

DETECTING THE WOLF IN SHEEP'S CLOTHING

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ABOUT US

- Gaeline Phipps, Barrister, specialises in the field of professional accountability arising from a background in criminal and family law. She has worked on cases for victims and perpetrators, and was involved in a lengthy inquiry into abuse in a medical residential treatment programme. She has advised on many hundreds of investigations involving boundary infringements among different professional groups, including teachers, and health practitioners for over 25 years and both defends and prosecutes cases.
- Katie Laidlaw is at the forefront of receiving and triaging complaints for the Education Council. She brings a wealth of experience from this work and the low reporting threshold in New Zealand.

AIMS

- To look at the theories.
- To learn from past events.
- To share learning from a review of files of the Complaints
 Assessment Committees.
- To look at whether there were softer indicators of risk that can be used as tools to avoid future risk.
- To discuss practical, achievable strategies to keep children safe – the "oxygen deprivation approach".

TENSIONS

- The damage of false accusations/ misunderstandings vs the harm of not acting on concerns.
- Not deterring the caring teachers/male teachers vs protecting children.

FOCUS

- What these behaviours are.
- Their incidence from International studies.
- Characteristics of the teachers who err.
- Characteristics of the victims.
- The softer loose boundary behaviours that can be precursors to predatory behaviour or sexual misconduct.

MR PARKER



- 74 charges
- 300 offences
- All victims were boys he taught
- Offences from 1999 to 2008

HOVELL –
PRINCIPAL
FOUND TO HAVE
ENGAGED IN
SERIOUS
MISCONDUCT

• Well established that church social welfare and other agencies can be held liable for damages

COLLEGE OF TEACHERS V HAYES [2013] QCAT 657

- In this Queensland case
- the Principal admitted that he failed to take reasonable steps to protect year 4 students from reasonably foreseeable risk of harm from sexual conduct by another teacher.
- Complaint by parent of a Year 4 student sitting on knee
- It was found by the disciplinary body that supervision and monitoring of that teacher by the principal was inadequate, teacher was subsequently convicted of 44 sexual offences against students at the school.
- The principal was suspended for two years and prohibited from working as a principal, acting as a principal or as a child protection contact.

HOOD, TA
REFERENCE NO
0008834 UK
CASE

- Mr Hood had no knowledge of the sexual misconduct. The case turned on whether he had responded appropriately to concerns raised with him.
- photographs of the teacher, on school camera, in close physical contact with a female student = potential safeguarding issue.
- Duty to ask to ask to see the camera, interview children, seek advice

HOOD CONTINUED

- Act of having favourites was a potential safeguarding issue should have been reported and recorded
- he Panel was critical of Mr Hood for not keeping accurate records of safeguarding incidents that were brought to his attention and
- "that each incident was dealt with in isolation so that the cumulative pattern of Mr Leat's behaviour was not recognised over time. Mr Hood did not identify potential or actual safeguarding issues as they arose and ... did not raise concerns with [specified officers] or go to any other external agencies for advise, and for these reasons he failed in his responsibilities."

• "It is a responsibility of all teachers, but particularly the head teacher, to secure a safe environment for pupils and this is a well established and fundamental requirement"



GROOMING

A teacher abuse is a form of institutional abuse defined this way:

"The sexual, physical or emotional abuse of a child (under 18 years of age) by an adult who works with him or her."

The conduct involves:

- the misuse of power over young people;
 and
- that misuse causing harm to the children's learning and making the learning environment unsafe.

SEXUAL ABUSE

• The exploitation of a child for the sexual gratification of an adult" (D v D [1992] NZFLR 563)

HISTORY CAN BE IMPORTANT

• E.g. the father had previous convictions for indecent exposure, and he regularly bathed and showered his eight-year-old son. His history led the court go conclude these were "grooming" activities for further sexual abuse. (G v P [1992] NZFLR 778)

INCIDENCE

Conduct is rare but when it occurs it is catastrophically harmful to children, their family and the wider school community STUDIES TELL US THAT THIS CONDUCT IS RELATIVELY RARE

- A US study finding that 7% or 3.5 million students reported having physical sexual conduct from an adult, sports teachers being the most common perpetrators. The conduct consisted of "unwanted touching of breasts, buttocks or genital region, forced kissing, hugging, oral genital conduct, vaginal and anal intercourse".
- The percentage rose to 10% if the conduct of sexual exhibitionism, masturbation, inappropriate sexual comments and the sharing of pornography were included.

CONTINUED

- A national study in Israel reported 7.7% of junior high school students and 8% of secondary school students reported sexual misconduct by a staff member.
- A British Colombia study, which involved retrospectively questioning adults about their experiences in school, resulted in findings that one third of adults reported experiences that met the criteria for sexual harassment ranging from sexual joking and peering at parts of their bodies. Few had reported this.

CHARACTERISTICS OF CONDUCT

In Ontario 2007-2012 it was found that of the 110 teachers who had been disciplined for sexual misconduct during this period:

- 90.9% were male
- 82% were the victim's classroom teacher
- 9% were coaches.
- The average age of victims at the onset of abuse was 14 years.
- 73% of the cases involved students being given special attention.
- Electronic communication played a part in 45% of the cases
- 8% involved gift giving
- 30% involved targeting student vulnerability
- 24% of cases promised a romantic relationship
- 10% provided access to drugs or alcohol
- 3% integrating with the family's network
- 66% of the victims were female
- 62% of cases were fondling
- 32% kissing
- 26% hugging
- 33% were vaginal intercourse
- 14% involved fellatio
- 3% involved anal intercourse.

CONTINUED

The authors noted that they found cases probably only represented the tip of the iceberg, with many cases being left unreported. They stated:

"Teacher sexual misconduct is an on-going problem that requires a vigilance of educators, parents and school boards."

And:

"This pattern raises the importance of setting and communicating clear professional boundaries between teachers and students. Violations of these boundaries should be viewed as warning signs requiring immediate and effective action, possibly through enhanced and continuous professional development for the profession as a whole, but most certainly through interventions with individual violators."

CHARACTERISTICS OF ABUSERS

- 1. Most commonly male, but not exclusively.
- 2. Perceived as wonderful teachers by students, faculty and parents.
- 3. Had often received a disproportionate number of awards for excellence in teaching.
- 4. Well-liked and trusted.
- 5. Prey on vulnerable students by providing attention, creating a feeling of specialness, leading to the relationship being construed as romantic rather than abusive.
- 6. The support given by the community to these teachers often deters reporting.
- 7. They often operate on a teenage level of maturity, may be known to make inappropriate sexual comments regarding students.
- 8. Sometimes inquire extensively into students' personal lives as part of the grooming pattern.
- 9. Often participate in extracurricular activities such as sports coaching and music.

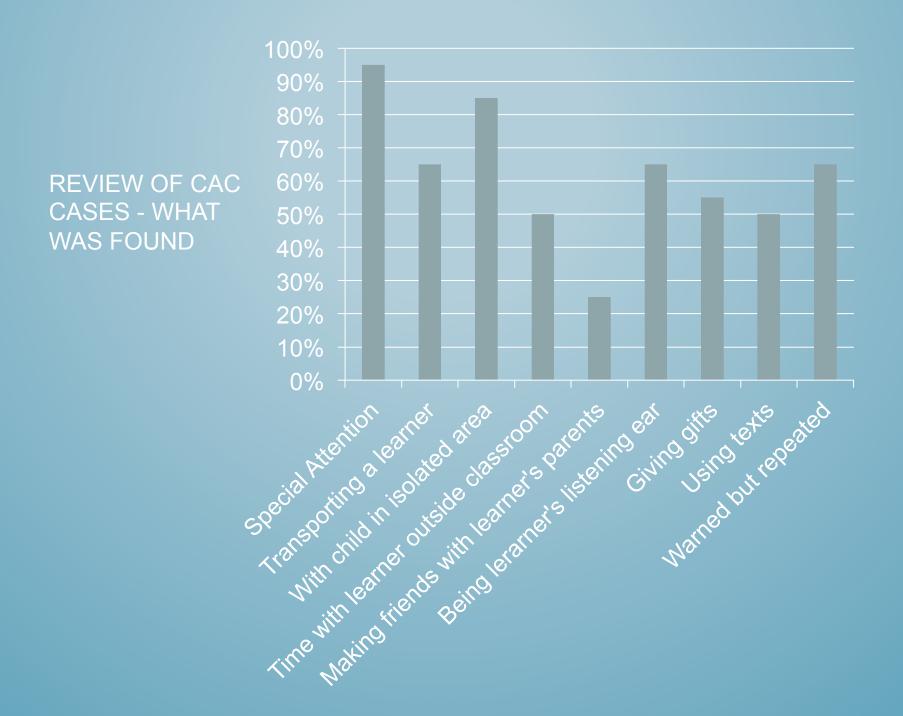
Special Characteristics of Female Abusers

1. Sometimes classified as romantic lovers.

ABOUT THE VICTIMS

Findings show that victims are:

- 1. isolated from peers and families which makes abuse less likely to be detected;
- 2. Often shy and quiet, making them easier to control and less likely to disclose;
- 3. or troublemakers who are less likely to be believed.



PROCESSES

- Low reporting threshold by statute allows the Council to see patterns
- CAC members receive training on conduct that can indicate grooming and on investigative strategies
- Number of cases that with some sensitive questioning using this training have revealed evidence not recognised by school

CHALLENGE SINCE AMENDMENT TO ACT Non discretionary referral for discipline of all possible serious misconduct where want the definition of serious misconduct to be wide and catch all to identify low level grooming precursors

WARNING SIGNS OF SEXUAL ABUSE

Warning Signs of Sexual Abuse

Warning signs are:

- 1. special attention.
- 2. excessive time spent alone with learner outside classroom;
- 3. frequently with child in isolated areas;
- 4. transporting a learner;
- 5. making friends with learner's parents;
- 6. being learner's listening ear;
- 7. giving gifts;
- 8. using texts;
- 9. having previous warnings

Overly Affectionate Behaviour:

Such behaviour comprises:

- 1. flirtatious behaviour;
- 2. other pupils suspicious;
- 3. making jokes.

HOW WE CAN USE THIS INFORMATION KEEP LEARNERS SAFE?

- Address potential risk in a proactive manner
- Develop a process of transparency/ openness in approach
- Provide professional development about grooming
- Make a robust process of reporting a normal occurrence
- Enable the reporting of teacher behaviour by students to be OK

IS THE KEEPING YOURSELF PROFESSIONALLY SAFE APPROACH EFFECTIVE?

- Pros
- Ownership and understanding by the teaching profession of the need for vigilance
- Fits within a professional ethics model of behaviour
- Shows the profession taking control for the sake of those we teach

- Cons
- Not effective in reality
- An air of self preservation or seen as self-serving

WARNING SIGNS OF ABUSE

Warning Signs of Abuse	Present in the Parker Case
Special attention	✓
Excessive time spent alone with learner outside classroom	✓
Frequently with child in isolated areas	✓
Transporting a learner	\checkmark
Making friends with learner's parents	\checkmark
Being learner's listening ear	
Giving gifts	
Using texts	

A CHANGED WAY OF THINKING

Agreement We value and hold paramount the right of all people to There will be no oxygen for predators, be safe in our school. conduct we We agree to maintain a culture that ensures predators, groomers and abusers have no place or opportunity in our school. the To achieve this we will, without judgment, fear or favour, report any event in which we are involved or S that we observe others involved in that is questionable. The Conduct we walk past schoo accep groomers and abusers in our Date Learners will be safe in our school.

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DISCIPLINE PATHWAY

Engaged in "questionable" conduct.

Engaged in questionable conduct after warning to stop

Serious misconduct/dismissible conduct

IS DETECTION THE ANSWER OR PREVENTION?

- Multi level approach
- Culture
- Vigilance
- Responsibility for what you walk past
- Inspectors
- Lawyers
- case law

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