particular views and experiences of Aboriginal and Torres Strait Islander children who are greatly over-represented in notifications of abuse (see Rayner 1995:45-48; as to Judicial recognition of the special status which these peoples warrant in evidentiary and other senses, see the decision of the Full Court of the Family Court of Australia in *B and R and Separate Representative*, 27 September 1995 at Melbourne, as yet unreported).

One further limitation of this methodology was the reliance on the goodwill of youth sector workers to invest time and energy in organising focus groups for the research team. This obstacle took different dimensions for the general, and targeted focus groups. For the general focus groups, there was concern from workers regarding the sensitive topic of discussion. Information packs were sent to workers which included general information about the project, and an information sheet for participants and interested parents. Despite these efforts, the research team found that often participants had not been provided with the information sheets provided, or had been given misleading information about the project.

As mentioned earlier, it became necessary to approach H & CS to assist in organising the targeted focus groups. Again, the research team found that misleading information had been passed on to the participants. This caused confusion and young people mentioned that they had been anxious about the focus groups, and some of their friends had decided not to attend, due to misinformation. Having said this, it was often very difficult for workers to organise enough young people at the specific time of the focus group, due largely to the transient nature of many young people in care, and the day to day issues and activities of the participating agencies.

The final caveats concern the nature of data collected in focus groups.

First, while attempting to ensure otherwise, we accept that there is a possibility that not all of the references were free from the possible fact that participants were influenced by the study having been conducted under the co-auspice of the peak body representing youth sector workers and youth issues in this State. We doubt this is so but for the sake of completeness we advise that only replication under other conditions could test this

Secondly, it must be understood that we have collected data about young people's understandings and perceptions. This research reports how young people viewed the issues attendant to mandatory reporting and aspects of the protective system. The study takes their claims as truly held perceptions, however, the research does not purport that the participants' views are "objectively" accurate nor that the data are representative. We are however confident that the research has captured what young people say about the issues in question.

3. Survey of Workers with Young People

The sample for the questionnaire was the membership of the Youth Affairs Council of Victoria ("YACVic"), the peak body representing the youth sector in Victoria. This sample group consists of workers in the categories of local government, emergency accommodation providers, and community outreach projects (Youth Affairs Council of Victoria 1993 : 35-38). A total of 383 questionnaires were distributed through mailout to YACVic members, and 219 through youth work network meetings throughout Victoria in May and June of 1994. 150 surveys were returned representing a 24.9% return rate.

Questionnaire design

The questionnaire was designed to obtain responses from workers in the youth affairs field along the following themes:

- knowledge levels regarding mandatory reporting laws and the child protection system;
- skill levels in working with young people who have been abused;
- perceptions regarding the operation of the mandatory reporting system; and
- recommendations regarding the implementation of mandatory reporting.

The final objective was for the findings from this survey to contribute to a targeted training package for youth sector workers, based on the final 'competency units' derived by the National Youth Sector Training Unit's Core Competencies Project.

There is a paucity of previous work regarding training need analysis using questionnaires, particularly in the youth affairs field. Previous surveys in the area of training need analysis were either designed as part of training course evaluation, or were too general to be of assistance in this study.

By examining the methodological models used in other research examining mandating legislation and the reporting behaviour of professionals and the methodological models used in research regarding youth work and working with young people who have been abused, the questionnaire was roughly conceived. Further design modification took place after consultation with youth sector workers and a pilot questionnaire which was sent by mail to ten

randomly selected workers. Another seven were distributed at a network meeting. These were not included in the final data-set. Upon the return of these pilot questionnaires and consultation with the steering committee the questionnaire was modified, finalised and distributed.

A questionnaire design was sought which provided opportunities for both formal, and extended responses. Questions were framed in language designed to avoid response sets.

Items were The questionnaire was divided into five sections, which will each be explained in turn (see Appendix 5 for the final survey).

Section one covered the demographic profile of respondents, the type of service and the duties performed by respondents, the qualifications of respondents, the work experience of respondents, and several questions designed to enable a comparison of the sample with the known characteristics of the youth sector worker population. These were to be used to determine if there were any particular groups of youth sector workers who had substantially different skills, attitudes or knowledge regarding mandatory reporting compared to other youth sector workers. These questions were all multiple choice.

Section two asked workers a series of questions designed to test their levels of knowledge about mandatory reporting and what their sources of this knowledge were. The first part dealt with respondents' knowledge of mandatory reporting, and the other key laws relating to child and adolescent protection. A set of 14 statements were developed which covered the minimum legal knowledge required to work effectively with young people involved in the protective system. Respondents were instructed to indicate whether a particular statement was true, or false, or whether they were unsure. The second part asked respondents to indicate if they had received training in 11 areas relevant to working with young people who have been abused, and to indicate the source of this training. Part 3 simply asked respondents to indicate where they had heard of mandatory reporting legislation. These questions were all multiple choice.

Section three asked youth sector workers to indicate what areas of knowledge they regarded as important and how they rated their skills in relation to those areas. Whereas section 2 dealt with the knowledge of workers and a range of specific training subjects, section 3 attended to the broader concept of skill, upon which the 'core competency units' are based. The traditional concept of skill, however was extended to include workers' perceptions regarding the relevance of workers' attitudes and beliefs to practice with young people. Using a recent training needs analysis kit as a template for this section (Archer 1991), workers were asked to indicate their perception of the importance of each of the 22 skill areas in working with young people who had been abused and then to assess their level of competence in these skill areas. There was also an opportunity for workers to mention other skill areas not included in the multiple choice section. Each skill area began with an action verb and fell into 4 main areas:

- explaining rights and legal processes to young people;
- receiving disclosures, assessing risk and determining the best interests of young people;
- promoting effective and appropriate working relationships with young people;
- understanding the broader social context of abuse and applying this to practice with young people.

Section four identified workers' experience in receiving disclosures, and asked them to provide short answer data regarding their attitudes towards taking action on such disclosures, and explored their perceptions of mandatory reporting laws and the impact of the laws on their relationships with young people. The first part asked workers to estimate the number of disclosures of physical and sexual abuse received from young people aged 12 to 16 in their work with young people. The second part asked respondents to comment on the circumstances surrounding reports to the authorities, and instances where the department was not notified. The third part provided a number of statements regarding mandatory reporting laws which are characteristic of the range of attitudes towards mandatory reporting and asked workers to indicate their level of agreement with these statements. The specific themes of these statements were generated from the literature search, in consultation with workers and the steering committee.

We note here that a limitation of the survey was its focus upon workers' **self-report** treatment of **disclosure**. There was no attempt to investigate the statements of our sample with their actual past behaviour. Secondly, we focussed deliberately upon their treatment of disclosures rather than their actions upon forming an assessment of likely or actual abuse without having been approached by a young person with a disclosure.

Section five prompted workers to provide recommendations for the implementation of mandatory reporting and the training needs of workers. After providing a summary explanation of mandatory reporting laws, respondents were then given five specific prompts to focus their short answer responses. Workers were then provided one final opportunity to make any further comments about mandatory reporting laws and any further feedback regarding the survey itself.

Methodological Constraints

According to the 1995 Youth Worker census and training needs survey undertaken by YACVic on behalf of the Ministerial Review of Youth Worker Training (YACVic 1995), there are 12,314 workers in 954 services who work with young people who fall within the rubric of 'youth worker' in Victoria. Of these 4355 are paid workers of whom 1,887 (15.3%) are full-time, 1,029 (8%) are part-time and 1,439 (11.7%) are casual employees. According to this census there are also 7,959 (64.6%) voluntary workers. One result of such high numbers of voluntary, casual and part-time workers are low levels of occupational identity. This is reflected in the low levels of returns. Because of the low number of returns to questionnaires sent out caution must be taken in treating the sample as representative of youth workers in Victoria but, as the reader will see, we have tested our sample against various features of the census data in reporting the results of the survey.

Consultations with Workers with Young People

The consultations were designed to provide mechanisms whereby workers with young people would be provided with information generated by the research and opportunities to comment on the draft findings. Two methods of formal consultation were engaged. Firstly the Steering Committee included representatives from youth work agencies and youth sector workers. Their comments have been incorporated in the interpretation of the youth sector survey presented herein.

Secondly the Mandatory Reporting and Youth Work Forum was held in September 1994 and was attended by approximately sixty people. Speakers included: both Principal Co-Investigators, Maria Varkopolous - Footscray Youth Housing Project, members of the Steering Committee; Greg Levine, Senior Magistrate - Children's Court, Colleen Clark, Manager - Community and Professional Educational Unit, Protective Services for Children and Adolescents, Health & Community Services, and Mark Longmuir, Executive Officer - Youth Affairs Council of Victoria.

After the presentations participants split into workshops in three thematic areas:

- Youth sector workers knowledge and training;
- Skills in working with young people who may have been abused;
- Attitudes toward disclosures from adolescents.

C. RESULTS OF THE SURVEY OF WORKERS WITH YOUNG PEOPLE

1. Section One - Service and Worker Profile

This section of the questionnaire dealt with the services and demographic profiles of the respondents. When reference is made to how representative the sample is, the point of comparison is the 1995 Statewide Census and Survey undertaken by one of the Principal Investigators - Julian Bondy - on behalf of YACVic.

Results of Q1 This question asked respondents where their service was located. 49% of respondents indicated their service operated in inner Melbourne metropolitan, 27% from outer metro and 24% from country Victoria. These figures accord with the percentiles in the 1995 Statewide Census of Youth Worker Training.

Results of Q2 This question asked respondents about the primary funding source of their organisation. The breakdown of funding was 19% Federal Government, 42% State Government and 17% Local Government.

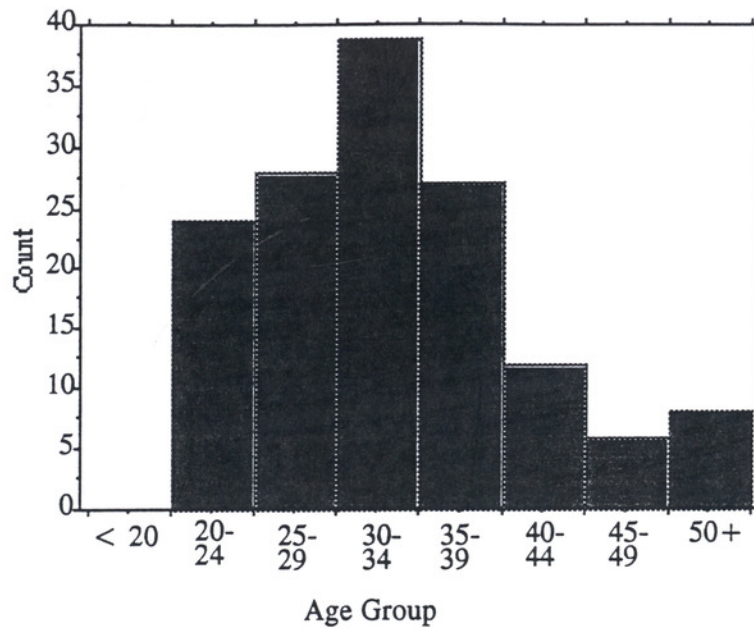
Results of Q3 This question asked respondents to list the areas which their organisation provided service in. The major service areas represented were Information Provision which was listed by 63% of respondents, Advocacy was listed by 41% and Counselling was listed by 40%, Activities/Leisure was listed by 37% and Housing by 36%. This appears to under-represent agencies which are involved in housing and over-represent those involved in information provision. The percentages do not sum to 100% because more than one area could be indicated.

Results of Q4 This question asked respondents about their employment status. 65% of Youth sector workers surveyed were employed full-time, and 27% part-time. Thus 92% of the sample are in some form of employment and it will be recalled that the mandatory reporting legislation applies in the context of beliefs formed in the course of work (see section 641A and 1C(g)). By comparison, the 1995 Statewide Census found that approximately 15% were in full time employment.

Results of Q5 This question asked respondents about their current duties. The most common current duties of the respondents were; direct service provision listed by 67%, case work which is listed by 40% and service management listed by 23%. The percentages do not sum to 100% because more than one area could be indicated.

Results of Q6 This question asked respondents their sex. The results appear broadly representative of the field. 71% of the respondents were female, 29% were male.

Results of Q7 This question related to the age of the respondents. 27% of respondents were aged between 30-34, 20% between 25-29, 18% between 35-39 and 17% between 20-24 years. As the table below indicates, the median age of the respondents was 30-34 years. This appears at odds with the common wisdom that youth work is a para- profession with high rates of attrition as people 'burn out' and enter into other professions. However these results are supported by the 1995 Statewide Youth Worker Survey.



Results of Q8 This question asked respondents about their qualifications. Again the results appear at odds with the perception that youth work is a para-profession. As the table below indicates, nearly 80% of the sample had completed some form of further qualification and of these, most of the respondents have a degree or higher. This is comparable to the census.

Element:	Count:	Percent:
Certificate	10	8.547%
Diploma	17	14.53%
Degree	73	62.393%
Higher Degree	17	14.53%

-Mod

Of the respondents with BA's, 19% had Youth Affairs Degrees, 26% had Social Work Degrees, 27% put BA and/or Social Science degrees and 21% Education/Health Science degrees.

Results of Q9 This question asked respondents whether they had ever worked as a protective worker in a government or gazetted organisation. It was expected that workers in such organisations would have a better knowledge of the mandatory reporting laws. 11% of respondents have worked as protective workers in a government or gazetted organisation. Because of the small sample it was not possible to determine whether organisational background was significant in workers attitudes and knowledge.

Results of Q10 This question asked respondents how long they have been working with young people. The average length of time the respondents have been workers with young people was 8 years. Ten years was the mode response.

Results of Q11 This question asked respondents to list what type of service provision they had experience in. The most commonly mentioned service experiences listed were; information provision listed by 75% of respondents, activities/leisure listed by 65% of respondents and counselling listed by 62% respondents. The percentages do not sum to 100% because more than one area could be indicated.

Results of Q12-Q13 These questions asked respondents about the type of young people they were working with. While most workers reported working with roughly equal groups of female and male young people between 12-16 years inclusive there were groups of young people substantially under-represented. These were young people from Non-English Speaking Backgrounds (NESB) and Koori and Islander young people. 81% of the respondents were working with young people between 12-16 years inclusive. 40% of youth sector workers working with 12-16 year olds work with cohorts where both females and males account for between 26-50% of the total. Most respondents working with young people between 12-16 years do not work with those from Non-English Speaking Backgrounds (NESB). 39% report working with between 0-5% of NESB young people and 34% with between 6-24%. Nor do they work with Koori or Islander young people. 83% of respondents report working with between 0-5% Koori/Islander young people, a further 16% with between 6-26%. The percentages do not sum to 100% because more than one area could be indicated.

2a. Section Two (A) - Workers' knowledge

This section deals with workers knowledge of Victorian child protection laws. Overall workers faired poorly in their knowledge of mandatory and other child protection laws.

Q14	% correct answer
a) If I make a report of abuse to the authorities an investigation will necessarily follow.	29
b) If I make a report of abuse to the authorities, the matter must end up in court.	89
c) Young people aged 12 to 16 have the legal right to refuse protective intervention.	59
d) Mandatory reporting laws apply to young people 18 years of age and below.	42
e) Any worker with young people will be required to report abuse, whether or not they have post secondary qualifications.	19
f) Under the new laws, mandated workers may incur a penalty for failing to report abuse.	74
g) Mandatory reporting laws apply to young people 16 years of age and below.	67
h) Under mandatory reporting laws physical abuse must be reported to the authorities.	93
i) Under mandatory reporting laws, homelessness must be reported to the authorities.	69
j) Under mandatory reporting laws, sexual abuse must be reported to the authorities.	100
k) Under mandatory reporting laws, emotional abuse must be reported to the authorities.	32
l) Under mandatory reporting laws, neglect must be reported to the authorities.	25
m) Intervention orders can only be taken out to protect adults.	83
n) A young person can apply for crimes compensation following abuse.	68

All answers were cross tabulated with other variables in order to determine whether certain worker profiles were disproportionately represented. The only area where there was significant difference in worker responses was in Q14C and 14L where men were over-represented in the correct answer category. The question which was answered incorrectly most frequently, Q14E, indicates that most Victorian youth sector workers are clearly uncertain of their position regarding mandatory reporting.

2b. Section Two (B) - Training

The majority of youth sector workers have received training about aspects of the child and adolescent protective system. The areas respondents had been most likely to receive training in and the areas respondents were least likely to receive training in were not highly differentiated.

The three most common areas of training are: recognising signs of sexual abuse which 69% of workers have received; how to respond when a young person discloses abuse (68%) and the causes of abuse (68%). They were closely followed by the signs of physical abuse (67%) and the signs of emotional neglect (66%).

The three areas of training least likely to have been received are: the special needs of young men who have been abused (44%), how to be a witness in court (44%) and the orders that are used in the Family Division of the Children's Court (47%). Court report writing was the next area of least training (49%).

Q 15 - Training received in the following areas:	On the job training	Training course - including tertiary education	Both forms of training
	%	%	%
a) The signs of physical abuse	25	18	24
b) The signs of sexual abuse	25	18	26
c) The signs of emotional neglect	22	18	26
d) How to respond to a young person when they disclose abuse	28	22	18
e) How to be a witness in court	27	7	10
f) How to write a report for court	29	12	8
g) The orders that are used in the Family Division of the Children's Court	28	7	12
h) The child and adolescent protective system generally	28	18	13
i) The causes of abuse	22	22	24
j) The special needs of young women who have been abused	29	14	17
k) The special needs of young men who have been abused	23	10	11

Results of Q16 This question asked respondents about their sources of knowledge about mandatory reporting laws. It is of some concern that 19% of respondents reported that they had never heard of mandatory reporting. Of the 81% of workers responded that they have heard of mandatory reporting, the most common source of their knowledge was newspaper articles (100%) followed by television and radio (87%) and discussions with colleagues (84%). On the job training was listed by 59%, training provided by an outside organisation was listed by 44% and training provided by H & CS was listed by 37% as sources of their knowledge of mandatory reporting

3. Section Three - Skills in Working with Young People

Results of Q17 On average, 63% of all skill areas were ranked as 'very important' by workers. The skill areas that workers have identified as 'very important' most often are: 1- Building and developing a trusting relationship (92%), 2- Providing physical safety (85%), 3- Balancing the need to maintain trust and provide support with the need to refer to other professionals with more expertise (80%).

The skill areas that workers have identified least often as 'very important' are: 1- Assisting young people to apply for crimes compensation (44%), 2- Preparing a report for a protective hearing in court (52%) and 3- Encouraging disclosures of physical abuse (53%).

On average in 64% of all skill areas workers ranked themselves as having either 'strong competence' or 'basic competence'. The skill areas that workers have identified as having their strong or basic competence most often are: 1- Building and developing trusting a relationship (99%), 2- Sharing information given to you by a young person appropriately with other workers (94%), 3- Making decisions about the use of confidential information (90%) and 4- Ensuring that young people are aware of the extent to which confidentiality is observed and when it is not (89%)

Areas that workers have identified themselves as being 'not competent' or 'needs improvement' most frequently are: 1- Preparing a report for a protective hearing in court (74%), 2- Being an effective witness during a protective hearing in court (66%), 3- Assisting young people to apply for crimes compensation (62%) and 4- Explaining mandatory reporting laws to young people (61%)

It is interesting to note that there is a high degree of overlap in the areas where youth sector workers feel they are competent and the importance they place on that particular skill area. Conversely the bottom two areas which youth sector workers place least importance on are the very same areas where they feel least competent.

Q17	Very important %	Competence needs improving or not competent %
a) Explaining to young people their legal rights with respect to protective services	73	52
b) Explaining mandatory reporting laws to young people	68	61
c) Preparing a report for a protective hearing in court	53	74
d) Being an effective witness during a protective hearing in court	62	66
e) Encouraging disclosures of sexual and physical abuse	53	36
f) Providing physical safety	85	17
g) Building and developing trusting relationship	92	1
h) Assessing whether a young person is likely to suffer significant harm	80	24
i) Assisting young people to identify, access and develop their power as individuals	78	12
j) Making decisions about the use of confidential information	78	10
k) Ensuring that young people are aware of the extent to which confidentiality is observed and when it is not	78	11
l) Providing accurate information to young people about court processes	65	51
m) Sharing relevant information given to you by a young person appropriately with other workers	55	6
n) Safely and constructively dealing with dependent behaviours	50	26
o) Assessing a young person's right to input into protective situations	70	44
p) Assessing when the best interests of the young person overrule their right to input into protective decisions	58	52
q) Balancing the need to maintain trust and provide support with the need to refer to other professionals with more expertise	80	13
r) Understanding different explanations for the causes of sexual and physical abuse	53	25
s) Applying the different concepts which explain the causes of sexual and physical abuse to practice with young people	54	43
t) Assisting young people with intervention orders	54	54
u) Assisting young people to apply for crimes compensation	44	62
v) Assessing whether a young person has suffered significant harm	71	42

All results of Q17 were cross tabulated with the demographic data gathered in section one to determine whether there are certain worker profiles which are disproportionately represented. In a few instances there was significant variation. These instances have been listed below:

- Gender appears to be statistically significant with respect to how workers would rank their ability in explaining to young people their legal rights with respect to protective services.

Percents of Row Totals

		Female	Male	Totals:
Strong competence	1	42.86%	57.14%	100%
	2	75.51%	24.49%	100%
	3	81.63%	18.37%	100%
Not competent	4	64%	36%	100%
	Totals:	70.83%	29.17%	100%

- Age appears to be statistically significant in terms of how workers ranked their competencies. Workers aged between 20-24 had disproportionately high levels of low confidence in Q17P, Q and R.
- The type of young people the workers were working with also appears to be statistically significant. Workers working with 76%+ young women disproportionately rate their competencies higher than normal frequency distribution in 17B, R and U.

Results of Q18 Less than 10% of respondents made further recommendations regarding skill areas not covered in Q17. The most common mention was about skills with working with families which was cited by four workers.

4. Section Four - Workers' Attitudes

Results of Q19 77% of workers indicate that they have had a young person aged between 12 to 16 inclusive disclose sexual and/or physical abuse to them

Results of Q20 The mean number of disclosures of the following types of abuse were received by respondents:

Q20A	Physical abuse	Sexual abuse
Young Females	17.6	11.9
Young Males	17.5	5.3

Results of Q20b Workers' reasons for reporting abuse to the authorities:

- The most common reason given was 'when the young person has agreed' (35%) followed by 'that abuse would be likely to continue in absence of official intervention'(25%).
- Only 12.5% of respondents indicated that it was because of organisational policy to report abuse which had led them to make a report. By comparison Ridoutt and Filis (1993: 116) found that organisational policy and rules were perceived as being most influential on Youth Workers reporting behaviour in New South Wales.

By comparison, Ridoutt and Filis's (1993: 100) study found that in New South Wales (NSW) the most common understanding by Youth Workers of a compulsion to report was by their organisation's policy and procedures which accounted for 47% and 40% believed they were compelled by legislation. It must be noted that this New South Wales study only involved 34 Youth Workers.

Results of Q20c There were 69 responses where workers have indicated that they have been aware of abuse and not reported it, this represents 46% of respondents who had received a disclosure. A total of 105 explanations were given for not making a notification. A warning needs to be made in interpreting the above data. No attempt was made to investigate the absolute number of cases of disclosure not reported. It was felt that the question may have been intimidatory. From the figures obtained it can only be hypothesised that significant numbers of disclosed abuse have gone unreported. The most common reasons were:

Q20C - Reasons for non-disclosure	%
Young person safe at the time/abuse occurred in the past and the perpetrator not attempting to contact the survivor	28.5
Extended family/local agencies providing support and/or intervention	17.1
The young person refused to give permission to do so and abuse has stopped	14.3
The young person not ready to disclose further	13.3
Lack of confidence with Health & Community Services to prevent 'systems abuse'	12.4
Others within agency or other agency (not H & CS) made aware	11.4
Disclosure occurred before mandatory reporting	3.0

If the reasons 'young person refused permission' and 'young person not ready to disclose further' are combined, the aggregated category accounts for 27.6% of all reasons given.

Interestingly, lack of confidence in H & CS, while a significant factor in non-reporting appears less of an issue in Victoria than in New South Wales where the most prominent reason for non-reporting among Youth Workers was lack of confidence in their equivalent of Victoria's H & CS, Department of Community Services (DCS) (Ridoutt and Filis 1993:106).

These responses were cross tabulated with the demographic data to determine whether certain groups were over-represented as non-reporters. There is no statistically significant correlation between non-reporting and other variables.

Results of Q21 This question elicited the opinions of workers concerning mandatory reporting.

Q21	Strongly agree %	Agree %	Undecided %	Disagree %	Strongly disagree %
a) I won't know whether to warn young people of my duty to report their disclosure to the authorities.	5	19	16	42	18
b) If I make a report, a young person will see me as abandoning her/him, when they need me most.	6	16	27	39	11
c) A legal responsibility to report abuse to the authorities is at odds with my identity as a community based worker.	10	18	22	36	11
d) There has been too little training about mandatory reporting laws for community workers with young people.	56	33	4	4	1
e) A large number of professional workers will now report abuse, when previously they would not.	11	43	30	15	1
f) I can envisage a situation where I will not report abuse when the law requires me to do so	11	28	34	18	9
g) Mandatory reporting laws themselves are good, however the circumstances of their implementation in Victoria are inappropriate.	27	20	39	8	5
h) A legal obligation to report abuse is better than leaving it to an individual worker's discretion on a case by case basis.	15	35	32	11	6

The results of Q21 were cross tabulated to determine whether certain groups of workers have specific opinions concerning mandatory reporting.

Results of Q21g with experience of disclosure as worker. Workers who have had a young person disclose sexual and/or physical abuse are disproportionately represented in the strongly agree/agree categories of the statement *mandatory reporting laws are themselves are good but the circumstances of their implementation are inappropriate*. This indicates that those with experience of disclosures are also the most concerned about the implementation of mandatory reporting laws.

Has a YP disclosed abuse to you?

		Yes	No	Totals:
Strongly agree	1	32.63%	6.9%	26.61%
<u>Mand Rept laws are themselves good but implementation is inappropriate</u>	2	22.11%	10.34%	19.35%
	3	30.53%	75.86%	41.13%
	4	9.47%	3.45%	8.06%
Stongly disagree	5	5.26%	3.45%	4.84%
Totals:		100%	100%	100%

The sex of the worker appears to have influenced their attitudes in a few instances. In Q21A disproportionate number of female workers agreed with the statement and a disproportionate number of male workers disagreed. In Q21H for those that agreed with the statement, women were more inclined to agree more strongly than men.

5. Section Five - Youth Sector Workers' Recommendations

Workers were asked to provide their recommendations about the implementation of mandatory reporting laws in an extended response section at the back of the survey. A set of prompts were used to elicit recommendations under seven different themes. Most workers chose to simply write their recommendations regardless of the prescribed themes. A total of 649 recommendations were provided, falling into forty four separate themes.

This large set of recommendations was further summarised under six categories, reflecting workers perceptions of the action areas for the implementation of mandatory reporting:

Categories of recommendations as a proportion of all recommendations made.

Recommendation areas	No. of instances	%
Training for youth workers	455	70.1%
Information provision for general community	56	8.6%
Provision of accommodation, support and staff resources	73	11.2%
Resources for rural areas	12	1.9%
Practice issues needing to be addressed	31	4.7%
Expressed concerns about mandatory reporting	22	3.5%
Total	649	100%

The message is clear. Youth sector workers overwhelmingly want training which is specific for them

6. Summary

The sample, while relatively small, displayed a satisfactory comparability with key aspects of the youth sector worker population in Victoria. Full-time workers are over-represented in our sample in comparison with the youth work census but equivalent in respect of whether they have received post-secondary education.

There was an encouraging longevity of working with young people among the sample - eight years was the average and ten years as a worker was the modal response. This is a notable finding in the light of past criticisms about "the suggested immaturity and inexperience of [H & CS staff], especially base grade staff" (Fogarty 1993:53). One might speculate that there may be a reluctance among experienced workers to be compelled to report cases to an investigative body viewed as being staffed by personnel with less acumen than the reporter.

It should however be said that Fogarty noted that the perception may no longer be valid and reported that staff turnover in 1992/3 had reduced in comparison with 1991/2 to a level of 17.4%, which he said was "still too high" (p. 50). He also reported improvements in the length of service of H & CS staff, with approximately half found to have at least two and a half years experience. Our data is not directly comparable with that discussed by Fogarty as we were simply enquiring as to the length of experience as a worker with young people. While, of course, protective workers may come to H & CS with prior experience, the Department's recruitment drives have sought to address the limitations of having a sizeable proportion of new graduates employed in base grade field work.

An inspection of their knowledge base (Q14) suggests that workers have incorporated the rudimentary aspects of the new mandatory reporting requirements in that they are unanimous that sexual abuse must be reported and only slightly less certain (93%) about physical abuse. Interestingly, nearly a third of our sample assumed that emotional abuse was mandatory to report while an even greater proportion assumed that homelessness must be reported (69%). A quarter of the sample believed that neglect had to be reported.

More than 80% are conscious that notification does not necessarily result in court proceedings, a finding which suggests they have an appreciation that there are other exit points following notification.

Less satisfactory as an aspect of basic information is their knowledge of the age-range covered by mandatory reporting. At first glance, we would not have placed too much stress upon this finding as, in retrospect, we acknowledge that there was scope for differing interpretations of items 14(d) and 14(g). Yet only slightly more than half the sample were correct in answering "no" to the statement that "young people aged 12 to 16 inclusive have the legal right to refuse protective intervention".

Our data indicated that, on dimensions of prior training (Q15), at least 40% of participants had received some input. Higher percentages were noticeable for items which relate to the role of such workers as identifiers of risk of abuse (e.g. signs of abuse, responding to disclosure) than as participants in events which may follow notification (being a witness in court, how to write a report for court).

The most infrequent area of training was in the special needs of abused young men (44%) and it is noteworthy to compare that 60% had received training in the special needs of abused young women. The explanation is unlikely to lie in the nature of the work undertaken as responses to Qs 12 and 13 indicated that the sample worked with equal proportions of young women and young men. Although 71% of the sample were female, this was unrelated to the types of abuse disclosed or the sex of the young person making the disclosure (Q20). That is, women workers were as likely as their male colleagues to have experienced disclosures from young men.

However, in terms of their perceptions, training was highlighted as a major concern for youth sector workers. 56% of respondents strongly agreed and 33% agree with the statement "There has been too little training of mandatory reporting for community workers with young people" (Q21D).

The results with respect to sources of knowledge (Q16) appear to reflect the impact of media coverage and personal networks rather than formal training. A little over one third of the sample have received training from H & CS but the responses did not enable us to be certain that this was due to having a work place or professional status that brought them into contact with the training provided to those groups in section 64(1C) as they approached gazettal.

There were interesting findings with respect to the skills perceived as important by the sample and their self-rating of competency (Q17). Workers valued and felt competent in their interpersonal skills with young people and in matters related to the treatment of sensitive information, including disclosures. They rated themselves as less competent on items associated with events which may follow notification such as appearing as a witness or preparing a report for the Court.

It was consistent with the sample's performance in the knowledge section of this survey to find that 61% of the sample considered their competency lacking or needing improvement with respect to explaining mandatory reporting laws to young people(Q17A). 68% of the sample identified this skill as very important. Somewhat curiously, slightly more of sample (73%) ranked the skill of explaining young people's legal rights with respect to protective services as very important and a slightly lower proportion felt their competency in this lacking or in need of improvement (52%; Q17B).

Questions 19 and 20 sought to tap workers' prior experience with young people's disclosure of abuse under what are assumed to be voluntary reporting conditions. 77% indicated they had received a disclosure. Among this subsample, there was no difference in the frequency of physical abuse disclosures from young males and young females. Disclosures of sexual abuse twice as frequent from young females in comparison with young males. The gender of the worker had no statistical effect.

When workers were asked if they had reported abuse disclosures to the authorities the two most often cited reasons for doing so were that the young person had agreed (35%), or the worker's concern that abuse would continue (25%). This indicates the way in which youth sector workers allow the maintenance of co-operation with young people to be determinative while recognising there are circumstances where the importance of co-operative relationships are secondary to the the risk factors involved.

Nearly half of the subsample who had received disclosures said they had elected not to make a report. By comparison, the New South Wales study of Ridout and Filis (1993: 103) found (in a very small sample) that 72% of the youth workers who had suspected abuse had chosen at least once not to report it.

One main reason cited by our respondents (29%) was the practical current circumstances of the the survivor; he or she was now out of reach of the perpetrator. Three other themes also emerged as influential: the young person's attitude (27%); arrangement of services without H & CS involvement (17%); concern that notification may lead to systems abuse (12%). 11% dealt with the disclosure by making the issue known to others in their agency or other agencies apart from H & CS.

The survey data displays the inconsistency and ambiguity with which youth sector workers perceive mandatory reporting. The majority of surveyed workers agreed that more professional workers will report than previously under mandatory reporting legislation. Also half of those surveyed are in favour of a legal obligation to report rather than leaving the decision to a worker's discretion, and relatively few see a responsibility to report as being at odds with their identity as a community based worker or consider that a young person will see them as abandoning her or him.

However, it is also the case that 39% envisage a situation where they would not comply with the law and a further 34% are undecided. Furthermore, when asked to what extent they agree with the statement "*Mandatory reporting laws themselves are good, however the circumstances of their implementation in Victoria are inappropriate*" 47% of the youth sector workers surveyed agreed and 39% were undecided. Most pertinently, the more experience workers have had with disclosures, the more likely they were to be concerned about the circumstances of implementation of mandatory reporting laws.

While respondents believed quite strongly that mandatory reporting legislation influences behaviour, the results of the survey suggest that this influence diminishes when the issue becomes personalised in terms of their own behaviour. This accords with the findings of Ridoutt and Filis (1993:120) who report that they were unable to substantiate mandating legislation as a major influence on reporting behaviour. Their research found it had a peripheral influence. Mandatory reporting legislation was not seen as irrelevant, rather, that other factors such as the workers' relationship with the DCS and the development of skills and knowledge which were more important.

D. FOCUS GROUP RESULTS

1. Introduction

This section presents the results of the focus groups with young people. These consultations focussed on areas outlined in chapter on methodology:

- their knowledge regarding mandatory reporting laws and their sources of knowledge;
- their perceptions regarding how the system will impact on disclosures;
- their suggestions for disseminating information about the new system; and
- their recommendations for the operation of the mandatory reporting system;

The final data set consisted of a total of 23 focus groups:

Ten general groups:

7 Metropolitan groups: 71 young people.
Broadmeadows, Doncaster, Footscray,
Knox, Richmond, Springvale, St.Kilda.

3 Rural groups: 27 young people.
Bendigo, Leongatha, Swan Hill.

Thirteen targeted groups:

6 Male groups:

3 Metropolitan groups: 16 young people
Kensington, Parkville, Reservoir

3 Rural groups: 16 young people
Bendigo, Geelong, Traralgon

6 Female groups:

4 Metropolitan groups: 17 young people
Ascot Vale, Burwood, Fitzroy, Parkville

2 Rural groups: 6 young people
Bendigo, Geelong

Note: The Parkville male and female targeted groups comprised young people from around Victoria held in a central institution, either as protective clients on remand for an alleged offence or undergoing a custodial sentence (Youth Residential Order or Youth Training Centre Detention) after conviction for an offence.

1 mixed Metropolitan group:

Noble Park (5 males 5 females) 10 young people

Total of all sample groups: 163 young people.

The results of these focus groups are presented in different sections according to the patterns of emergent themes from the focus groups. The basic unit of measurement for the computer program was the `text unit', which is simply a single statement, made by one participant, therefore text units can be any length and provide a variable amount of information, ie. from a single word response to a 10 line statement.

Passages of discussion along emergent themes were indexed. The data analysis program used allowed any piece of text to be indexed numerous times, so that the same piece of text could arise in a number of different text searches, depending on the content of that particular passage. We have endeavoured to avoid repeating quotes in this report.

References to Focus Groups

Each quote from focus groups identifies the source. The following nomenclature is used:

T = Targeted Focus Group.

G = General Focus Group.

M = Male Group.

F = Female Group.

By circumstance rather than design, Noble Park was a mixed gender targeted group and has "T Mixed" as its identifier.

2. Young People's Knowledge of Mandatory Reporting Laws

Knowledge

*** Researcher:** : *Who's heard of mandatory reporting?*

NO RESPONSE

*** Researcher:** : *Any idea what it might be?*

- Mandatory, that's people going around and talking to people. (Geelong TM)

Young people were questioned about their knowledge of mandatory reporting laws, and the child and adolescent protection system. Participants were then asked to comment on their sources of such knowledge.

Four groups responded that they had not heard of mandatory reporting. Three of these were male targeted groups comprising young people with direct experience of protective intervention

For the remaining groups, young people were more likely to provide incorrect statements regarding mandatory reporting than to provide correct statements. Most groups had something to say about their knowledge of mandatory reporting laws, although it seemed that participants sometimes had a guess which was based on an incorrect understanding.

General rural groups were most likely to have incorrect understandings of mandatory reporting laws. Targeted female focus groups were more likely to have a general idea of mandatory reporting laws, than targeted male focus groups.

Completely correct understandings were not apparent in any group. A mix of understandings was typical.

*** Researcher:** : *Does anybody know about Mandatory Reporting?*

- No.

- Yep.

*** Researcher:** : *Yeah, what do you know?*

- Well I've been told it's like, like if teachers and doctors or anyone sees like bruising or like any signs of abuse on anyone they should report it.

CANNOT HEAR

- kids from the age of zero to thirteen or something.

- No, it's longer than that.

*** Researcher:** : *Yeah, what do you think?*

- I reckon it's women too.

- Sixteen.

- I don't know, it's all women(Ascot Vale TF)

“Correct” remarks indicated a general correct idea about the intent and scope of the laws.

- Is this like a rule that's giving the right for doctors all that to state that children are being abused? (Traralgon TM)

* **Researcher:** : Has anyone else heard about it?

- Yeah, my principal from my school told a friend and she told me, so that's how I found out about it.

* **Researcher:** : What do you know about it?

- That teachers, counsellors and doctors are supposed to report it to police if they suspect anything going on.

* **Researcher:** : What do they have to report?

- If they think someone is being abused. Like a child's being abused or something. (Geelong TF)

- I just heard that if someone went to a doctor or a worker, a community services worker, and told them something about happened like rape or something, then the doctors or whoever are obliged to tell the police and report it or they get charged or something. (Fitzroy, TF)

- All the teachers if any children are bruised really badly they have to report that straight away and it doesn't matter if it was through an accident or they don't know how they got it but they still have to report them anyway. If they see kids with bruises and that kind of thing. (Bendigo G)

* **Researcher:** : Do you know which kinds of abuse are going to be mandated?

- Child and sexual, I mean physical and sexual. (Footscray G)

* **Researcher:** : Do you know which professional groups like doctors, teachers have to report?

- Doctors, social workers, youth workers, teachers. (Springvale G)

* **Researcher:** : Who knows who has to report abuse or who is going to be mandated to report abuse?

- Doctors.

- Social Workers.

- Youth workers.

- Parents.

* **Researcher:** : Do you know who has been mandated already?

- Doctors. (St Kilda G)

Where young people could identify physical and sexual abuse as types of harm that gave rise to mandatory reporting, it was not uncommon for them to assume that emotional and "mental" abuse was within the ambit of mandatory reporting.

*** Researcher:** : *Do you know which sort of abuse is going to be mandated? Do you know...*

- Sexual abuse, physical, psychological or mental.

*** Researcher:** : *Anybody else know anything about mandatory reporting? Nothing? Do you?*

- No. Not really. (Broadmeadows G)

*** Researcher:** : *Who knows about mandatory reporting and what can you tell me about it?*

- To report abuse at home, it's also abuse emotional physical sexual - that sort of abuse. Emotional is not just physical, it's verbal and sexual as well. (St Kilda G)

*** Researcher:** : *Do you know which sorts of abuse have to be reported? When the new law...*

- Rape.

*** Researcher:** : *Or what other kinds of abuse that might be included?*

- Sexual or emotional abuse. (Fitzroy, TF)

*** Researcher:** : *Have you heard about mandatory reporting?*

- Yes is that if abuse happens or something?

*** Researcher:** : *What sort of abuse?*

- Violence, sexual, emotional. (Bendigo TF)

It was evident in a number of groups that participants were aware of general community awareness campaigns to encourage reporting by the general public and associated this with mandatory reporting.

*** Researcher:** : *Yeah, what have you heard about it?*

- Not much, just that it's, if you find a case of child abuse or whatever it's mandatory to report it to your doctor or social worker or whatever.

*** Researcher:** : *Does anyone else know who else might be mandated?*

- Head of state. (Broadmeadows G)

- I thought mandatory reporting was that everybody had to report abuse of some sort.

*** Researcher:** : *Like including...?*

- Just everyone, your neighbours, you know. (Reservoir TM)

*** Researcher:** : *Did they give you any information of anything on it?*

- Just like what L... said, if we seen anyone with bruising or whatever we have to report that.

- And mental as well, like we can't say anything to another kid in our class about their race or physical looks or anything like that because that would be reported to a teacher straight away as well and anyone who has done that will get into trouble. (Bendigo G)

- * **Researcher:** : *How much do you actually know about it, who's ...*
- *Any person of power or authority like a teacher or a parent or anything like that has an inkling or a thought of violence or harassment against anybody they have to report it. There's a thousand dollar fine.*
- * **Researcher:** : *Who's going to be mandated. Do you know, which professional groups?*
- *Basically anybody that has anything to do with children, young adults.*
- * **Researcher:** : *Do you know what age group of young people?*
- *From birth to sixteen or eighteen. (Knox G)*

Access to Information

Mandatory reporting laws were explained to group participants at the next stage of the focus group. Explanations often had to be repeated.

Participants were asked to comment on young people's most likely source of information about mandatory reporting.

Only a small number commented on receiving information specifically about mandatory reporting laws. It appeared that mandatory reporting laws had not been much discussed with young people in schools. Young people generally had little to say about their experience of receiving information regarding mandatory reporting laws. Mentioned sources were schools and, for targeted groups, workers within the protective system, but references to them were few.

- *A teacher, we did it at school. They told us at school.*

...

- *Our teacher told the whole class about it. (Bendigo G)*

* **Researcher:** : *Has anyone heard about mandatory reporting, the new law I was talking about before?*

- *Yeah, I have.*

* **Researcher:** : *What have you heard about it?*

- *Off my friend at school. She just said that her dad was saying that, that if you tell...teachers and that, that if they don't go to some law, something like the police, that they can get fined. that's what I've heard about it. (Fitzroy TF)*

* **Researcher:** : *Has any one heard about mandatory reporting?*

- *I got told from one of the workers that I speak to*

* **Researcher:** : *What was that about?*

- *About the new law or something. I couldn't tell that much because I wasn't taking too much notice.*

* **Researcher:** : *Has anyone else heard about it?*

- Yeah, my principal from my school told a friend and she told me, so that's how I found out about it. (Geelong TF)

Participants commented on the lack of information they had received and the difficulty of asking for information from adults and other professionals. To the extent that they had received information, young people mentioned the significance of their social networks with young people for receiving information. However, the information exchanged between young people was not always accurate.

- I don't think school counsellors will [be mandated] because that would be confidential between them and the students. That's all we got told. (Bendigo G)

- See we don't really get taught at school ; it's always like, more like gossip from friends of what's happened than actual - like people from the government coming talking to us about what's been happening , of how they're working.

...

- They don't tell us, like we just get it from friends and that's all the bad side and we never really hear the good side, so we don't know, we've always got the one sided opinion because that's all we hear.

* **Researcher:** : Do you think there's a good side?

- There has to be like a bad side and a good side but we just never get to know about the good side. (St. Kilda G.)

- You hear it on the news but it's really vague. You only hear it for a split second and then it's gone. We don't read any material on it, people don't speak to us about it, so how are we suppose to know about it?

- Not unless you have a friend that is really involved in abuses like that then you get into it, like into the issue; other than that you don't have to care about it. (Doncaster G)

- They don't tell us anything unless we have a problem, unless you ask for it.

- Half the kids are too embarrassed to go and talk to welfare or something most of the time they wouldn't go talk to the welfare.

- Like the only avenue of finding information is through the welfare so if the kids are too embarrassed or don't want to go see welfare, then they don't know, they just leave it. (Springvale G)

- [They] bring it in without acknowledging the fact that young people don't know about it. Like I don't really know anything about it. (Bendigo G)

3. Young People's Perceptions of Mandatory Reporting

General Comments About Mandatory Reporting

After providing participants with necessary information regarding the new mandatory reporting laws, they were specifically asked the question "what impact do you think mandatory reporting laws will have on young people's relationships with workers". Young people either responded to direct answers to this question, or they provided a general comment on mandatory reporting.

Some responses were clearly weighted against mandatory reporting.

*** Researcher:** : *We're interested in what you'd like to say about how this should operate.*
- I think it sounds cruel to me. (Geelong TM).

- I mean like, if someone goes to a youth worker or somebody and says you know "I'm being abused " then automatically that person has a legal obligation to go and report it and then that could shake, you know, destroy, that kid's whole sort of world basically. (Doncaster G)

- They will think of it as "youth workers are meant to be there to help not to sort of step in and say I've got control now". (Springvale G).

- I reckon a young person should be asked by the youth worker whether or not they want somebody to know.

*** Researcher:** : *Does everybody think that, do you all agree on that?*

- Yeah.

- Yes. (Leongatha G)

A mixed response was most common.

- I think it's good and bad. I'm in the middle so I just...

- I reckon you should just try it out and see how it goes. (Geelong TF)

- Perhaps ... some mandatory reporting would be good because then at least something would happen. Maybe find a better place to live. (Knox G)

- Maybe it shouldn't be mandatory, maybe it should be, I mean I know now that at that time they have no right to call anybody because all that was confidential but it's better making that confidential and not making it mandatory they have the right to ring if they think that something's going on. (St Kilda G)

- If it was me and I wanted someone to talk to, I'd talk to my friends but if it was really serious and I wanted something to happen I'd go and talk to someone that could do something.

*** Researcher:** : So you'd only talk to a worker if you wanted something to happen?

- Yeah. (Fitzroy TF)

*** Researcher:** : What about you, what do you think? Do you think it will make it easier or harder?

- Well, I think it will make it harder because it's really up to the person to say it themselves and I think that's a big step in your feeling process when you have to go through something like that and it's up to you to do it, not for anybody else...

- So what if you're too scared though? What if, like what if, all the signs are there right and you're too scared to say anything, then at least somebody knows, if somebody knows what's going on, you're depending on them to tell someone, that's the truth, because that happened in my family. (Geelong TF)

Some responses appeared weighted in favour of mandatory reporting.

*** Researcher:** : What do you think about that mandatory reporting law?

- I think it will turn law actually right, I reckon more people would report more incidents now than ever has been. (Traralgon TM)

- You're trying to figure out whether [mandatory reporting is] worth having.

*** Researcher:** : Yeah, yeah.

- I reckon it is.

- Yeah. Because whether you're getting punched up, just a clip over the ears, or you're getting the shit punched out of you, it doesn't matter, it's still happening and it shouldn't be happening. (Reservoir TM)

- If they're getting abused and stuff, it'll help them.

- It'll be easier for them to report what's going on.

*** Researcher:** : What else do you think it might do? How do you think it'll affect their relationships with workers.

- Probably make it easier, because they can talk to that person.

*** Researcher:** : So you think that ...?

- Well, they'll know that they should talk to somebody about it instead of keeping it bottled up inside or whatever. Yeah, which creates probably more alert, that people will report it next time. By that you can then stop us from the threat of it. (Broadmeadows G)

*** Researcher:** : How do you think mandatory reporting is going to affect young people talking about abuse to workers?

- I think it will probably become more open and the young person really wouldn't think it's their fault as much.

- Yeah. (Geelong TF)

- I think it is better to go to someone who can really help you with your problem that's why I believe, I mean I think mandatory reporting is another good way to prevent things from happening. (Richmond G)

The text suggested that many "positive" remarks about mandatory reporting were in relation to the appropriateness of mandatory reporting for young children but not with respect to adolescents.

* **Researcher:** : Do you think there's any situations where young people should be reported to the department whether they want to or not?

- Yeah.

* **Researcher:** : What sort of situations?

- Child abuse, physical, sexual.

* **Researcher:** : Okay, that's what mandatory reporting is going to do.

- What about teenagers then?

- Let the teenagers think for themselves, they've got to have some decision in their life. (Geelong TM)

- I reckon especially when they get to high school level like year 7 onwards they especially have their own choice 'cause high school gives them more information and freedom, that's where they start thinking for themselves even more than they did in primary school. (Springvale G)

* **Researcher:** : So your basic idea is that mandatory reporting is bad?

- For our age group, yeah.

* **Researcher:** : What age group's that?

- Say from about ten years in our age group, a little older than that maybe onwards. (Geelong TF)

* **Researcher:** : Young people should have a choice you're saying ?

- Because the kid doesn't want someone to butt into their life. You just can't go in and intervene, it's got to be their choice.

* **Researcher:** : What about for smaller children?

- Depends on how old you are. Like if you are only 5 or 6 you don't know what is going on even if your parents bash you or whatever you don't know. (Richmond G)

Some participants suggested there were circumstances where intervention may have to be imposed against the young person's wishes.

- I think people under twelve, they mightn't know to go and tell people and that should be reported. But people over that age they know what they want and if they tell someone that they want it to be kept confidential, that's their right.

* **Researcher:** : Across all those groups?

- Like twelve and up say ...

* **Researcher:** : Are there any situations where you think young people shouldn't have a right, shouldn't have that right?

- What, to choose where they want to go?

* **Researcher:** : To choose whether they should go in the system or not? Do you think that's an absolute right that all children over the age of twelve should be able to decide, given that they've been given accurate information, that they should be able to decide whether or not they want to go through the system?

- I meant the people under twelve should have to go into the system, that's what I'm saying.

* **Researcher:** : Yes, but people over twelve? Is there any time when these people between twelve and sixteen shouldn't be given that opportunity?

- Maybe if they're really, seriously under the influence of some sort of drug. (Bendigo G)

- If they're suicidal, someone else should make the decision for them, they should go to a counsellor or something. (Leongatha G)

- I think there are some circumstances where it has to be like that but then some, if it's really bad, then I think that it does have to be reported because you never know what could happen. (Leongatha G)

- Yeah, I just think the whole thing should be cut out at least for an age group not sixteen. I think the whole thing should be cut out at, at least twelve.

- No, I think it depends on how mature you are.

- Yes.

- Yes.

- All kids are just about mature on that sort of subject though.

- Yeah on that sort of subject, yeah.

- But there's handicapped people that live at home that aren't bad enough to be institutionalised and I suppose if their parents got a bad temper or whatever and they get hit, they're between sixteen or ... teenage and they don't know about then someones got to step in. (Swan Hill G)

Negative statements about mandatory reporting illustrated a number of concerns. Some young people were concerned that mandatory reporting was being implemented without having consulted with young people.

- Yeah. Well I think they've brought this new law in and they haven't spoken to anybody about it, like teenagers, younger children, they've just presumed that this is this law and you have to follow that. (Bendigo G)

- Well, I'm just more concerned about the way that it's going to come across to people that, well when I first heard about this, my first mental image was of, whoever's reporting it going straight to the police and the police going in there and arresting people and doing things like that and I'm, you know, it's obviously not necessarily going to be like that, but ... concern that, that's how it's going to come across to people and therefore they're going to be concerned about talking to a social worker about it. Because they're going to be thinking that's what's going to happen. (Bendigo G)

- If it means ... for the community to wake up and see what's really going on in homes. Because child abuse is being reported years down the track, years and years and years back, nothing's been done about it and suddenly the government said - I'm going to make it mandatory - it's just stupid really. (Leongatha G)

- No, I don't think this law will actually work. For a start, kids talk to kids. Kids know a bit more than what kids speak. (Traralgon TM)

More common was a concern that it would lead to silencing young people.

- It may discourage kids from opening up to somebody if they know that there's going to be consequences for it. (Doncaster G)

*** Researcher:** : So how do you think that mandatory reporting will affect young people's trust if they know that they talk to someone?

- It's going to break a lot of trust for a lot of people.

*** Researcher:** : So do you think it will make it harder for young people?

- Yes.

- Well if they feel that they don't want anyone to know about it, well I think it would make things worse. (Fitzroy TF)

*** Researcher:** : So if you could just give me some examples of what you see will be problems?

- People won't be talking about the abuse.

*** Researcher:** : What do you think?

- I think there'd be less reporting it.

- Yeah, I just don't think anyone will tell anyone any more. They won't tell anyone because they don't think they can trust anyone. (Doncaster G)

Participants were asked specifically whether they thought mandatory reporting laws would stop young people from talking to youth workers or other professional workers with young people. Only statements made in 4 groups indicated that young people would be likely to disclose under mandatory reporting laws. In contrast, statements made in 19 groups indicated

that they thought young people would not disclose sexual and physical abuse if they knew that a report to the authorities would result.

Statements of young people being unlikely to report abuse under mandatory reporting laws were most evident in general metropolitan focus groups, followed by general rural groups.

Statements reflecting this broad theme fell into several subcategories. Participants explained their perception that young people would not disclose abuse in terms of their fear of involvement in the child and adolescent system:

- With mandatory reporting, you're scared to go and report it for fear of being put in a home or something or whatever. (Broadmeadows G)

- It may discourage kids from opening up to somebody if they know that there's going to be consequences for it. I mean like, if someone goes to a youth worker or somebody and says you know - I'm being abused - then automatically that person has a legal obligation to go and report it and then that could shake you know, destroy that kid's whole sort of world basically. (Doncaster G)

Participants suggested that young people need the opportunity to discuss their problems with workers without this ushering in official involvement:

- They're going to want to have people to talk to but without it going through the system. (Geelong TM)

- If you want it to go further just tell somebody and make them sit there and listen to you and you've got to watch out when you go to court, your dad just sits there and gives you the evil look and shit, it's really scary. (Geelong TM)

- If you're too scared to go because you know something else will happen afterwards, then you would only maybe tell a friend. Because you're too scared it will happen again.

- Maybe it's only the first time that it's happened but maybe you don't think it will happen again, but you still need to tell someone. Well, you don't want to go and tell someone whose going to run and tell the police.

- Sometimes you need to talk to make yourself feel better about it. If you tell someone. (Knox G)

- Consult the young person first, before you do anything else. See what their story is. Just thinking about one of my best friends, when she was really little at primary school, they had to write a story and she said something about her father being a basher or something. It was this game they used to play and the teacher got the completely wrong idea and called up the parents and everything and they had to come in but it never caused any problems like, it's usually cleared up pretty quickly that sort of thing. (Bendigo G)

- Not everyone should be mandated because we need to talk to people who do not have to report. (Bendigo TF)

- I think it's wrong having youth workers mandated because teenagers go to see youth workers to talk it over, to tell someone and in lots of ways, I think teenagers will find it a loss of trust through the youth worker because they would tell the worker and because it's the law, the youth worker will have to tell the police, so I think you'll find that not a lot of kids will go and see youth workers and counsellors and things like that. (Knox G)

- I think that doctors are mandated and I think that teachers should be mandated as well but not youth workers, because for a lot of people, youth workers are the only people that they can go to if they've got problems and to mandate them would be a big mistake, I think. If they did mandate them, who else could they go to, church leaders perhaps but not youth workers. (Knox G)

- Kids are going to lose their trust in the social workers.
- They are not going to be able to talk because it is going to go immediately to legal action. (Springvale G)

-... .. that finally kids are opening up to you and all the work that they've done to try and help you to be broken apart and you have to tell someone else and then that kids story's everywhere, like everyone knows about it, like police and stuff like that, whose involved. (St Kilda G)

- I mean there removes the possibility of just going and talking to someone about it. Well someone like a social worker. You've got all these implications of what's going to happen when you do go and talk to someone about it, it's just not a simple thing of getting it off your chest. (Bendigo G)

Targeted focus groups alluded to the experience of protective intervention when they suggested that if mandatory reporting had been enacted when they first disclosed they would not have disclosed:

*** Researcher:** : Thinking about your own case or a case with a friend, would Mandatory Reporting laws have stopped you, or your friends from talking about their abuse?

- Yep.

- Yes.

- Yep.

*** Researcher:** : Why would it have stopped you or your friends from doing that?

NO RESPONSE

-....you go and tell them and they take you away. (Noble Park TMixed)

*** Researcher:** : *Thinking of other people you guys know, would it have made any difference if - would people you know not have talked about their abuse to somebody if they'd thought it was going to the department like mandatory reporting is going to do?*
- *If I knew it was going straight to the top, to the department, I wouldn't have said anything...*
- *If I was in that position and I knew what I do now, there's no way I'd have fucking said nothing to these bastards mate, no way. (Parkville TM).*

- *Well, I think it will make it harder because it's really up to the person to say it themselves and I think that's a big step in your feeling process when you have to go through something like that and it's up to you to do it, not for anybody else. (Geelong TF)*

*** Researcher:** : *If mandatory reporting had been in place, if you knew that when you had first talked about your abuse, would that have stopped you from talking?*

- *Yeah.*

- *Yes.*

- *With this new rule, nothing would have happened.*

*** Researcher:** : *Thinking back then, or to whatever circumstances that you're thinking about, what were you afraid of, what would you have been afraid of if the department was going to be involved?*

- *Well they're going to have a go at you and say that, oh bullshit, you enjoyed it and all this.*

- *Basically, you report it to them right, they're just going to basically laugh behind your back. Laugh in your face as well.*

*** Researcher:** : *What do you think other young people you know of who may not be involved with the department, what do you think they would be afraid of?*

- *From all the shit they get.*

- *That's how they get on these drugs too.*

- *If they report something like sexual abuse right, then somebody else finds out then it gets around the whole town then the whole town's on their case. (Traralgon TM)*

*** Researcher:** : *When you say things like that, when you say to me, "it's shit", what do you mean?*

- *The way it runs, the people who work in it, the whole system. It just doesn't function properly. (Reservoir TM)*

4. Young People's Fears About Disclosure

- We don't like to talk about what has happened because people look at you differently and are really mean or give you heaps of sympathy. (Burwood TF)

Young people's perceptions of mandatory reporting and the effect it will have appear strongly connected with fears about disclosing abuse. These fears were expressed in several key areas.

Lack of confidentiality at the initial point of disclosure was the most frequently expressed fear. Fears relating to recriminations from family members or further social ramifications resulting from stigmatisation or general ridicule were also apparent. Other fears included a basic fear of abuse of the protective system, and a fear of losing decision making control over the situation. General rural groups expressed fears about disclosures more frequently than other groups.

Confidentiality

*** Researcher:** : *How important is it...?*

- Like everything that you tell them is confidential and they wont go off...

*** Researcher:** : *Is that important? Confidentiality?*

- Bloody oath it is, yeah. (Kensington TM).

Fears about a lack of confidentiality were most often expressed in general rural, and female targeted groups. The concern in rural groups stressed "small town gossip".

- Yeah, I'd say so. Because it's like, especially in the country if you say something then it tends to get around really quickly and ...

- Narrow-minded.

- Yeah, exactly.

*** Researcher:** : *So you think because it gets around so quick that young people especially in rural areas are a bit more hesitant to speak about abuse?*

- And probably also, I don't know ...

*** Researcher:** : *Do you think it makes a difference? Do you think it makes a difference where you are?*

- Yeah, I'd say also you might have less access to say information about it than [in the city] knowing that what was being done to you was wrong or whatever. (Bendigo G)

- Yeah, personal experience and other people's experience. You don't - it's this big thing - no kid trusts social workers because everybody finds out. There's nothing confidential at all. Nothing. Like a social worker will tell your teachers or the social worker will tell the cops or the social worker will ring up your parents or whatever, there's no confidentiality.

*** Researcher:** : *Do you think it's different being in a small country town to the city? Do you think that would happen in the city?*

- Yeah, I think so, not as much as the country maybe, but it would still happen.

*** Researcher:** : *Do you think it's different being in a small country town to the city?*
- *Well with the social worker that we we're [with], the whole staff room finds out and I reckon that is really pathetic. (Leongatha G)*

- *You can't do things without everybody knowing.*
- *As I said, it's a small town, everyone knows everyone, with the police... (Leongatha G)*

- *In small towns like this one, it would only take an investigation into child abuse and people will hear what they want to hear; they won't hear if the case was cleared up, there was no...they find no abuse there, then the case was cleared up. People might not take much notice. They'll still look down on the people that were being investigated. I still probably...*
- *Yeah, even if there was nothing happening, you'd still think... (Swan Hill G)*

- *If they report something like sexual abuse right, then somebody else finds out then it gets around the whole town then the whole town's on their case. (Traralgon TM)*

Targeted female groups tended to focus upon what they saw as the lack of respect for confidentiality among workers and discussions inappropriately within the participants' earshot.

- *I mean they say they're going to give you confidentiality and I know friends who have had their workers talk to other people about them. I mean, I've got a friend who has the same worker as her boyfriend or not the same worker but I mean they talked. She [the worker] sat there and she told him everything about her. And that's confidentiality?*

*** Researcher:** : *Yeah okay. And you're nodding too. What were you going to say?*
- *Oh because, she's talking about me. Because I was going out with this guy and we just happened to have the same worker ... I just felt really bad when he sort of knew more about me than what I'd told him. Like things that had happened and you know, personal opinions that are coming from workers and I think that's wrong when workers decide to, sort of, you know, give their personal opinions about that child or that kid's behaviour.*
- *That's why you don't tell your social worker nothing. (Ascot Vale TF)*

- *Yeah, when I started school I didn't want them to know I was in the system and somehow they found out and I was told by my coordinator that in my school they've had plenty of people from the system at that school and they'd all caused trouble and if I caused any trouble she was going to be right behind me. I've done like little things like go to school out of uniform and I'd get like so many detentions after school whereas you'd only get one, just because of who I am. (Ascot Vale TF)*

- *Quite a couple of times, when I was a ward of the state, being at the office so much you'd hear. They'd all just be standing around maybe in the tea room or something and they'd be talking. And they know damn well you're in there making a milo or something and they just don't give a shit. You find out about [who was] doing such and such. Because you're that young, I mean eleven or whatever, you'd go running to your mate and say "well this and*

that's happened" not sort of realising because you're at that age where you think "Oh well, pity". That's how it is, you've got not confidentiality. (Parkville TF)

*** Researcher:** : *What do you think about client confidentiality?*

- That's bullshit. That is a hundred percent bullshit.

*** Researcher:** : *What do you mean by that?*

- Because right, I'm near the security phone, the cleaned up CSV, up in the Geelong office and they got all my files

*** Researcher:** : *So you don't think that there is confidentiality?*

- There's not.

- No, it's a heap of shit.

*** Researcher:** : *Do you think that there should be in every case?*

- Yes.

- Yes.

- Yes in every single case.

*** Researcher:** : *You say that workers should be able to ring and talk to the social worker and there should be an exchange of information about young people.*

- That's a bit humiliating, everyone knowing, I know when I walk in there, it's like, do all these people know about me. Like it's okay with one, but then there's a whole group of them.

- I walk in there and my social worker goes - this is R's daughter, and everyone just goes - ooh. It makes you feel humiliated.

*** Researcher:** : *Who else has had that sort of experience?*

- Yes, I was involved with the policing squad in Melbourne at Russell Street, right and that was meant to be a confidential, not even meant to tell H&CS down here and then one day my social worker turns around and asks me a question about it and I freaked out and they, every social worker that's with CSV in Geelong know about that and that's wrong, they should not know anything, they shouldn't even know I'm involved I don't think.

...

- I went into a placement, a house you know and it was straight away - "Do you want tell about your background? You don't have to." I didn't want to but I couldn't turn and go "No I don't want to tell her" because it just sounds rude.

*** Researcher:** : *Who else had the kind of experience?*

- I went to a place once with CSV worker and she turns around and she goes "Tell them your background." I turned around and went "mmmm - I'm not telling nobody nothing until I'm ready."

*** Researcher:** : *What was her reaction to that?*

- My social worker just sort of looked through me and goes "Okay ... do what you like." (Geelong TF)

Information that emerged in Court was also mentioned as indicative of perceived breaches of confidentiality.

*** Researcher:** : *Do you think that ... So you had a concern about confidentiality and about who found out about certain bits of information there or ...?*

- Well I found out a lot of stuff like, that I never knew before in that court case, because oh a lot of stuff that was brought out and a lot of stuff like my social worker I never told her, I never told nobody and you know.

* **Researcher:** : Does anybody else have an experience like that? Where in court a whole lot of stuff came out that you didn't know about?

- Mmmmm

* **Researcher:** : Yeah, you did?

- Yeah, it's always like that.

- The social workers know more about you than what you know about yourself. (Ascot Vale TF)

Fear of Being Removed From Home

Here is a selection of quotes which reflect young people's fear of being removed from home into state care:

- We're told "Don't tell the teacher because they'll report you then we'll go to gaol and then you'll have all these horrible things happen to you."

* **Researcher:** : What else? Can you repeat that, D what you said?

- The parents could tell them. Like, say, Dad's come home drunk one night and bashed up his son or whatever, the parents tell them "Don't tell the teacher because if you tell the teacher then you'll go to gaol " and [the parents] make up all these stories about how bad it is if they're reported. (Broadmeadows G.)

- I think that would stop most young kids from doing it I think, because of their parents and that. Like they might still love their parents and everything but if they belt them up or do other things to them, they still might be afraid because they're still their parents and that. That's what they're thinking.

* **Researcher:** : Do you think they fear of what's going to happen if they...

- Yeah. They might think that just because the parents are belting [them], they might go to [a named central institution] or something. (Bendigo TM).

- Because then, you know you might like something to happen. Maybe you don't want to split up with your family but you just want counselling or something.

* **Researcher:** : What sort of things do you think young people are actually afraid of?

- Accommodation. Like when they're going into hostels and that you know. Like because I suppose if they were 'wards' of the state they'd be put in hostel for not living with their parents. (Fitzroy TF)

- You go and tell them and they take you away.

* **Researcher:** : So that means that there must be a bad reputation about the department

....

- Being taken away.

- Being taken away by strangers.

- Not knowing where they are.

*** Researcher:** : *Not knowing where who are.*

- *Yeah, like when they get taken away by strangers, they don't know where they're going to go or they don't know what these people are going to do. (Noble Park T Mixed)*

- *Yeah, I've heard once they've got you, they've got you for life and they can control your life and I've been in it, and that's what exactly what they do. Once, once you know, they can get you fucking locked up like that, you do anything wrong and they can put you away. They can send you where you don't want to go, once they've got you, they've got you. (Kensington TM)*

*** Researcher:** : *How do you think it's going to impact on adolescents, on people in your age group?*

- *A lot of the children are going to lose their families and that.*

*** Researcher:** : *Do you think a lot of young people think that?*

- *I do reckon a lot of people do think that. (Traralgon TM)*

- *Coming back to this law here, I reckon it will work if CSV didn't take the kids away from home and they had at least like someone once a week, or twice, three times a week to go see how the family's going, right, so I mean, it will work. Besides taking them away from home they can leave them there, just have a worker come up, just like a friend and come up and help.*

*** Researcher:** : *What is support?*

- *Like just talk to them and care for them, but not like care for them in the way of taking them away. (Traralgon TM)*

Fear Of Recriminations by Family Members And Others

Young people's fear of recrimination from family members was expressed in terms of a fear that the abuse would get worse when parents found out about a disclosure. Some spoke from personal experience or that of a friend.

- *That's something everyone always thinks about: what if they come back and get you? They will come back and get you. Like my friend, she used to come to school with black eyes and everything and she lived with her mum and her mum abused her; she lived with her dad, her dad abused her and she had no one left. She dobbed them both in and she had to go back and live with her dad and he abused her worse, so everything just goes around in circles. (Knox G)*

- *Yes. That might stop [young people] though, like threats from their parents. Just say the kid was getting belted up and that, the kid just said what I said or something else, the parents might say "Look you do that and I'll come back and get you or belt you up" or something like that. (Bendigo TM)*

- *Some parents might be overbearing and say "Don't tell anyone otherwise I'll hit you more, don't go out saying things about your sisters. What's going on in the family, it's no one else's*

business.” They're afraid of their parents, they don't want their parents to get into trouble because the parents will just straight away turn around and thump them. (Swan Hill G)

- It's got to be acted on quickly because if it happens and they do them in, like a dad beating up on a child and the mother told somebody like CSV, then the father might start beating up on the wife as well and it's got to be acted on quickly so he can't do that. (Knox G)

- Like if the police come around to their house, it's when the police leave, that's when the kids got the problem. (Leongatha G)

- They make you feel a traitor because you've doxed in your parents or whatever for physical or sexual abuse, they think “Oh you're a traitor so we don't really need you as a brother or sister any more, just keep away.”(St Kilda G)

- I had a friend from school whose teacher reported because she came to school with bruises... .. and like they reported it, got investigated, like the truth was she only got into a fight the day before that, after school but they reported it and they didn't believe her about the story about the fight and like they discovered you know that she was telling the truth... .. and now she's having problems at home because her family think that she made up that story and got herself bashed up so it gives her any excuse for some kind of attention... .. (Ascot Vale TF)

- I know this kid and he used to be my friend and anyway his dad kept belting him that, so one time he ran away, like the parents didn't really know why he ran away, but they, well they just didn't want to believe why he ran away and well, they went and tried to find him and everything, like they came around to my house and they started abusing the shit out of me, asking where he was and that

*** Researcher:** : *Did he get involved with the department?*

- Yeah, but he wouldn't go do it himself. He kept running away and anyway he went and stayed at a friend of mine and he went and stayed at his house and oh one time when the kid who was getting belted and that, when he went out from my friends house, my friends mum rang up and got them in, anyway the cops came around and everything like that, so it took someone else to do it. He was too afraid to do it.

*** Researcher:** : *Why was he afraid?*

- Because his dad's a psyche [psycho] and that. Do you know what his dad was like? Like if you say a word to him, he just twigs and chases you with a gun and everything.

- Sounds like the kid probably had schizophrenia or something like that.

*** Researcher:** : *So he was afraid of his parents? Of his old man? He was too afraid to do anything because he was too afraid of his old man?*

- Yes and I think that would stop most young kids from doing it I think, because of their parents and that. Like they might still love their parents and everything but if they belt them up or do other things to them, they still might be afraid because they're still their parents and that, that's what their thinking. (Bendigo TM)

*** Researcher:** : *Do you think that young people should be told about mandatory reporting before they go and discuss abuse with people?*

- Yeah.

- Yeah.

*** Researcher:** : *Do you think that that would stop some young people from talking about their abuse, if they knew that it was going to get them involved with the department?*

- Yeah, probably.

*** Researcher:** : *Strongly, or you kind of think that...*

- Yeah, if some kid knew that his story was going to like, just say that a kid, or a guy or a girl in their early teens or whatever is getting sexually abused by their dad and the mum didn't know what was going on and it was only between the dad and the daughter what was happening, you know, and if it come out, that'd split the dad and the mum up and then the rest of the family would be like, what the fuck's going on? You know what I mean and that would be like a put off for the person sort of. Or if I say that it's going to come out and then mum's going to know and then, maybe I should just keep my mouth shut. You know what I mean?

*** Researcher:** : *So in that situation, given that example, how should it be handled? How can the problem be solved for the young person?*

- I don't know. (Reservoir TM)

5 Young People's Needs When Disclosing Abuse

* **Researcher:** : *Does anybody know about what rights you have in this system?*

- *No.*

- *No. (Bendigo G)*

Participants provided a variety of comments regarding perceptions of the needs of young people when disclosing abuse. When asked what young people need following a disclosure of abuse, all but one group responded that young people require input into any decisions made following disclosure. In targeted focus groups particularly, this theme dominated discussion.

The need for trust in the person receiving a disclosure was the next most frequently mentioned need. This theme often included statements about confidentiality and the need for consistency in workers.

A need for information was the next most frequent need theme. Young people said that in order for young people to have an active say, accurate information should be provided to young people. General focus groups were more concerned about the issue of information provision than targeted focus groups.

The need for workers to maintain long term relationships with young people was a particular focus of targeted sample groups. This was often expressed in terms of a need for workers to "hang in there" with young people through any official processes.

Input into What Happens

-*Kids aren't given a fair hearing you know, they're not listened to. (Doncaster G)*

The issue of young people's perceptions of their need to play an active role in their protection warrants careful attention. Participants made a range of statements regarding the importance of young people's right to be heard and to have their wishes respected.

- *Yeah. They should choose like if they want to go to a foster home or to a youth hostel or whatever. Because if they go somewhere they don't want to, then they could just turn back to their previous kind of life. (Broadmeadows G)*

- *Young people should definitely have a choice in the procedure and everything and when the police are involved when the person wants to press charges against the offender. It is their future so they should have some input in what happens and restraining orders against the offender, whether they come in time. (Springvale G)*

- *I don't know, I think, maybe it's the way I've been brought up with my brothers but they knew exactly what was going on and like, my little brother is eleven and my other brother is twelve and they knew exactly what was going on. Like they sat in a park for three hours before, planning what they'd say to CSV because they wanted out, they needed help and they just wanted out. (St Kilda G)*

- I think it's wrong in a way because it's taking, your just starting to get a little bit of control in your life and if you've got all these people stepping in all the time doing the work for you, they know you're going to grow up having, like if there's no one there like, because you've got to learn, that's the stage where you're just starting to learn to step out if something is wrong. (Geelong TF)

Participants distinguished differences between children and young people under this theme of self determination:

- Whoever's offending on them, they might say, you know, "This is what happens to everyone"...really young children, they wouldn't know that it's the wrong thing so, I don't know, it's different. (Broadmeadows G)

- Well they've [teenagers] had more to do with their parents for starters. They know what it was like with their parents first and then they're being moved from their, you know. They might be abused or something but still they want to stay with their parents because they've grown up with their parents, they want to be with their parents. (Doncaster G)

- I think that teenagers are more confused than children, because children don't really understand what's going on whereas teenagers, they can see what's going on but they might still be very confused about it. (Knox G)

- I don't think anyone would like anyone just going off and making the decision for you. That's just totally wrong. That's part of being a person, making your own decisions. It's alright for little kids, yeah I'd go for it with the younger people but not for our age I don't think.

*** Researcher:** : Is that because you think the system is bad? Or is that because ...?

- I don't think the system is bad, but I think it's just part of having control of your life and being able to make your own decisions. That's learning how to be an adult.

- No, but you've got to learn when to act like an adult. (Geelong TF)

- I think everybody can say what they want to do, whether it be the right thing or not, but I mean, at least for the younger people, they get to say what they like and the social workers or CSV [H & CS] can take into consideration. whereas the twelve to sixteen or whatever can actually say "I don't want to go here" and so they don't get put there. (Leongatha G)

Many participants in both targeted and general groups commented on their experience or received accounts of young people feeling they have not been listened to in the protective system. It was also clear that they considered experience of not being heard by workers in other circumstances a good guide to young people's lack of capacity for input at the investigative stage of the system.

- One thing like I've had, like I've seen, is kids where CSV has said to them "You're going on a holiday without your mum and dad" you know and so they're sort of like - "Well when am I going home? When the holiday ending?" And it just doesn't. (Doncaster G)

- I don't know, it just seems that when you get caught up in this system, things get taken away from you. Which is usually, you know, the right to be heard. I mean, you know, we sort of just get washed up with what's going on, it's just the way it happens. (Doncaster G)

- I was having like access meetings with my parents at [a named office of] CSV. and it was hard for my parents to travel there because it was straight after school and they had to pick up my little brothers and sisters who went to primary school over this way and then they had to come all the way back here. Sometimes they couldn't make it at the exact time, so I only had half an hour to see them. I was just seeing them every 2 weeks and sometimes they couldn't make it, so once every 3 or 4 weeks or something I would get to see them and I wanted them to make the access more often. ... So I sort of stood up for myself and said "I want to see them once a week at least" and they said "Yeah, okay". And they didn't do anything about it, I was all alone, I felt all alone, no-one was trying to help me. (Springvale G)

- They don't get enough choice, as in the person involved, they don't get any choice in the police procedures, their choice is taken away sort of half way through that due process thing. They need like a safety guard for when they, when they are talking with their parents present sort of thing and they are the people involved when they shouldn't be. (Springvale G)

* **Researcher:** : Should H & CS be told.

- No.

- No.

- No.

* **Researcher:** : Why don't you think they should be told?

- Because they step in straight away. Because they've got to go by the books. If they don't go by the books then their...

- And they don't build up a relationship first normally the CSV workers, they just go 'boom' your're in...placement or wherever, that's it, they'll see you next time. They don't build up a proper relationship. (Geelong TF)

- Yeah, that's right. I couldn't have my say. That whole meeting was for me to decide if I, they think it's fair or what, if I should have another twelve months on my thing [order]. I still have it. Case Planning, I had my 'Ward of the State' extended for another twelve months. I didn't get a say at all, I just sat there, I had no rights whatsoever. I couldn't even fucking scratch me balls or bite my fingernails. (Parkville TM)

- I reckon it's impossible - they will never let us have a say. (Parkville TM)

- It's the same, like you know, it's the same like kids, you know, they're not allowed to say anything. It's like, you know, children should be seen but not heard, you know, it's just silly. You know, they think we know Jack-shit, but we know. (Kensington TM)

- CSV think that we don't know nothing.

- Yeah, that we don't know anything.

- Yeah, I mean I've been in this longer than my social worker and she thinks she knows more than me.

- Yeah, they all think they're mister know it alls, you know?

* **Researcher:** : Anybody else think that?

- Yeah.

- Yes.

- You can't tell them nothing, they go "No, no, no, that's not right, I am right", you know?

* **Researcher:** : What sort of things would they disagree with you about where you say,

- Like say I was going really well at this joint and they go, "No you weren't, no you weren't" and they move you to another joint and I go, "Yes I was, and they go, "No, listen to me", like that, (Traralgon TM)

- It's very hard because - you think - with the case planning meeting there's you, your mum and just the worker, it makes you feel uncomfortable. [It's] very uncomfortable when you've got police, when you've got head of CSV that sits in with you.

- You can't say nothing about CSV then.

- It makes it very, very uncomfortable and you can't talk about anything. (Traralgon TM)

- When you do a case plan, basically CSV are the ones that are putting all the words into your mouth and basically what we say to them like, we'll give you an example. Okay, you feel safe at this placement right, this is in a case plan meeting, they go right on to the opposite and they say the opposite to what you said. (Traralgon TM)

- They should give you more of a choice, not just say "you're going to do this - you're going to do this, etc". They should compromise a few and say, you know, because like you say something and they just go totally against what they said because they think they're so good, you know. (Traralgon TM)

* **Researcher:** : Did you feel like you get a hearing in case planning meetings?

- What do you mean?

* **Researcher:** : Do you think you get to put your views up and they are heard?

- No. No, we don't.

- I did, I said everything even if they didn't want me to say anything, I said everything that was on my mind and everything that I wanted to say.

* **Researcher:** : And you are shaking your head?

- No, but the judgment, I mean, if it's your case...

- You're supposed to say like what you want to happen and stuff and I think, because they wrote all these notes and everything, I think they've already made their judgment on what is going to happen to the kid before they've even told you. Do you know what I mean, like even

when you say, I don't think that should happen, it's too late, like it's on a piece of paper and they've already signed it, it's not going to change. I mean if you say, I don't want to go there, and it's on the piece of paper that you're going there, it's too late to say where you want to go now, they've already made their decisions. (Ascot Vale TF)

- You do, you turn into a number mate. You go from being say, a person with two or three names and then you just turn into a number. You know, they've got on, like you don't even, it's like you're not human any more mate. You're a client, you're not a kid, you're a client or you know ...

- [They] treat you like shit, you're nothing.

- Yeah, they sort of ... it's like, there's another one on the list, we'll put his file at the back of the filing cabinet and when he's got a problem we'll deal with it, then fuck him. That's what they're like. (Reservoir TM)

- Because when I was involved with CSV, it was just like they want to get it over with.

*** Researcher:** : *What they want to get what over with?*

- Like get it out of the way so they can go on to the next case, do you know what I mean?

*** Researcher:** : *They want to deal with the problem quickly?*

- Yes, just like, it's like everything you say goes over their heads because in their minds they already know what they're going to do with you. Like as soon as they meet you it's just like - oh yeah, we'll stick her here or put her or whatever. Do you know what I mean?

*** Researcher:** : *Who else agrees with that?*

- That's what I'm just saying about my opinion, I'm not saying it happens to everyone.

*** Researcher:** : *So, what do people think about that?*

- I don't fully agree with that, only half because some workers just don't care and clients are clients, you know it's their job to, they see it as their job to help somebody and so they'll do their job, then they'll move on. Like they won't put any feelings into it you know. (Fitzroy TF)

Young People's Need For Trust

Participants provided a range of responses regarding the need for young people to have trust in the person to whom they are disclosing abuse. References were frequently made again to the importance of confidentiality:

*** Researcher:** : *Can you tell us what you think about trust? What allows you to trust someone?*

- Whether I can tell, for me, it's whether I can tell someone and they can keep it to themselves if I want them to. Someone who's just going to be there for me all the time you know. (Fitzroy TF)

*** Researcher:** : *What do you need to trust a youth worker?*

- You need to know that if you tell them that they're not going to tell someone else without your consent. (St Kilda G)

*** Researcher:** : *What do young people need to trust a worker?*

- *Yes, they're trusting them to know that they won't tell anyone else or like that, what they've just told them, that's what they tell them in confidence they it want to be kept like a secret I suppose... (Swan Hill G)*

As noted earlier, for young people in rural areas, it appeared that the issues of trust and confidentiality were particularly critical:

- *There's just no one you're going to be able to, you can't talk to anyone or trust them then if something's happening at home or*

*** Researcher:** : *Is that especially so in a small town?*

- *Yeah, some kids don't know when to keep their mouth shut.*

- *Not really going to have anyone to trust at all.*

- *Not really, if you tell someone, like your friend or something, I know if someone told me and I'd want to tell my mum then you'd want something done about it, you wouldn't want to see one of your friends beaten up like that all the time. (Swan Hill G)*

An on-going relationship with at least one worker was suggested as an important aid to disclosure.

*** Researcher:** : *What sort of things do you think make it easier for young people to talk about being abused?*

- *They need someone that's supportive, having someone that you know cares and someone that will standby you all the way.*

*** Researcher:** : *What other things do you think might be important?*

- *I think it's also up to the person, they've got to feel strong enough with themselves, that's what I found out. (Geelong TF)*

- *I think if a person's got a problem like that, I think they shouldn't send several different people around to him just the same person, cause if you send someone different every other time, he's going to get madder and madder and think everyone knows and he'll get more angrier and keep doing it. (Leongatha G)*

- *If you work with a youth worker for a period of time and they keep on asking you - do you want me to report it - after a period of time you might trust them enough to tell them - yeah, alright you can report it. (Knox G)*

- *I've had like about ten different workers and some of them have been for two weeks, three weeks or when they pass you on, you have to explain all your life situation again and then by the time you're about fifteen the whole CSV knows your life story. (Parkville TF)*

Many young people also mentioned the dangers of not having a worker they can trust, or of the consequences of losing trust in a worker.

- 'Cause they won't talk to them again if they find that they've broken their trust so they won't go back to them again. They'll get abused and abused and they won't want to talk to anyone if somebody's already broken their trust. (Leongatha G)

- Letting them know how they feel and things like that and if they're not going to be able to have that trust they won't bother speaking. (Swan Hill G)

- You should get someone else, like if they don't want to tell the youth worker, then you should get someone else to try and talk to them, like their friends or a relative or someone that they will tell. (Knox G)

- It's like - oh, [if the worker says] " I've got to cut it short today because your time's runs out, come back tomorrow" it's like they don't really care about me so I won't come back tomorrow. (Richmond G)

Need For Careful Assessments

One further area of data concerned speculation from some groups that young people would lie about abuse to escape family conflict:

- Because they're mature adults, you know, I mean the kids could just be doing it just to get out of home and get money and get attention.

*** Researcher:** : *Do you think young people do, do it for attention?*

- Sometimes yes.

- Some do.

- Yes.

- Some do.

- Yes.

*** Researcher:** : *Why, why would you think that?*

- Because that ...

- Or they can't cope.

*** Researcher:** : *What can't they cope with?*

- Stress and that. (Leongatha G)

On further prompting, young people tended to suggest that this desire for attention may well be indicative of other family conflicts:

- My sister went to CSV and she had no reason really and she just went and she complained to them about dad hitting her and that. He never did really, but he just ... She was lying and

she was doing to get attention because she ... she couldn't cope with school and she couldn't cope with things like that.

*** Researcher:** : *Do you always think it's for attention?*

No.

- Yeah, one or two is for attention but there mostly for a couple of things.

- Well some of them around our age would just do it so they can get out of home, they might not like the home environment, they might just want to live out of home so they can just experience a free life without your parents.

- Because when you've got your parents, you get grounded and all that you can't go out some nights and that and teenagers these days, they just want to go out all the time.

*** Researcher:** : *Do you think that a young person would like going from their home environment into that system?*

- No.

- Not really.

- It depends. It depends on what's going on to make them want to leave and it depends on the individual.

It depends how they feel I guess. (Leongatha G)

*** Researcher:** : *Why do you think they'd lie about it for attention?*

- Because [there's] not enough love in the family. (Geelong TF)

It was also suggested that young people may appear as though they are untruthful because they are trying to minimise their abuse or protect the abuser.

- Often the way they're lying isn't hiding the truth but they're exaggerating as well.

*** Researcher:** : *What do you mean by that?*

- Well might lie in one way by exaggerating the truth by saying a lot happened but in opposite cases they'd say nothing happened, like - I fell down the stairs.

*** Researcher:** : *Do you think that happens a lot?*

- Yeah. (Geelong TF)

- Others might lie to hide actual things that are happening because they're too scared ... the consequences and things that are going to happen to them if someone does find out.

- Say if their dad's abusing them and they don't want anything to happen to their dad, they might say, "my uncle's abusing me."

*** Researcher:** : *So they would actually lie about the actual abuse?*

- They just lied to see what would happen to the person who is actually abusing them. (Knox G)

- Sometimes with my sister, when she told about hers, she, at the start, she had enough courage to do it and then in the end because she wanted to keep friends with the family, she lied and so - no, it didn't happen to her. So you can't really go on that. (Geelong TF)

6 Young People's Recommendations for the Implementation of Mandatory Reporting.

As will be clear from the previous extracts, participants' comments often carried the implication of recommendations about the implementation of mandatory reporting. To aid the collection of this kind of data, the final section of focus groups involved reflecting on some of the themes which had arisen during the group and young people were asked to make recommendations for the implementation of mandatory reporting.

Young people commented widely and drew a variety of agents into their recommendations. There were recommendations made by participants that were not confined to the primary purpose of the study. Targeted groups took the opportunity to critique their experiences of the Children's Court and post-court service aspects of protective services.

In terms of mandatory reporting *per se*, the central focus of this report, young people's primary recommendations focussed upon: the need for information including the nature of information they recommended, and how it should be disseminated; the implications of disclosure, including the capacity to have choices in the protective process; and the ambit of mandatory reporting laws. These are discussed below.

Need for Information

Participants complained about their lack of access to reliable and accurate information sources geared to them and suggested a range of media for spreading information. Schools were a favoured source and media forms featured prominently.

- No, there's no information around that I know of. Like they should have publicity stuff and like something saying you know, that you're going to be okay with you know, people here to help you and people aren't so scared about reporting it because they are. (Ascot Vale TF)

- When I was in year seven we had pastoral care as a subject and we did a part on personal behaviours or safety or something like that and I think most schools have got a program like that in year seven, it could be covered in that. (Broadmeadows G)

- Maybe some brochure or something should be let out to adolescents or whatever to just explain what mandatory, whatever you call it, is and then like just say what the choices are so they know what steps to take if it is happening to them or a friend or whatever. (Broadmeadows G)

*** Researcher:** : *What about, where'd she get those M...talking about pamphlets and stuff?*
- Hospital. Or CSV.

*** Researcher:** : *Yeah, anywhere else?*
- Yes, Social Security. (Bendigo TM)

- I think they should do more things with the schools and that so that all the teenagers and that understand. Like when I came here, I didn't understand what was going to happen, I think they should, the youth workers at the school go around to the classes and explain, if you've got sexual abuse or something like that so the kids understand you know, what will happen.

* **Researcher:** : Where else should young people get that information from? You mentioned schools as one place.

- The schools.

- Television not very much good because they go on with big words and that and some of that.

* **Researcher:** : What other sorts of information do you think young people would be able to get at? Where else do you think younger people should get access to information from?

- I reckon they should have pamphlets and stuff that you could read if you were sitting in the doctor's surgery.

- Places like that.

* **Researcher:** : Where else?

- Dentists.

* **Researcher:** : Where else? Where else should stuff like that be available? You said train stations and doctor's surgeries. What would you want to tell young people about that system before they, what information do you think they should know, like about how the system works?

- The information you tell the people isn't going to be kept confidential because they need to know that. (Fitzroy TF)

There was mention of the manner in which rumours fill the information vacuum.

* **Researcher:** : Do you think that young people have enough information available to be able to make decisions about when something should happen and when it's okay to just talk about something?

- No, I reckon like people like you should go around to schools and that and talk to classes.

* **Researcher:** : What do other people think about that?

- All rumours get around.

* **Researcher:** : Rumours? Tell us about some of the rumours you think that get around?

- Like things that, because of this, you know, a lot of people haven't heard about this thing and so other things get around like this, you've got to tell this sort of person or no one knew, like that. (Fitzroy TF)

The value of "live presentations" was also discussed. It will be recalled that a number of groups mentioned young people as each other's source of information. One group specifically recommended the use of peer education to disseminate information about the child and adolescent protection system:

- I reckon they should get people like fifteen or sixteen off the street and give them a little bit of training so they can talk to the kids.

*** Researcher:** : *Who should do that?*

- *Community service people should be able to train them, so they could talk to people their own age.*

*** Researcher:** : *Do you think they have enough workers to do something like that?*

- *No.*

- *Nup.*

- *No.*

- *Have a training course for it or something.*

- *When they do that, they can sort of come their friend and maybe they'll do the right thing.*

- *Like get someone off the streets and train them and they know what they're talking about.*

(Leongatha G)

This suggestion met with approval in another group.

*** Researcher:** : *Other groups have said, with things like that you know, that young people listen to other young people and take in that information and then they, you know, at the time they think that true. Do you think that's right? Would you agree with that?*

- *Yep.*

- *Yes.*

- *Yeah I would.*

- *Some of them, some would. (Bendigo TM)*

Another group of participants suggested the need for a telephone service available to provide accurate legal and referral information to assist young people in making well informed decisions:

- *Yeah, like if they look, you know, where you can ring up or something and then they, like if they don't get involved, because I don't think it's right for them to just walk in and drag you out, like if they have a whatever you call, a hot-line or something and you them up it up if you need help. (Noble Park T Mixed)*

One of the groups suggested television media but it would seem that language can be a barrier.

*** Researcher:** : *Where do you think young people get their information from?*

- *The news.*

- *Friends.*

- *Schools.*

*** Researcher:** : *Where else?*

- *From your friends. Television. T.V. a little bit not a lot because it's not really advertised a lot.*

- *Yeah.*

- *A little bit, like they bring out a lot of movies now about people who've been abused and stuff like that.*

But they need to bring out like, kids shows about abuse, about like sexual abuse because you can't expect an eight year old to sit there and watch a movie about someone being abused, because they just, they wouldn't pick it up as much as an older kid would. so maybe if they told more younger kids about...

- It depends how smart the eight year old is too. See, because if it's advertised too much then eight year olds say - oh, this has happened to me. But it really hasn't... .."(Geelong TF)

- Television not very much good because they go on with big words and that and some of that. (Fitzroy TF)

The implications of disclosure

- I don't think that now they should be allowed to say "don't be afraid to tell". Because of course kids are going to be afraid to tell. If they tell a youth worker who's mandatory reporting, of course they're going to be afraid to tell, because whoever is doing it to them is going to get into trouble and they're going to be really afraid and so it shouldn't be right to say to kids "oh look, don't be afraid to tell" because of course they're going to be afraid to tell. (Knox G)

Participants placed importance on young people's need to have input into the process of protection from various early stages. It was suggested that young people should be counselled about the formal implications of their disclosure before disclosing:

- They should give us some advice, go over the law system with us to start off with, what we should do first and then let us make up our own minds whether we want to report it or let it go. (Traralgon TM)

- ...a social worker should explain it straight away to the little kids and give them a choice because sometimes it really fucks your life up and sometimes it doesn't. (Geelong TM)

*** Researcher:** : *Specifically, this whole thing is about mandatory reporting, given that it's going to be coming into effect, what sorts of thing can you recommend to make mandatory reporting okay for young people aged twelve to sixteen?*

- They'd tell the young person that it's going to be reported.

*** Researcher:** : *When should they tell them?*

- Straight away.

- And try to explain what's going to happen to them and don't try to make out that everything is going to be alright and that you're going to be sweet and explain that you're going to get taken away from home, where you're going to and how, at least get shown what it's going to be like, not just chucked in and left there for a few nights and then taken to another place. (Parkville TF)

*** Researcher:** : *What sorts of information do you think young people who aren't involved with the system, what do you think they know?*

- *Nothing until they do get involved.*
- *No they should make you ...*
- *What's going to happen when they do get involved.*
- *I don't know.*

*** Researcher:** : *So they should know what could happen to them?*

- *Yes.*
- *Yes.*

*** Researcher:** : *Do you think that when young people have that information, that will stop them from talking about their abuse because they will be even more scared of getting involved?*

- *No. (Noble Park T Mixed)*

*** Researcher:** : *What would you want to tell young people about that system before they - what information do you think they should know, like about how the system works?*

- *The information you tell the people isn't going to be kept confidential because they need to know that.*

*** Researcher:** : *So what does that mean? And what should they know about the system so that they can....*

- *If whatever you're saying is true and there will be help.*

*** Researcher:** : *If they should know that it's going to be reported to the department, what should they be told about what's going to happen then?*

- *It's going to be reported to the department and that they could be put on an order and there will be an investigation throughout the family or wherever it's happening and that there's a chance that they go to court through it. To be put on an order.*

*** Researcher:** : *What else should they be told about the investigation?*

- *That they would be asked questions, pretty personal questions and that. It wouldn't be easy. (Fitzroy TF)*

- *I just think it will be most important that, like young people generally are made to understand that just because it gets reported, doesn't mean that they're going to be taken out of home straight away, so they realise that it's not necessarily as serious as they think. (Bendigo G)*

- *But maybe they should also be told before they're allowed to tell, the child should be reassured about what's actually going to happen when they're dobbed in. Because kids will be going - oh well they're going to dob my dad in, what's going to happen to me, what am I going to do, I've got no one to live with, I can't go anywhere, they should have to sit them down and say - there will be people who will still look after you, even though we are taking your father away.*

*** Researcher:** : *So you're talking about the need to...?*

- *So that they're not sort of afraid of this whole thing which they think is going to happen. (Knox G)*

Focus groups also made recommendations about greater involvement in how investigation occurs and the exercise of rights.

*** Researcher:** : *Does anybody know about what rights you have in this system?*

- *No.*

- *No. (Bendigo G)*

- *...I think they [young people] should have more say in whether legal action should be taken further. (Springvale G)*

*** Researcher:** : *What else do you think that they need information about?*

- *What their rights are and what will happen to them. Personally I haven't seen these things before and I was shocked to see it. Children don't have the right to say what will happen to them... (Richmond G)*

- *We should get asked before anyone gets told (Bendigo TF)*

- *Would confidentiality come into that? I feel that they don't have a right to go into certain areas that you don't wish to pursue, whatever that word is, I can't say it. Stuff like that, they should, I feel that they should not have a right to go speak to him, Joe Blow about that, at their fucking coffee shop meeting. Discuss what they've discussed in their fucking meeting. Which is my life, instead of just having some fucking gossip over coffee. You know, things like that. (Parkville TM)*

- *The right to say, like in the investigation, when they're asking people they think could be witnesses or would have known about it, if that person doesn't want them to question someone, for such a reason, they could say, that they don't want the police or the investigators to go to that person. (Broadmeadows G)*

- *Unless under a certain age, but even their opinion or, it should be taken into account like where they want to go, like, not necessarily that they actually make the decision but it should be considered where they say they want to go. (Bendigo G)*

- *I think they should speak to the person that it was contacted about. Say I was being sexually abused. They should come and see me about talking to anyone about it like friends or family.*

- *All they should tell you first is who they're going to tell and who they're going to speak to, before you say anything at all*

*** Researcher:** : *So young people should know and have choices?*

- *They should know what's going to happen, because when you're back's turned they could ring up your parents and that - they should say what they're going to say before they do it, do you know what I mean? Because you have to talk to the person, what's happening to the person, before you go out and do all these moves. (Leongatha G)*

*** Researcher:** : *Do you think there's any way they could change the investigation to make it easier?*

- *Yes, yes During the investigation they say stuff like, you know, "it won't leave this room". It does.*

*** Researcher:** : *So do you think there's a responsibility for H&CS to guarantee your confidentiality?*

- *Mean what they say, not just take it for granted and telling everyone. (St Kilda G)*

It was further suggested that young people need a chosen 'outsider', to be actively involved with young people as they progress through the investigation and subsequent intervention pursued by protective services:

- *Yeah, you need someone whose sort of not really involved in the actual, like a sort of a mediator in a way.*

*** Researcher:** : *Some other groups have said that. We'd be interested to know what you think about that idea some more.*

- *Well maybe a youth worker or a social worker, I don't know, whose not actually with the department.*

*** Researcher:** : *What sort of thing, thinking about the qualities of the person, what sort of qualities should that person have?*

- *Easy to speak to.*

- *Non-threatening.*

- *Someone whose not going to come into it and sort of, is going to keep an open mind about it and try and see it from both sides. (Bendigo G)*

- *Young people need someone, an adult or a friend to be available for them when involved in the system. (Bendigo TM)*

- *I find that only people that listen to you is the people that understand you and been there and done it.*

- *True. It's true. That have been through it.*

- *I can talk to my uncle about all this because he's been there, he's been, you know, nearly all the prisons. My uncle has been through all the shit and everything. (Parkville TM)*

*** Researcher:** : *Some other groups have talked about the need to get people involved in the system who aren't employed by H&CS, who you can trust, who young people can trust, that will help them bring their views into any of the decision making processes that there are there... where an outside person can help you, can talk on your behalf and help you get the things that you want.*

- *Yeah, I get what you mean.*

*** Researcher:** : *Yeah? Do you think that's needed?*

- *Yeah.*

- *Very much. Very much so. (Reservoir TM)*

Approaching the issue of rights in another way, some participants recommended removing the abuser instead of the young person from home:

- *Yes. Yes. They should be taking the person who offended in the first place out then the child still has, the adolescent still has, the protection of it's home. If you take it out of its home then it's got nothing. (St Kilda G)*

*** Researcher:** : *And what about the difference between taking the child from the home? I heard a lot of people say that they think the offender should be taken from the home.*

- *Yes.*

- *Yes.*

- *Yeah.*

- *Yeah.*

- *Because then it's taking them away from, like its saying that they're the ones who are wrong not the*

- *Yeah. Yeah.*

- *It would be putting the focus on them, that they're the ones who are doing wrong, not the child.*

- *Some suffer with the guilt or anxiety or whatever.*

- *Beause a lot of kids think it's like - "I've done something wrong and so that's why it's happening." Yeah I know.*

- *Yeah.*

- *Why should the kid his life becuae of his parents' actions. (Doncaster G).*

- *If the situation is really bad they should put a restraining order of the person who is abusing the kid.*

- *Young people feel pretty bad when they get taken out of the home.*

- *It's pretty bad if the parent chooses the other parent over the child.*

- *A lot of kids don't know what its happening is wrong, they think it is their fault. (Burwood TF)*

The Ambit of Mandatory Reporting Laws

As extracted earlier in this chapter, many young people recommended that young people in older age groups should not be included in mandatory reporting laws but that it was sometimes acknowledged that there were circumstances required action not in keeping with their wishes

- *What I said before about different ages the younger kids like say under ten yeah, but for the older ones I suppose it's up to them because their starting to be able to have a little bit of control in their lives and I think their able to come out and say it when their ready, it would be easier. But for the little ones, it's different. (Geelong TF)*

- * Researcher:** : *Are there situations where young people should be involved with the Department even though they really want the department to piss off out of their lives?*
- *Yes, because like if you didn't have the department then you'd probably be living on the streets, you'd be hungry.*
 - *Also if it's not safe for you to live at home, like if you are...or something. (Noble Park TMixed)*

Discussions in some groups about categories of mandated workers found that young people saw value in having professions that were not mandated to report. General groups in made particular comments with respect to youth workers.

- *Not everyone should be mandated because we need to talk to people who do not have to report. (Bendigo TF)*

- * Researcher:** : *Do you think teachers should be mandated, or youth workers?*
- *Youth workers shouldn't be mandated.*

...

- *I think there should be some type of counsellor or something that you could go to that doesn't have to, that's not mandated, like teachers and stuff should be but someone that you could just confide in and explain that isn't mandated. (Leongatha G)*

- * Researcher:** : *So who do you think should be mandated?*

- *Doctors. Teachers. Not youth workers.*
- *No, not youth workers. Because they're someone to go to if your in trouble.*

- * Researcher:** : *If you take the youth workers away there's not one to go to?*
- *Exactly. No one talks to the social workers*

...

- *I think youth workers should be mandated with teachers. They should be trained more though if they want to be mandated; they should be trained to have to have experience in this situation.*

- *I think that doctors are mandated and I think that teachers should be mandated as well but not youth workers, because for a lot of people, youth workers are the only people that they can go to if they've got problems and to mandate them would be a big mistake, I think. If they did mandate them, who else could they go to, church leaders perhaps but not youth workers.*

...

- *If youth workers are going to have [a] mandate, there should be different types of youth workers they can talk because kids aren't going to talk to kids (Knox G)*

7. Summary and Comment

Knowledge of Mandatory Reporting

The data clearly point to young people's lack of understanding about mandatory reporting. Like our youth sector worker sample, those who correctly knew that physical and sexual abuse were notifiable grounds, tended to assume that other forms were also to be reported.

The focus group data also indicated that young people were critical of their lack of access to information about mandatory reporting that it was inappropriate that young people had not been consulted before the law was introduced. Some had received information from informal sources but these appeared unreliable or based on personal and often negative accounts. Youth workers were not specifically mentioned as a source of information and this is consistent with our survey findings that indicated more than half felt lacking in competence to explain the scheme (Q17A).

While there are indications that some young people would not have disclosed abuse if mandatory reporting had applied, this seemed a feature of targeted groups with direct experience of the protective services system. The accuracy and validity of their views was not tested in this research. It should not, however, be ignored that young people with experience of protective intervention who may advocate against disclosure are peers of other young people without prior protective services experience; they will be a source of information if accurate alternative material is not otherwise provided to young people at large.

Perceptions of Mandatory Reporting

Many participants voiced concern and disapproval about mandatory reporting and three-quarters of the groups had participants who warned that it would be a deterrent to disclosure. Targeted groups often made reference to negative experiences of protective intervention. The fear of being removed from home loomed large in both general and targeted groups as did opposition to notification without prior consultation with the young person concerned.

There were young people in a number of groups who expressed positive assessments of mandatory reporting- but this was in relation to mandatory reporting **as a concept distanced from personal application**. Such comments were found in both general and targeted groups. Support waned, however, on the question of whether it should apply to young people of their age with a strong urge for autonomy evident.

We see here an interesting mirroring effect between our youth sector and young people samples in that while both express levels of support for the notion of mandatory reporting, personal application is another matter. Recall here the findings with respect to Q21 of the survey. Despite 50% of the sample agreeing or strongly agreeing that a legal obligation to report was better than individual discretion, nearly three-quarters could envisage a circumstance where they would breach mandatory reporting requirements.

There was no consensus amongst those who did not favour mandatory reporting as to the age at which mandatory reporting should cease to apply. Within a number of focus groups, strident claims to self-determination were tempered with a recognition that there were cases where intervention against the young's person's wishes would be appropriate. This dovetails in an interesting manner with the survey result (Q21b) indicating that youth sector workers do

not fear that young people will feel they have been abandoned if a youth sector worker makes a notification.

The circumstances described in young people's quotes approved of intervention against wishes in situations of crisis or where the young person had an intellectual disability. One might also consider that it is not possible to give an adolescent "veto" power in circumstances where there are younger siblings less able to escape or avoid the risk of abuse.

The fear of the consequences which flow from disclosure was a significant theme which emerged. The broad importance of confidentiality was heightened among rural groups conscious of "small town gossip" a finding which was consistent with the Youth Policy Development Council's (1987) observations with respect to health issues. Targeted female groups made specific and critical references to their experience of workers' treatment of sensitive information.

There was frequent comment about the fear that disclosure would lead to removal from home and in the recommendations stage of focus groups, it was suggested that one of the general information needs for young people was an understanding that removal did not necessarily follow. Assurances of this kind are especially fraught in relation to young people's fear of painful family consequences for exposing abuse. This was a theme underpinning a number of young people's jealous guard on how disclosure information is treated. Some young people's comments gave the impression that workers had tried, and were wrong to have tried, to reassure them otherwise.

Young people's assessment of mandatory reporting indicated that they viewed the new scheme as a further situation where their views and wishes will not be given credence. General focus groups stressed the importance of having choices while targeted groups drew frequently on their negative personal experiences at later stages of protective service in saying that they felt decision-making did not value their participation. They seemed acutely aware that it was they who were going to have to live with the situations where professionals decided "at them" not with them.

Information

Young people recommended that there be more information available to them about mandatory reporting. In the recommendations stage of focus groups, their comments were mainly directed towards the sources of information rather than the content. Looking at the focus group data as a whole, it seems to us that their call was two-fold. Firstly, basic information about the new requirements; secondly, in the light of their concerns about the implications of disclosure, they want to know where they will stand and what their rights are if they make a notifiable disclosure.

It is interesting to observe that young people's suggestions for sources of information reflected points of **system** contact, i.e. health, income security and other formal agency points. There was a noticeable lack of comment in relation to recreation venues or peer-social outlets other than schools which can themselves be characterised as institutional sources. Youth workers were not featured as a source of information about mandatory reporting, a finding that is consistent with the lack of competence in the area that our survey sample indicated.

Peer methods were recommended in two of the groups and there was also the suggestion of a telephone advice line. These correspond with the suggestions in Wilson (1992) based on a project with sexually abused young men.

One of the criticisms voiced by young people with experience of protective intervention was the number of workers [we assume within H & CS] that they had dealt with. It was also evident in groups that young people lacked information about their rights and felt little capacity to exercise them. It seems that considerations such as these may lie behind young people wanting a self-selected 'outsider' to actively accompany them through the process following notification.

There is, however, no necessary correlation between being trusted by a young person who is considering making a disclosure and having the necessary knowledge of the protective system to act as an effective support. In this respect, the data collated from youth sector worker surveys provides an indication of the relatively low level of knowledge held by persons not yet targeted by H & CS for educational programs. One would expect that potential support persons who have even less contact with the system would feel and be even less capable of providing informed support. Informing the supports selected by young people seems to us an important measure.

Recommendations for the Operation of Mandatory Reporting

The data do not favour the adoption of a rigid rule which excludes a particular age group from mandatory reporting provisions. As noted earlier, the groups presented mixed views. We hear our participants asking for a better balance between professional judgment and autonomy from those who mean to protect them. Young people ask to have the knowledge and confidence to enable, if they choose, to express informed wishes and have those wishes given more weight than is perceived to be currently the case. To the extent that young people accepted that mandatory reporting was a law in force, their recommendations reiterated the importance of advising young people at the outset of the implications of disclosure and for young people to have a stronger say in how investigations are conducted.

The focus group data highlighted young people's emphasis upon trusting relationships as a significant determinant of disclosure and it appeared that for an adult to provide information about rights and the implications and consequences of disclosure was a positive influence on young people's perception of that relationship. This is similar to Brown's (1993) finding and various references to the importance of trust and autonomy among abused and homeless young people in Burdekin (1989).

There were also a number of groups in which young people spoke against youth workers being mandated and this was connected with young people's concern at losing opportunities for confidential discussion. Our reading of data suggests that young people may be under a misapprehension. It seems to us that they were perceiving non-mandated workers as 'safe sponges' for information that they want kept confidential. We do not think that they have been made sufficiently aware of the capacity for voluntary reporting that every member of the community has unless they claim the privilege of priests to their confessors or lawyers to their clients. The data, therefore about young people wanting someone to talk with who **will not** pass on the information should be considered with this in mind.

E. RECOMMENDATIONS

The recommendations which follow are those of the Co-principal Investigators. They fall into the following broad areas:

- Legislative and Administrative Changes;
- Training;
- Information;
- Program Initiatives;
- Further Research;
- Target Audiences for this Report.

We have not restated below, recommendations which emerged from young people in focus groups or workers from our survey sample. We urge the recommendations to be seen as the main directions suggested by the data.

We also stress that these these recommendations are a starting point for further development. while this remain a final report for the Criminology Research Council, on-going consultations with the steering committee and other interested parties are envisaged.

1. Legislative and Administrative Changes

- i). **H & CS SHOULD PREPARE AND ISSUE ADMINISTRATIVE GUIDELINES PLACING A POSITIVE EXPECTATION UPON NOTIFIERS AND PROTECTIVE INTERVENERS TO ACT IN ACCORDANCE WITH THE WISHES OF YOUNG PEOPLE AGED 14 YEARS AND ABOVE.**

This recommendation should not be seen to advocate a **requirement** of active participation in decision-making by young people regardless of whether they want to. To shift such responsibility would smack of systems abuse. We are recommending the provision of adequate resources to enliven the capacity of young people to have information on which to voice choices if they wish, and for systems that treat adolescents as actively participating in achieving the goal of their “safety and well being” (section 66 *Children and Young Person’s Act*). It is a matter of **allowing and enabling** shared responsibility in decision-making about an adolescent’s protection, not demanding that the adolescent shoulder it.

Recognising a continuum of participation

In considering how to conceptualise appropriate recognition of adolescents, we think it is useful to look to other aspects of the law.

In respect of Victoria, we note that a child is deemed capable of committing a crime at the age of 10 years old (s.129 *Children and Young Persons Act* 1989) and can be sentenced to the most severe sanction available in our criminal justice system - loss of liberty under a Youth Residential Order (between the ages of 10 and 14) or a sentence of Youth Training Centre Detention (14 years and over).

We are also conscious that under the common law which remains applicable in all jurisdictions unless it has been specifically countered by legislation, there is a doctrine known as *doli incapax*. The presumption to be rebutted is that:

“Between 10 and 14 years a child presumed not to know the difference between right and wrong and therefore to be incapable of committing a crime because of lack of *mens rea* [the necessary mental element]...Wrong means gravely wrong, seriously wrong...evil or morally wrong.” (*C v DPP* [1995] All ER 43 at 45 HL per Lord Lowry citing *Archibold’s Criminal Pleading, Evidence and Practice* 1993)

A further relevant feature of the law is the statutory direction in sections 20(8) and (9) of the *Children and Young Persons Act* which directs legal and lay advocates to represent the child

“in accordance with any instructions given or wishes expressed by the child so far as it is practicable to do so having regard to the maturity of the child.”. (see also *Pagliariella and Pagliariella* (1993) FLC 92-400 for an illustration of instructions based representation in proceedings under the *Family Law Act* where this direction does not apply).

The final legal distinction we observe is that the Victorian Parliament has provided for children of 14 years and above to be complainants in their own right with leave of the Court

under the *Crimes (Family Violence) Act 1987* (section 7(1)(c)(iv) introduced by the 1990 amending Act).

Viewed against these other benchmarks, the legally “equal” legislative treatment of children from pre-verbal infants up to the age of 17 years old for the purposes of mandatory reporting seems out of step with other legal appreciations of a continuum of developmental growths and legal consequences. Our focus group data indicate that young people see this in the mandatory reporting scheme.

Law Reform

We do not recommend legislative change to remove a certain age band from the provisions of mandatory reporting in Victoria at this time. We note that during the lifetime of this study, there has been discussion of the establishment of a national legislative scheme for child and adolescent protection from abuse (Rayner 1995, Nicholson 1994). We recognise that this raises the sensitivities of State and Territory Governments and our data do not invite us to form a view save for a comment; that any developments towards Commonwealth legislation covering this field should not replicate what we consider to be a position of homogeneity out of step with other differentiations in the law among those under the age of majority.

Administrative Reform

We do, however, recommend that administrative guidelines issued and promulgated by H & CS should draw a distinction with respect to adolescents aged 14 years and above. In this respect, it is pertinent to acknowledge that H & Cs quite properly have policy material focussed on adolescents, training material on adolescent risk assessment, adolescent protective teams, and a central program unit, with a specific focus on adolescent protective issues (H & CS undated looseleaf). We consider our recommendation an extension of the organisation’s existing administrative recognition of the special circumstances of adolescents.

The further recognition we recommend is a presumption, but not a binding obligation, for notifiers and protective interveners to act in accordance with the wishes of those aged 14 and above.

With respect to notification, we recommend that:

- Save for situations of urgency, danger or like gravity, notifiers should be expressly encouraged to delay making a notification until they have spoken with the young person about their suspicions and reasons for having them and sought to obtain the young person’s agreement to a notification being made.
- The Government institute a policy to reflect this approach in respect of prosecutions of mandated professionals where a breach of notification requirements is in relation to a “child” aged 14 years and over.

We are of the view that, in terms of notification, legally, the open definition concerning the phrase “as soon as practicable” affords Ministerial or Departmental discretion in how the term applies to a subset of the wide developmental range covered by mandatory reporting.

Following notification, we recommend that:

- Decision-making should follow a presumption that decisions will be in accordance with the wishes of the young person.
- The making of decisions contrary to the child's wishes should be accompanied by clear documented reasons and the opportunity to challenge the decision through avenues provided for in the legislation (see below for our interpretation).

As far as a presumption in favour of acting in accordance with the wishes of the child for H & CS investigative staff is concerned, we similarly consider that this recommendation is a matter of policy to inform the direction in section 66 of the Act which requires interveners to "investigate, or cause to investigate, the subject matter of a notification in a way that will best ensure the safety and well-being of the child"

We emphasise again that we are speaking of a **presumption of action** in favour of young people's wishes **not determination** by them. We have shifted the onus **in favour** of young people's wishes.

This is nonetheless a stronger stance than that of the Australian Capital Territory Law Reform Committee (1993) . We urge a position which does more than **invite** a form of welfare practice; Our proposal **requires** that any decision to displace the wishes of a notified young person must be an active one, made only after active consideration of those wishes has been overridden by other factors such as urgency or risk to siblings.

On balance and in all the circumstances, we propose that this gives the best effect to adolescents as "apprentice adults" rather than "large children" and we think this is consistent with:

- the data from our focus groups having regard to the survey of workers;
- the legal and cultural location of young people in other aspects society; and
- the requirement of having "due regard" to young people's wishes (Article 12 of the Convention)

We have maintained the residual discretion to intervene against wishes in the interests of a young person's welfare. That was a discretion that the young people in our sample recognised was necessary in some circumstances and is a flexibility required having regard to the current legal priority accorded to the welfare, safety and best interests of those below the age majority.

It is important before leaving this topic to acknowledge that an age based criterion is crude in terms of developmental theory. We also acknowledge the increasing attention to the concept of a test of "capacity" that has flowed from the significant decision of the House of Lords in *Gillick v West Norfolk and Wisbech Health Authority* [1986] AC 112 which established the principle of increasing respect for the capacity of adolescents to make decisions with long term consequences. These observations have been made by Robert Ludbrook, Director of the National Children's and Youth Law Centre (1995) who points out, that the *doli incapax* doctrine was upheld but attacked in *C v DPP* (cited above). He also rightly observes that the corollary of our recommendation is a presumption of lack of capacity among those aged 10 to 13 years of age.

We do not *theoretically* disagree with him and welcome his suggestion for a finer assessment tool than age for those below the benchmarks set by the law in other regards. Our recommendation begins from a position that is, perhaps pragmatically, utilitarian in its clarity and ease for policy-makers. A developmental competence test *a la Gillick* contains implications of time, money and effort that we consider might be a later development.

ii) **THAT THE GOVERNMENT NOT PROCEED AT THIS STAGE TO GAZETTE YOUTH WORKERS.**

It is our interpretation of the data that young people assume that the converse of mandatory reporting is a **guarantee** of confidentiality when this is not the case.

A recommendation with respect to the future of youth sector workers as mandatory reporters is complicated on the basis of our data. The youth sector survey data suggested a distinct difference, like that of young people, between the conceptual value of mandatory reporting and the importance the workers attached to individual worker discretion in individual client cases. For young people, the mandating or not of youth workers *per se* seemed secondary in comparison with the stronger concern among young people for a more determinative role in the process of their protection generally.

If our previously referred to proposal [**Legislative and Administrative Change i**)] is accepted, then the status of youth sector workers is largely subsumed. If the proposal is not accepted, we are left to evaluate the desirability of distinguishing youth workers as a group who ought not be **required**, but of course still able, to report.

In such circumstances, having weighed the considerations, we see merit in maintaining the status quo where by youth workers are not gazetted. This enables young people to choose between professional groups with whom they have **no** negotiation capacity, and youth workers with whom they do. Our reasons are as follow:

1. Providing that youth sector workers must be “up front” about the residual limits to their non-mandatory latitude (i.e. a capacity to notify as a concerned citizen), as compared with mandated professional or occupational groups, young people retain the choice of whether they disclose to a worker who is non-mandated or one that they are informed has mandatory responsibilities. On the basis of our data, we value the provision of such a choice for those who we conceptualise as “approaching adulthood” rather than “large children”.
2. The fact that secondary school teachers and other professionals listed in section 64(1C) who work with the same age group are mandated, reinforces rather than detracts, from our recommendation of providing choice to young people. We see in our data a call for exactly such choice and our recommendation would enable young people to stream themselves accordingly. Failing acceptance of an age based assumption or developmental assessment which quarantines young people’s right to choose a path that does not lead towards notification, we consider that the data suggest more harm than benefit is achieved by effectively starving young people of a professional sounding board.
3. Youth workers appear to have been acting responsibly in managing the delicate balance between maintaining relationships while watchful for young people’s safety. The reasons

for both voluntary notification and non-reporting elicited in the survey indicate a responsible approach to disclosure management. Although concerns with respect to systems abuse was a reason cited by 13% of our sample for not reporting, this contrasts favourably with the finding by Ridoutt and Filis (1993) in their small New South Wales sample that 54% of youth workers did not report due to "no confidence" in the equivalent department.

We acknowledge that our data is limited to self-report and have included a recommendation in relation to this limitation in our proposal **Research ii**). We also note that half of our youth sector worker sample approved of a legal obligation to report rather than leaving it to individual discretion, 17% were in favour of maintaining the discretion and 32% were undecided.

In legal terms, to achieve this result for youth worker graduates would require a somewhat clumsy legal mechanism. We can see that there are practical difficulties in defining which workers should not be compelled to report given that:

- the terms of section 64(1)(C)(g) encompass fields other than youth work and
- workers with young people span may have qualifications in youth, social or welfare work.

It will be recalled that section 64(1C)(g) defines a category in the following way:

"a person with a post-secondary qualification in youth social or welfare work who works in the health, education or community or welfare services field".

We leave this matter for attention after decision-making with respect to the two direction for change listed above in this section.

2. Training

- i) **THAT SPECIFIC TRAINING BE PROVIDED TO YOUTH SECTOR WORKERS IRRESPECTIVE OF THEIR STATUS IN RELATION TO THE LEGISLATIVE REQUIREMENTS OF THE VICTORIAN MANDATORY REPORTING LEGISLATION. IT IS ALSO RECOMMENDED THAT THE CONTENT AREAS FOR THIS TRAINING BE IDENTIFIED FROM THIS RESEARCH.**

Youth sector workers have indicated that they perceive within themselves significant skill and knowledge areas in which they lack relevant competencies. These areas of perceived high significance/low competence included:

- the provision of legal information to young people,
- assessing young peoples' rights of input, and
- assessing the degree of harm.

Many of these perceptions have been verified and identified by the survey. Areas where less than half of youth sector workers gave the correct answer included:

- the ambit of the law in terms of the types of abuse mandated,
- the ambit of the law in terms of the groups to whom it applies, and
- the consequences of reporting.

More importantly than their ability to recognise competencies or the survey's capacity to delineate their knowledge and skill levels is the motivation by youth sector workers to improve their skill levels. In comparison to other options of a less personally demanding nature, training was 'head and shoulders' the preferred option recommended by youth sector workers. In light of other research which indicates the strong influence that training has on reporting behaviour (Ridoutt and Filis 1993: 127) this goodwill should be capitalised upon.

Despite the importance of training, recent provision associated child abuse prevention strategies have been characterised as minimal (Ridoutt and Filis 1993: 127, YACVic 1995) and diffuse in aim. As pointed out by Ridoutt and Filis, lack of training can act to reduce the rate of reporting because:

- lower levels of competence and confidence in recognising the indicators of abuse also lower subsequent suspicion levels;
- limited understandings of process and procedure can act as barriers to making reports; and
- there is a greater risk of worker uncertainty with respect to the circumstances about when a report should be made.

This leads to the recommendation that this training be provided on a system-wide basis. The most appropriate body for the provision for this training is the Victorian department of H & CS as it already has in place a training unit who provide training to the professional groups who have been mandated. Alternatively any body with state-wide training capacity and demonstrated experience in the training of youth sector workers may be considered, this might

allow for a more field-based orientation. If this approach is considered then standards-setting and monitoring would have to be the responsibility of H & CS.

In conjunction with this training we recommend there is follow up with an assessment of how the training has been applied. This assessment of child protection competencies against standards could be tied to industry level standards whereby mastery of a competency guarantees progress toward an appropriate award.

We note here also that any decision made with respect to our recommendation concerning the greater determinative force of young people's wishes or youth sector workers maintaining a non-mandated role will have training implications which must be addressed for both community sector workers and H & CS workers.

3. Information

- i) **THERE SHOULD BE A RANGE OF AGE APPROPRIATE MATERIALS EXPLAINING THE MEANING AND CONSEQUENCES OF MANDATORY REPORTING TO YOUNG PEOPLE AND THEIR RIGHTS WHEN PROTECTIVE INVESTIGATION IS TO BE TRIGGERED OR HAS BEEN TRIGGERED. THE PROCESS OF PREPARING SUCH MATERIAL SHOULD ALSO SERVE AS A MECHANISM FOR MAKING CLEAR THE APPLICABILITY OF THOSE RIGHTS.**

Sets of information materials

The content of information material must at least target two differing circumstances.

A first set would inform young people of the basic features of the scheme and the nature of mandatory reporting.

In effect, this is information to which young people are entitled as a segment of the community subject to new state powers. On the basis of our focus group data such information would need to include at least:

- why those who are not mandated do not necessarily guarantee confidentiality;
- who are the professionals obliged to report;
- what happens to the report;
- how investigations are conducted;
- what outcomes can arise.

A second set of information materials would inform young people's of their rights or legitimate expectations as actual consumers of protective intervention.

Clarifying and articulating young people's rights prior to and after disclosure is a priority for developing this information. The presumption in favour of acting in accordance with adolescents' wishes was described in the recommendation section **Legislative and Administrative Reforms** and should be incorporated.

We see two particularly valuable sources for such a statement; first, the contents of the *Children and Young Persons Act* and secondly, statements of the rights of victims of crime. We describe how these are relevant below. Having regard to our interpretation of these legislative provisions, we recommend that these effectively form the foundation of a statement of how young people can expect to have decisions made in the notification and investigation stage. Accordingly, such information should form an information source to young people embarking upon disclosure and/or subject to notification.

Rights in the legislation

The legislation provides few obvious rights for the young person concerned in relation to the notification and investigation process. There are, however, some rights in the legislation which we think have been given little attention. It is appropriate to set these out briefly here.

As noted in the introduction of this report, the key direction is set out in section 66(1) of the *Children and Young Person's Act* :

“A protective intervener must, as soon as practicable after receiving a notification under section 64 (1) or (1A), investigate or cause another protective intervener to investigate, the subject matter of the notification **in a way that will best ensure the safety and well being of the child.**”(emphasis added)

Section 66(2) requires the protective intervener to inform the child and her/his parents that any information they give may be used for the purposes of a protection application and prohibits disclosure of information arising from the investigation without the Secretary of the Department's authorisation unless it is to: the child, his her parents, the Director-General or the Chief Commissioner of Police or their delegates, or specified officials connected with the maintenance of records.

On our reading of the legislation there is also a range of further rights which flow from the definition of “case planning process”. To our knowledge the literature has not considered these.

The phrase “case planning process” is defined in section 3 as,

“the process of decision-making by the Director-General concerning a child, **beginning when a protective intervener receives a notification** about the child” is defined as a “case planning process” (Section 3, emphasis added).

This covers a much wider ambit than the term “case plan” which, as defined in section 3, only concerns a “statement of any decision concerning a child made by the Director-General **after** the making of an order by the Family Division [of the Court] in respect of the child.”(emphasis added).

In terms of the above reading, sections 119 and 122 become relevant.

Section 119 sets out a number of principles which must be taken into account in “[d]ecisions made by the Director-General as part of the **case planning process**”(emphasis added), i.e. from the time of receiving a notification. It is necessary to set the provision out in full.

“119. Principles of case planning

- (1) Decisions made by the Director-General as part of the case planning process must, as far as possible, be made according to the following principles:
 - (a) The welfare and interests of the child must be given paramount importance;
 - (b) If the child is not living with his or her family, a primary goal is to reunite the child with his or her family if that is for the welfare and in the interests of the child;
 - (c) When considering the welfare and interests of the child, due consideration must be given to immediate long-term effects of decisions on the welfare and interests of the child and on the maintenance of the family relationships of the child;

- (d) Any decisions made to protect the safety and well-being of the child must not be more than sufficient to achieve this;
- (e) The child (except if his or her participation would be detrimental to the safety or well-being of the child) must be encouraged and (through consultation and discussion) given adequate opportunity to participate fully in the case planning process and must be given a copy of any proposed case plan and sufficient notice of any meeting proposed to be held;
- (f) The child and the family of the child must be provided with the opportunity and assistance to involve other persons to assist them to participate fully in the case planning process in accordance with paragraph (e)
- (g) The case planning process must be conducted in such a way that the persons involved are able to understand it;
- (h) The case planning process must take into account the views of all persons who are directly involved;
- (i) Decisions are to be reached by collaboration and consensus;
- (j) Decisions are to be made with as much speed as proper consideration of the case permits;
- (k) If a person attending meetings occurring as part of the case planning process has difficulty in communicating in the English language, an interpreter must be present;
- (l) If meetings are held as part of the case planning process and the child comes from an ethnic background, a member of the appropriate ethnic community who is chosen or agreed to by the child or by his or her parent may attend;
- (m) In the case of an Aboriginal child -
 - (i) decision making should involve relevant members of the Aboriginal community to which the child belongs; and
 - (ii) in recognition of the principle of Aboriginal self-management and self-determination, arrangements concerning the child and his or her care, supervision, custody or guardianship, or access to the child, must be made in accordance with the principles listed in sub-section (2).

(2) For the purpose of sub-section (1) (m) (ii) the principles are:

- (a) Persons involved in the arrangements mentioned in sub-section (1)(m)(ii) must be, or at least one of them must be, a member of the Aboriginal community to which the child belongs; or
- (b) If a person or persons of the class mentioned in paragraph (a) is or are not reasonably available for that purpose, the persons involved in those arrangements must be members of, or at least one of them must be a member of, an Aboriginal community; or
- (c) If a person or persons of the classes mentioned in paragraphs (a) and (b) is or are not reasonably available for that purpose, the persons involved in those arrangements must be persons approved by the Director-General and by an Aboriginal agency as suitable persons for that purpose.”

Section 122(1) provides for the Administrative Appeals Tribunal (Victoria) to have jurisdiction with respect to “any decision made by the Director General concerning the child, including a decision not to make a decision” and “a decision relating to the recording of information in the central register”. The Tribunal is intended as a last resort after internal review mechanisms have been exhausted.

Statements of victims’ rights

We also consider there is value in conceptualising the needs and status of children and young people approaching, or within, the protective services system, as being parallel with the position of other victims of crime.

Young people notified as persons who are suspected of abuse under the *Children and Young Persons Act* 1989 are brought to the attention of the state because they are believed to be victims (within the oft-used offender/victim dichotomy). Regardless of whether the state’s attention arises from the young person’s disclosure or assessment by a concerned professional, the young person notified is an active or, if deferring a decision-making input, an interactive player in the process of securing protection from violence and abuse.

The victim rights movement in Australia has, amongst other initiatives, secured from some governments, a statement of victim/survivor rights. These are principally procedural rights in the context of criminal investigation/prosecution (see for example the Victoria Police Code of Practice for Sexual Assault Cases, Force Circular Memo 92-5; South Australian Declaration of Victims’ Rights 1985; Australian Capital Territory Community Law Reform 1991).

Young people subject to notification of abuse are within a civil rather than a criminal process and such rights do not automatically apply. It appears to us anomalous that “victim rights” which are expected to be accorded in a criminal proceeding, have not been articulated for young people the subject of notification merely because the event has been investigated as a case of abuse rather than as a case of a crime.

The framework of rights and expectations accorded to those who are complainants in criminal matters forms an additional basis for a statement applicable to children and young people at the front end of the protective services system. Some features would be similar (e.g. the right to be kept regularly informed about the progress of the investigation) while other aspects would be more particular to the type of situation addressed (e.g. active consideration with respect to the use of an intervention order instead of protective proceedings).

Acceptance of this recommendation carries with it the need to ensure that the rights can be effectively exercised. This has implications not only for H & CS, but also for those who advocate on young people’s behalf. We have addressed a particular aspect of this in **Program Initiative i)**

- ii) **PRINTED MATERIAL IN RELATION TO RECOMMENDATION 1 SHOULD BE AVAILABLE IN SCHOOLS, HOSPITALS, DOCTORS' AND DENTISTS' SURGERIES, DEPARTMENT OF SOCIAL SECURITY, COMMONWEALTH EMPLOYMENT SERVICES, TRAIN STATIONS.**

These were sites suggested by participants.

We would add that young people in local communities will have expert knowledge of the best places to put information. In small non-metropolitan communities particularly, special care must be taken to ensure that concerns about confidentiality and "being seen" are addressed. We also note the success of information dissemination through comic book form seen in the *Streetwise* series.

Electronic media information is a site of growing importance. Subscription to the Internet is growing at a rapid pace and children and young people will soon have access in schools. We are aware of a submission to the Law Foundation of New South Wales by the National Children's and Youth Law Centre to create electronic access to rights information (the Children's Legal Information Project). This or an equivalent service would also be an appropriate information site providing a further avenue to address the needs of young people in remote and rural areas.

- iii) **CREATIVE AUDIO-VISUAL APPROACHES TO ENHANCING YOUNG PEOPLE'S KNOWLEDGE AND UNDERSTANDING SHOULD BE CANVASSED.**

In thinking about the mixed remarks from participants about the use of television, we tentatively suggest that the producers of prime children's viewing drama consider storylines which deal with mandatory reporting. Such an approach has been used with respect to other social issues such as alzheimers, racism, and H.I.V./A.I.D.S in serials and dramas targeted to older children and adolescents or those programmed for adults which have a sizeable teenage viewing audience.

4. Program Initiatives

i) **THE ESTABLISHMENT OF A STATEWIDE ADVISORY LINE FOR YOUNG PEOPLE AND THOSE WHO WANT TO PROVIDE SUPPORT TO THEM**

Although there are a range of support models to choose from, we consider that the key differentiation is whether the support person is drawn from specially trained ranks or is selected by the young person her or himself and then provided with the resources to capitalise on the pre-existing relationship.

Our data did not test the strength of these choices but do suggest that young people would prefer to be self-selecting of those who support them.

We see distinct advantages in supporting a model which builds on young people's self-selected supports by providing as a telephone advisory service that provides secondary consultation to support persons or direct advice to the young person concerned.

- First, a chosen support person is a known figure to the young person during an unfamiliar and potentially frightening and disempowering process.
- Second, as persons selected by the young person, the issues of trust and confidence which have featured prominently in the focus groups, are *prima facie* addressed.
- Third, such persons are effectively volunteers providing individual attention in a system that some young people have described in depersonalised terms.
- Fourth, as each volunteer support proceeds through the process with a young person, they acquire the potential to become a resource in their community for others who are asked to provide support and can take on a profile which young people seeking support can approach for knowledgeable support.
- Fifth, a Statewide service which resources support persons can double as an anonymous advisory avenue for young people who seek to inform themselves. This is a service which would have particular relevance to the concerns about disclosure voiced among rural focus groups.
- Sixth, such a centralised agency is relatively inexpensive and provides the opportunity to compile a further research base for professional and area needs which can then be responded to through the regional arms of H & CS, Community Legal Services and non-government agencies.

We do not develop the model further in this recommendation but note that this type of advisory service has been evident in the work carried out by telephone legal advice lines such as the Alphasine which was run by Fitzroy Legal Service in Victoria and by The Streetwork Project of H & CS and, even more on point, by the South Australian Children's Interests Bureau.

ii) **THE DEVELOPMENT OF A TARGETED PEER EDUCATION PROGRAM.**

Peer education was suggested in one focus group and endorsed when proposed to another group. The Victorian Department of Health and Community Services did, in fact, fund a peer education project on family violence for three years and one of the present investigators was

Convenor of that project (see Sandor, 1992). It is possible that some participants in this study had taken part in project workshops - we simply do not know.

Recently, the Standing Committee on Social Issues of the Legislative Council, Parliament of New South Wales issued its *Report Into Youth Violence in New South Wales* and made the following positive comments:

“In Victoria, four specially trained young people were employed [on a part time basis] through funding from the Department of Community Services from 1991 to 1994 to educate other teenagers about how to stop family violence. The peer education project was run by the organisation Young People In Need and was the first of its kind in Australia. Over 2,000 young people from schools, refuges and youth clubs took part in the workshops which were designed with the help of the Domestic Violence and Incest Resource Centre, the Community Council Against Violence, the Victorian Youth Advocacy Network and Victoria Police. Of 170 workshops participants completing evaluations in April 1994, 156 young people indicated that they felt it was better having young people give information than adults. The Committee recognises that education on family violence may be an important violence prevention strategy, and believes the Juvenile Crime Prevention Unit in the Attorney-General’s Department should review such peer education projects in the area of family violence.

...

RECOMMENDATION 7

That the Attorney-General direct the Juvenile Crime Prevention Unit to review peer education projects that address family violence such as the Victorian Young People In Need project, and consider supporting the development of a New South Wales equivalent.”(p. 104)

It is worth noting that the end of the project was not caused by withdrawal of funding and that the timing of its demise occurred shortly after mandatory reporting commenced in Victoria. Latter workshops did include material about mandatory reporting and we consider that it is both feasible and desirable to re-institute the approach in Victoria with a focus on mandatory reporting, subject to considering the review that is expected to be conducted by the New South Wales Juvenile Crime Prevention Unit.

5. Research

In addition to the references to research issues identified elsewhere in these recommendations:

- i). **THE FOCUS GROUP METHOD USED IN THIS PROJECT SHOULD BE REPLICATED WITH SPECIFIC ATTENTION TO THE EXPERIENCE OF INDIGENOUS AND NON-ENGLISH SPEAKING BACKGROUND YOUNG PEOPLE.**

As explained in the methodology section of this report, we are acutely aware of the limited compass of our focus group sample. We do not assert that the issues raised by the participants we have spoken with reflect the concerns of other cultures and heritages. We are conscious that in other States, the population size and system representation level of children from other backgrounds is greater than in Victoria and we recommend that targeted consultations of this sort would be appropriate to meet the pressing issues in other jurisdictions.

- ii). **THERE SHOULD BE AN ASSESSMENT OF ACTUAL YOUTH SECTOR WORKER PRACTICE IN THE MANAGEMENT OF ADOLESCENT ABUSE DISCLOSURES.**

One of the acknowledged limitations of our data from youth sector workers was its self-report quality. It was a premise of recommendation **Legislative and Administrative Change ii)** that our sample had been managing the young people's disclosures in a responsible way. This is an assumption that requires testing in a manner that tracks outcomes for adolescents. Such research should also address the behaviour of workers in circumstances where they form an assessment without young person's disclosure. In this regard, the present study has been principally concerned with treatment of disclosure material

F. TARGET AUDIENCES FOR THIS REPORT

i) THE VICTORIAN MINISTER FOR HEALTH AND COMMUNITY SERVICES, THE VICTORIAN MINISTER FOR YOUTH AFFAIRS AND THEIR OPPOSITION COUNTERPARTS.

Our recommendations have significant implications for the Departments headed by these Ministers. We are conscious that there are political dimensions to our recommendations and wish to avoid these overshadowing the human rights, practice and policy aspects of the report. We seek to promote a bipartisan approach to discussion of this report.

ii) THE NEW SOUTH WALES JUVENILE CRIME PREVENTION UNIT.

The findings and data from this report have direct relevance to the New South Wales Attorney-General's Department as a result of the Standing Committee on Social Issues of the Legislative Council, Parliament of New South Wales issued its *Report Into Youth Violence in New South Wales*.

iii) THE INQUIRY INTO CHILDREN AND THE LEGAL PROCESS.

On 28 August 1995, the Attorney-General asked the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission to inquire into children and the legal process. Two specific areas cited as areas to be considered include:

- Children as consumers, including government services;
- Children in care and protection.

The material contained in this report is of direct relevance to these aspects of the inquiry. In addition, the transcripts contain young people's comments on associated issues which arose in focus groups, such as police treatment and mistreatment, standards of care experienced. Such comments are too often excluded from consideration of their needs.

iv) THE COMMONWEALTH MINISTER FOR FAMILY SERVICES

Between March and September 1994, the former Acting Deputy Director (Research) of the Australian Institute of Family Studies, Ms. Moira Rayner, co-ordinated a report for the Minister titled *The Commonwealth's Role in Preventing Child Abuse*. The final draft of the report was forwarded to the Minister in January 1995. The report contained the following recommendation:

"Recommendation 1

The Commonwealth should explicitly accept its primary responsibility to protect the rights of children, and young people and so prevent child abuse, as a Government, across portfolio areas.

The Minister for the Family should take the initiative in seeking and obtaining the support of the Prime Minister for the establishment of a common policy across portfolio areas, *firstly* to protect and promote the right of children by promoting the effective functioning of their families, and *secondly* to support the prevention of child abuse

We believe that the Commonwealth should develop a clear statement of its position on matters affecting children in the family, based on its acceptance of partnership with families, and the Commonwealth's and family members' obligations under the **Convention on the Rights of the Child**.

We believe that the Commonwealth should explicitly acknowledge that its responsibility to prevent "child abuse" incorporates all children, from infancy through adolescence." (p. 82).

These issues which emerged in the present study are relevant to this recommendation and likely to assist the Commonwealth Government's policy development in the area of adolescent abuse.

v) **STANDING COMMITTEE OF SOCIAL WELFARE ADMINISTRATORS.**

Unless one views the results in this study as uniquely Victorian (and we do not), the report has significant implications for all States and Territories. All but Western Australia have mandatory reporting legislation in a variety of forms and none take account of young people's right to take an active part in the process of notification and investigation. The researchers cannot comment on the internal Departmental Guidelines which may exist.

vi) **NATIONAL CHILDREN'S AND YOUTH LAW CENTRE.**

The Centre is currently developing a Charter of Children and Young People's Rights based on the Convention. We consider that this report will positively inform its work.

vii) **AUSTRALIAN ASSOCIATION OF YOUNG PEOPLE IN CARE**

This peak national organisation is set up for and by children and young people who are, or have been in protective systems. The organisation is well-placed to approach members who can consider what State based findings might assist the particular needs of other jurisdictions.

(viii) **TRAINING PROVIDERS**

The survey results of this study have relevance for institutions providing post secondary education of youth sector workers as well as field based training services.

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Appendix 1 - Consent Form
Teenagers and Family Violence
Informing each other - informing the State Government

The Victorian Government is introducing a new law designed to help protect young people from domestic violence and abuse. This new legislation will make reporting of any suspected abuse at home mandatory by workers with young people. (e.g. Teachers, Youth Workers, Doctors etc.) The success of this new law depends upon how well people understand it and are aware of it.

To find out the best way of telling people of this new law we need to look not only at past consumers of the protective services but also that of a wider group of young people in the community.

We would like you to participate in a focus group of with about 8-12 other young people talking about how you think the new law will work, how other young people and workers with young people should be made aware of the new law and how successful you think this law will be at stopping violence and abuse in the home.

Each focus session will take no more than two hours and it will be tape recorded.

Everything said shall be treated as confidential and no individual shall be identifiable from any of the results.

Remember, if you want to withdraw from the group you can without any problems. Also if you don't want to comment on any particular issue you don't have to.

If you have any questions about this project please contact me (my name is Julian Bondy) at the Department of Community Affairs Administration, RMIT or phone me on 353.9263

This project has been reviewed and approved by the Human Ethics Committee of RMIT

Any questions or complaints about your participation in this project may be directed to the Secretary of the Human Ethics Committee, RMIT, 124 Latrobe Street, Melbourne, Victoria, 3000. The telephone number is 662.0611

I, the participant have read the information above and any questions that I have asked have been answered to my satisfaction. I agree to take part in this focus group and I know that I can withdraw from the group at any time without problem.

Participant's Name

Date

Investigator's Name

Date

Appendix 2 - Focus Group Proforma

BASIC INTRODUCTION

- * Introduce ourselves
- * Explanation about Peer Research?
- * Explain why we are here/what our aim is?
 - let young people know about Mandatory Reporting
 - to find out what young people know about Mandatory Reporting and the Child Protection System
 - to inform young people about their rights around Mandatory Reporting and the Child Protection System
 - to gauge how accurate their knowledge of the Child Protection System is
 - to discuss their ideas and recommendations about how the system operates
 - to discuss what issues they have around the Child Protection System and Mandatory Reporting
 - to find out how young people feel about the Child Protection System and Mandatory Reporting
- * Explain why the group will be recorded.
- * Hand out consent forms.

ICE BREAKERS

- * Hand out name tags and ask young people to introduce themselves

- * Fruit Salad
 - A quick simple game to help relax participants. Everyone sits in a chair in a circle, take one chair away so one person is left standing in the middle. The person standing asks the group questions (eg. who ate breakfast today) everyone who did gets up and runs to another chair. The person left standing then asks the next question. If the person in the middle says Fruit Salad everyone in the group swaps chairs.

RULES / GUIDELINES

- * We will allow the young people to make up their own rules, which will include whether they want a break etc..
- * We will ask that the participants be considerate while others are talking

KNOWLEDGE / IDENTIFICATION .

This exercise will give us an understanding of what the participants knowledge of the child protection laws in Victoria are. There will be some broad questions designed to generate discussion.

- Have the participants heard of Health and Community Services ?
- Do they know what role Health and Community Services has in the child protection system ?
- Do they know what role the Police play in the child protection system ?
- Do they understand their right to legal representation ?
- What does Mandatory Reporting mean ?
- Which professional groups does Mandatory Reporting include ?

INFORMATION PROVISION.

*In this exercise we will provide the participants with some brief information on Mandatory Reporting and the child protection system. This will help them to understand our questions and answer them with more specific responses.

INFORMAL RESPONSES.

*For this exercise we will divide the group into halves and ask them questions. This will give them time to discuss the questions and think about their answers. We will then come back to the larger group and share each groups responses and views and discuss the reasoning behind their answers.

SEMI STRUCTURED RESPONSES.

*We will present the group with a chart listing five different abusive situations. These scenarios will range from sexual abuse to neglect. The chart will list a range of options for the participants to choose from (eg: Report to Health and Community Services...) .They will be asked to decide which course of action they think would be most appropriate. Any further information that is required will be available to the participants

Appendix 3 - Focus Group Questions

BROAD QUESTIONS FOR FOCUS GROUPS

1. What do young people know about the legislation which governs child protection in Victoria?

- What do you know about the Child Protection Laws in Victoria?
- Do you think these laws are important ?
- Who makes the laws?
- What might some of the laws be?

2. What situations encountered by young people necessitate state protection/intervention?

- In what situation should the department of Health and Community Services become involved?
- Do they need to be involved?
- Should young people have a choice whether or not Health and Community Services are involved?
- When do the Police need to be told about a young persons situation?
- What sort of action can the Police take?

3. What factors inhibit or encourage young peoples willingness to disclose different sorts of abuse?

- What sorts of things might stop young people from reporting abuse? (give reasons)
- What sorts of things might make it easier for young people to talk about the abuse? (give reasons)
-

4. What are young peoples immediate needs when disclosing abuse?

- What sort of support might a young person need when talking about abuse?
- What kind of information might they need?
- What kinds of services might be good for them to know about?

5. To what extent and in what circumstances have young peoples wishes been catered for during Protective Intervention?

- Do you think young people have a choice about what happens to them?
- Do you think young people should have choices in the Protective System?
- Why or why not? (give reasons)

6. What is an ideal way for a worker to respond when abuse is disclosed?

- What might be some of the things that a worker should do for a young person when they talk about abuse?
- Are these things important ?

7. If a Youth worker reports abuse to the department of Health and Community Services, What are the minimum practice standards for any investigation and intervention that follows?

- What happens when a Youth worker makes a report to Health and Community Services? (give reasons)
- What sort of action does Health and Community Services take when a report is made?

Appendix 4 - Information sheet

YACVic/ RMIT Family Violence and Young People Project.

Information Sheet for Participants and Parents.

Thank you very much for your interest in the Family Violence and Young People Project. This Project is funded by the Criminology Research Council.

The main goals of the Project are to find out what young people know and recommend about the child protection system and the new "Mandatory Reporting Laws", in order to improve services for all adolescents. We will do this by running 25 separate focus groups with 8 to 12 Young People aged between 12 and 16.

Focus groups will be run by two young people who have been trained in peer research and in the issues around mandatory reporting and the Child Protection System. The Focus Groups have been designed to be as relaxed and impersonal as possible.

The Young People in the group will be asked a series of questions designed to obtain information about their thoughts and suggestions. None of the questions will lead discussion into any areas of personal experience of the participants.

Participants will be paid \$12 each for their transport costs, time and input. Participation in focus groups is voluntary, so if anyone wants to leave for any reason, they may.

It is a condition of the research grant that the Focus Groups are recorded. Tapes will be transcribed onto a computer, then destroyed. The first names need only be used in focus groups, then there is no need to keep any records of the names of the participants. Confidentiality is guaranteed.

Thanks again for your interest and we hope to see you in a focus group soon!

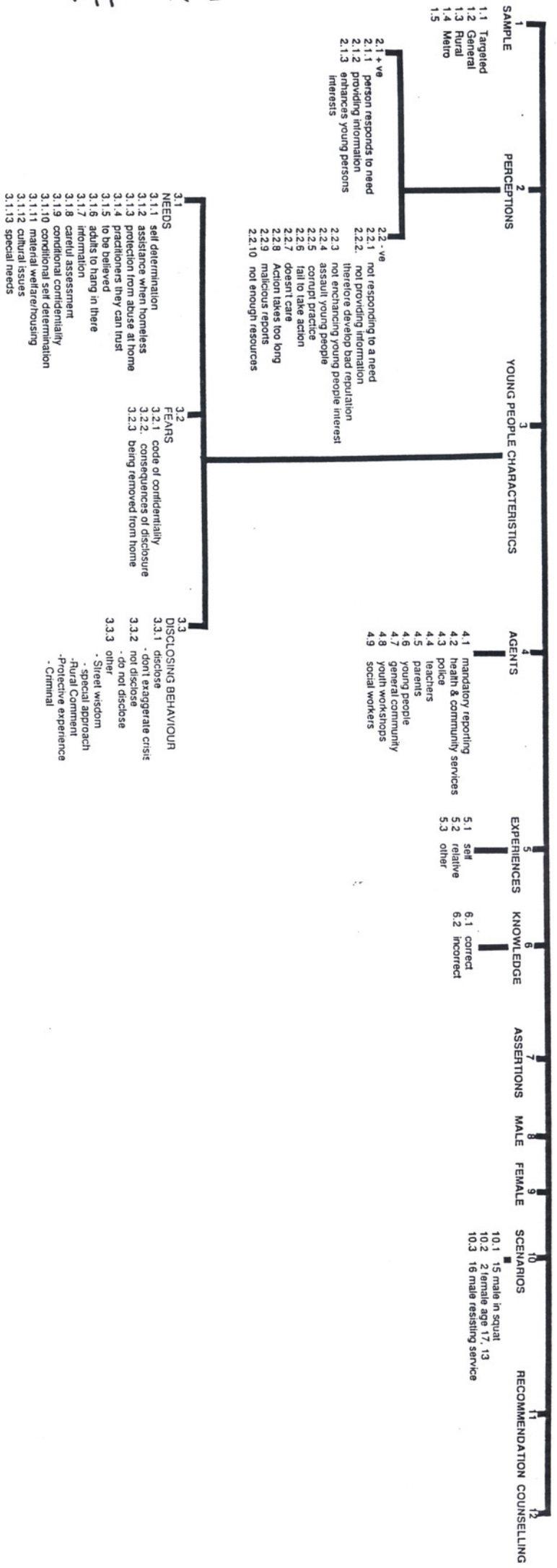
Valerie Villinger

Chris Sims

Peer Researchers, Youth Affairs Council of Victoria.

QUALITATIVE DATA CONCEPTUAL TREE USED FOR FOCUS GROUP ANALYSIS

APPENDIX



Appendix 2



YOUTH AFFAIRS COUNCIL
OF VICTORIA INC.

Suite 1, 250 Gore St.
Fitzroy 3065
Telephone (03) 419 9122
Fax (03) 416 0450

Family Violence And Young People Project:

Survey of Workers With Young People About Mandatory Reporting.

Please complete this important questionnaire. If you are unable to hand the completed survey to the Project representative please return to YACVic by the ~~1st~~ of ~~3rd~~ ^{7th} ~~July~~ to allow us to make recommendations quickly.

July

Please Note: This questionnaire is for individual workers. If you require more copies for other workers please feel free to photocopy this original, or contact the Council for more copies.

The Youth Affairs Council of Victoria has received a grant from the Criminology Research Council of Australia to identify the training needs and recommendations of Victorian workers with young people in relation to mandatory reporting laws.

The results of this important survey will be used to assist YACVic to advocate for the training needs of workers with young people and to inform H & CS mandatory reporting program guidelines.

The purposes of this survey are to:

1. Gain insights into how workers with young people respond to disclosures of abuse from adolescent young people.
2. Seek information about the resources available to youth workers to assist adolescent young people when they disclose abuse.
3. Identify youth workers perceptions and recommendations concerning mandatory reporting laws relating to child abuse.
4. Determine the training needs of youth workers in relation to the Victorian 'protective system', and mandatory reporting legislation.

All respondents are invited to a forum which will be held in August to discuss the results of this survey and youth worker's responses to other aspects of The Project.

Thank-you for your valuable assistance.

Section 1: Service & Worker Profile

1. Where is your service?

- Inner Metro
- Outer Metro
- Metro Outreach
- Rural Regional Centre
- Rural Town
- Rural Outreach

2. What is the major funding source for your position or your service?

- Federal Government
- State Government
- Local Government
- Large Non Government Body
- Small Non Government Body
- Other - please specify _____

3. Please tick **up to three** major services provided by your service, or in your workplace:

- Housing
- Information Provision
- Advocacy
- Counselling
- Outreach support
- Referrals
- Activities/leisure

4. What is the basis of your employment?

- Fulltime employee
- Part time/ Jobshare
- Casual
- Locum
- Unpaid

5. Please indicate which categories best describe the major duties of your current position in the youth work field. Please tick as many as apply to you:

- Case Worker
 - Direct Service Provider
 - Worker Supervision
 - Service Management
 - Research
 - Other
- (optional) What is the title of your position? _____

6. Are you?

- Female
- Male

7. What is your age group?

- 15 - 19
- 20 - 24
- 25 - 29
- 30 - 34
- 35 - 39
- 40 - 44
- 45 - 49
- 50 - 54
- 55 - 59
- Over 60

8. Do you have any formal qualifications?

- No
- Yes - Please indicate what sort of qualification(s) you have.
 - Certificate ,In _____
 - Diploma ,In _____
 - Degree ,In _____
 - Higher Degree ,In _____

9. Have you ever worked as a protective worker in a government, or gazetted organisation?

- No
- Yes Was this in Victoria? Yes No

10. How long, in total have you worked as a 'worker with young people', including voluntary work? _____ (years)

11. What services have you provided in your previous positions as a worker with young people? Please tick as many as apply to you:

- Housing
- Information Provision
- Advocacy
- Counselling
- Outreach support
- Referrals
- Activities/leisure

12. Does your work bring you into contact with young people aged 12 to 16 inclusive?

- No - go to question 14.
- Yes

13. Thinking of the young people you currently work with who are aged 12 to 16 inclusive, please indicate what proportion of these young people are:

a) Female young people.

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 0-5% | 6-25% | 26-50% | 51-75% | 76%+ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

b) Male young people.

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 0-5% | 6-25% | 26-50% | 51-75% | 76%+ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

c) Young people from a non English speaking background.

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 0-5% | 6-25% | 26-50% | 51-75% | 76%+ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

d) Koori or islander young people.

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 0-5% | 6-25% | 26-50% | 51-75% | 76%+ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 2: Knowledge and Training

14. Workers with young people have described a number of areas of confusion regarding the new mandatory reporting laws. Please indicate whether you believe the following statements are true or false by placing a '1', '2', or '3' in the box provided:

1 = TRUE
2 = DON'T KNOW
3 = FALSE

- a) If I make a report of abuse to the authorities an investigation will necessarily follow.
- b) If I make a report of abuse to the authorities, the matter must end up in court.
- c) Young people aged 12 to 16 have the legal right to refuse protective intervention.
- d) Mandatory reporting laws apply to young people 18 years of age and below.
- e) Any worker with young people will be required to report abuse, whether or not they have post secondary qualifications.
- f) Under the new laws, mandated workers may incur a penalty for failing to report abuse.
- g) Mandatory reporting laws apply to young people 16 years of age and below.
- h) Under mandatory reporting laws physical abuse must be reported to the authorities.
- i) Under mandatory laws, homelessness must be reported to the authorities.
- j) Under mandatory reporting laws sexual abuse must be reported to the authorities.
- k) Under mandatory reporting laws emotional abuse must be reported to the authorities.
- l) Under mandatory reporting laws neglect must be reported to the authorities.
- m) Intervention orders can only be taken out to protect adults.
- n) A young person can apply for crimes compensation following abuse.

15. Some workers with young people receive training about the child and adolescent protective system. If you have received training in the following areas please indicate the source of this training by placing a '1', '2' or '3' in the box provided:

1 = ON THE JOB TRAINING
2 = TRAINING COURSE (INCLUDES TERTIARY EDUCATION)
3 = BOTH

- a) The signs of physical abuse.
- b) The signs of sexual abuse.
- c) The signs of emotional neglect.
- d) How to respond to young people when they disclose abuse.
- e) How to be a witness in court.
- f) How to write a report for court.
- g) The orders that are used in The Family Division of The Children's Court.
- h) The child and adolescent protective system generally.
- i) The causes of abuse.
- j) The special needs of young women who have been abused.
- k) The special needs of young men who have been abused.
- l) Any other relevant training areas. Please specify below.
- _____
- _____

16. Please indicate where you have you heard about mandatory reporting legislation? Please tick as many as apply.

- Newspaper articles
- Television or Radio
- Pamphlets
- On the job training
- A training course run by H & CS
- A training course run by a different organisation
- Discussions with colleagues
- Discussions with friends
- I Have not heard about mandatory reporting
- Other

Section 3: Skills In Working With Young People

17. What follows is a list of skill areas potentially required to work effectively with young people who may have suffered sexual and physical abuse. Using the code provided, please indicate how relevant you consider each skill area to be for you. Place an 'A', 'B', or 'C' in the left hand box.

A: VERY IMPORTANT

B: IMPORTANT

C: NOT IMPORTANT

In the right hand box, could you then assess your level of competency in those skills, again using the following code. Place a '1', '2', '3' or '4' in the right hand box.

1: STRONG COMPETENCE

2: BASIC COMPETENCE

3: NEEDS IMPROVEMENT

4: NOT COMPETENT

Here is an example:

Being able to access appropriate housing for young people.

B 2

Here are the skill areas:

- a) Explaining to young people their legal rights with respect to protective services.
- b) Explaining mandatory reporting laws to young people.
- c) Preparing a report for a protective hearing in court.
- d) Being an effective witness during a protective hearing in court.
- e) Encouraging disclosures of sexual and physical abuse.
- f) Providing physical safety.
- g) Building and developing a trusting relationship.
- h) Assessing whether a young person is likely to suffer significant harm.
- i) Assisting young people to identify, access and develop their power as individuals.
- j) Making decisions about the use of confidential information.

k) Ensuring that young people are aware of the extent to which confidentiality is observed and when it is not.

l) Providing accurate information to young people about court processes.

m) Sharing relevant information given to you by a young person appropriately with other workers.

n) Safely and constructively dealing with dependent behaviours.

o) Assessing a young person's right to input into protective decisions.

p) Assessing when the best interests of the young person overrule their right to input into protective decisions.

q) Balancing the need to maintain trust and provide support, with the need to refer to other professionals with more expertise.

r) Understanding different explanations for the causes of sexual and physical abuse.

s) Applying the different concepts which explain the causes of sexual and physical abuse to practice with young people.

t) Assisting young people to apply for intervention orders.

u) Assisting young people to apply for crimes compensation.

v) Assessing whether a young person has suffered significant harm.

(Please ensure there is an answer in every box)

18. Are there any other skill areas you regard as important for working with the young people who have been abused, or with the issue of sexual and physical abuse?

Section 4: Worker's Attitudes

19. Thinking about your overall experience as a worker with young people, has a young person, aged 12 to 16 inclusive ever disclosed **sexual and/or physical** abuse to you?

- Yes - Continue
 No - Go to question 21.

20.

a) Using the example provided, please indicate the **approximate number of disclosures** of both physical and sexual abuse from females and males you have received from young people. Please remember we are interested in young people aged 12 to 16 inclusive.

Example: Two disclosures of physical, and three of sexual abuse from young women, one disclosure of physical, and four of sexual abuse from young men.

	Physical	Sexual
Females	2	3
Males	1	4

Please indicate your experience here:

	Physical	Sexual
Females		
Males		

b) If you have **ever reported** any of these disclosures to the authorities, please describe what factors generally led you to do so:

c) If you have **ever not reported** these disclosures to the authorities, please describe the factors which led you to **not** report:

21. Some workers with young people have already reported a range of opinions concerning mandatory reporting. Using the code provided, please indicate your response to the following statements:

- 1 = STRONGLY AGREE
 2 = AGREE
 3 = UNDECIDED
 4 = DISAGREE
 5 = STRONGLY DISAGREE

a) I won't know whether to warn a young person of my duty to report their disclosure to the authorities.

b) If I make a report, a young person will see me to be abandoning her/him, when they need me most.

c) A legal responsibility to report abuse to the authorities is at odds with my identity as a community based worker.

d) There has been too little training about mandatory reporting laws for community workers with young people.

e) A large number of professional workers will now report abuse, when previously they would not.

f) I can envisage a situation where I will not report abuse when the law requires me to do so.

g) Mandatory reporting laws themselves are good, however the circumstances of their implementation in Victoria are inappropriate.

h) A legal obligation to report abuse is better than leaving it to an individual worker's discretion on a case by case basis.

Section 5: Worker's Recommendations

Mandatory reporting legislation will require certain professional groups to report sexual and physical abuse of young people up to 17 years of age. Reports must be made to the Department of Health and Community Services. A worker's failure to report abuse may result in a penalty. Youth workers are due to be mandated to report in November 1994.

22. Thinking about how these new laws will impact on your practice as a worker with young people, please provide recommendations about the **implementation of the new laws** in terms of:

a) Resources allocation: (eg. Training of youth workers, provision of more accommodation services)

b) Practice Standards: (eg. Health and Community Services practice standards, practice standards for youth workers)

c) Any other recommendations about mandatory reporting laws?

23. Thinking about your particular workplace please provide recommendations about the training needs of **workers in your service** specifically in terms of:

a) Information about the protective system: (eg. Knowledge about the legal system)

b) Worker skills: (eg. Providing support to young people who have disclosed abuse, maintaining the trust of the young person)

c) Attitudes and beliefs: (eg. Understanding, and applying different concepts about the causes of abuse)

d) Any other recommendations about training?

24. Do you have any other comments regarding mandatory reporting or this survey? Remember, if you run out of space please write on the facing page.



3 1508 00555111 9

Space for extra comments.