Introduction

Are all teachers’ sexual predators? No. But on the other hand it can not be said with certainty that no teachers will abuse children. I have been critical of the emphasis of the Code of Conduct for Physical Contact which NZEI Te Riu Roa asks teachers in the primary sector to follow (and which has influenced members in the early childhood sector also). It can not protect children from rogue teachers and all it has achieved is to negatively influence teachers’ ability to work effectively with children. The Code states:

As part of the staff development programme every employer needs to ensure all members are aware of their rights and responsibilities in this area. The code provides a basis for behaviour that is appropriate, professional and necessary. …It is also NZEI Te Riu Roa’s position that any physical contact with students presents a risk to the teacher or staff member.

The NZEI’s advice to teachers, employers and publicly voiced insistence over many years that this position on teachers’ contact with children is a wise and necessary one has without doubt had a negative impact on (a) the image of the teaching profession, (b) teachers emotionally and professionally, (c) the role model teachers project to children of “normal healthy” human behaviour, and (d) children’s views of teachers as people they can trust and depend on to care about their them.

The good news is that hopefully the NZEI’s Executive Membership Services Committee is about to make a significant first step in shifting the pendulum from teacher protection with no tangible benefit to teachers - to children’s welfare and supporting effective teaching caring behaviour. The organisation may be going to do away with the present Code for Physical Contact and introduce a much shorter and more sensible set of guidelines. I hope that from the initial revised draft I have seen, the NZEI does not in the meantime change it’s mind and revert back to believing that it must continue supporting and fuelling the climate of suspicion surrounding teachers’ and their contact with children.

Here is a copy of my letter sent to NZEI on the June draft copy for which the deadline for feedback was 1 August

29 July 2005

Brendon Lane
Secretary, EMS Committee
NZEI Te Riu Roa
PO Box 466
Wellington

Dear Brendon, Winifred and members of the EMS Committee

I understand that the June draft copy of the guidelines for physical contact sent to me for comment by August 1st has already been substantially re-worked. Not knowing the content of the current draft I will just make some general suggestions below.

- Retain and further strengthen the focus on the importance of caring and teachers’ physical contact with children. I suggest that reading material on best teaching practices and familiarity with research in this area would be of assistance in developing this part of the guidelines.

- Take time to consider the messages given by statements of what constitutes inappropriate contact. Are each of the examples, examples of physical abuse and sexual abuse, or are they about different people’s perceptions of what is acceptable and what is not without
regard for social and teaching context, child age, child need and family and ethnic – cultural values? Listing examples of what might be construed as sexual or physical abuse is not the way to go. Either behaviour is abusive or it is not. Examples of what is abusive could be taken from cases where teachers and other adults working with children have been convicted for abuse. Or provide carefully worded statements of what constitutes child sexual and physical abuse.

- Consider whether in the long-term it would be wise for NZEI to continue to influence teacher behaviour and interactions with children in this way. While the code or guidelines may only be for NZEI members, the messages are picked up on by all teachers and teacher educators.

I congratulate you on taking this first step in beginning to rework the Code of Physical Conduct. Given the influence and impact of the Code I suggest that well before adopting a final revision of the physical contact guidelines, you invite public discussion and welcome debate on the guideline’s wording and purpose. Engage in dialogue with the public on this because while the guidelines may be for your members only - what ever you tell teachers to do impacts on children, families, and communities and influences the values of the next generation.

If you do decide to change policy from the current no-touch, please widely (including with parents and the media) communicate this change in thinking about teachers’ physical contact with children. Be honest about why no-touch is not being advised anymore. Your change in policy needs to be communicated to all groups within the education sector, especially teacher educators.

Yours sincerely

Sarah Farquhar
In this document I have included the following papers:

**PAGE**

4  Paper No 1. Newspaper article “Teachers should touch children – Lecturer” (9/11/1999)


14  Paper No 3. NZEI Te Riu Roa Physical Contact Code of Practice (not dated – however in a media release NZEI National Secretary stated that it was published in the early nineties, reference [http://www.nzei.org.nz/get/148](http://www.nzei.org.nz/get/148) page on site accessed 18/7/05)
Teachers should touch children - lecturer

By Jon Morgan

SCHOOLS should proclaim themselves to be “touching schools” where the touching of young children was encouraged, a Massey University teaching lecturer said yesterday.

“We need teachers and schools to get together and say, “Enough of this rubbish — regardless of a climate of fear and mistrust, we can be trusted not to abuse your children’,” Sarah Farquhar said.

“We have got to get away from this moral panic, reinforced every time the Peter Ellis case is mentioned in the media”. Ellis was convicted of abusing children at Christchurch civic crèche. He has always denied the allegations.

Dr Farquhar said fear of being accused of child abuse was so strong among both male and female teachers that they rarely touched pupils. Examples were:

• A child who fell and hurt herself in the playground was not touched by a teacher till another adult was present.

• A five-year-old girl who wandered into a classroom at lunch-time seeking an adult’s company was told to leave because the teacher was frightened of being found alone with her.

• A child who leaned against a teacher’s knee while she was reading a story was told to move away.

• A small boy who kissed a teacher on the cheek out of affection was told, “we don’t do that.”

• Male teachers said they never held children’s hands and were careful not to touch children when they leaned over them to check work.

Dr Farquhar said a teacher had told her that the only time she would touch a child was if she had the child’s permission first.

“What happens when you have a situation of one child hurting another? Do you say, ‘Look, I need to hold you tight to stop you hurting this girl, is that okay?’

“Is this the values we want children to grow up with?

“How will they feel about touching as adults? It could affect their relationships later in life if they view any touching as bad, as abuse.”

She criticised the primary school teachers’ union, the New Zealand Educational Institute, for ruling that teachers must not touch their pupils.

Union secretary Joanna Beresford said teachers were advised not to touch children, except when absolutely necessary, and then only if another adult was present. “It is regrettable that has to be our advice. We have had instances where completely innocent actions have been misconstrued, accusations have been made to the police and teachers have been put through, gruelling processes,” she said.

Dr Farquhar said the Education Ministry and union had to tell teachers it was all right to touch children appropriately. The no touch policy, designed to prevent abuse, was causing neglect. “It means teachers are not responding appropriately to children’s emotional needs, specially at a young age. Sometimes a simple pat on the back can say more than a thousand words ... and children respond to that physical contact.”
Paper No. 2


Moral Panic in New Zealand: Teachers Touching Children

Sarah-Eve Farquhar

I went to our local primary school at lunchtime to collect my soon-to-be five-year-old son who had spent the morning there for familiarisation. In the playground I spotted him and his teacher coming towards me holding hands. I walked up to meet them and held my son’s other hand and all three of us walked towards the classroom. On the way he lifted his legs in the air and swung like a monkey, supported by the teacher and I. He had an enormous smile on his face and he seemed very happy. He looked at his teacher and said, “That’s what I do when mummy and daddy are holding my hands”. Later in the car he reflected on his morning “I love Mrs ...” he declared with admiration and pleasure. “Oh and I also love you and daddy, and my sister [a toddler] when she’s not doing bad things,” he added as an afterthought. As a parent I was pleased that he was forming a relationship with his teacher. I felt assured that he would go to her for help and that she would not hesitate to comfort him physically if needed. I could see that the caring and friendly relationship she fostered with children supported the development of respect rather than fear or disrespect. When I think back to this occasion it illustrates very nicely the personal importance that teachers assume in the lives of young children, and that children (and parents too) benefit from teachers who have positive physical contact as part of their relationship with children.

Unfortunately such relationships are becoming more difficult for teachers. A moral panic about touching has pervaded the early childhood and primary school education sectors since the early 1990s. I was not surprised when talking to my son’s teacher to learn that although she had physical contact with children in her new-entrant’s class as part of normal human interaction, she never felt personally safe from accusations of child abuse. While some teachers, like my son’s teacher, refuse to let the moral panic impact on their daily teaching and caring for children, others feel they have no choice but to avoid any form of physical contact with children unless under supervision or in an extreme emergency.

Teachers are receiving messages from the media, their colleagues, their teacher-educators, and teacher unions about the dangers of touching, but there are no countering messages to give support to teachers who want to be able to teach children effectively and have caring interactions. I believe the moral panic has already gone far enough. The message of this chapter is that extremes can be harmful to children and to teachers. A balance needs to be found between the protection of teachers on the one hand, and children's emotional, physical and intellectual needs on the other. Touching is a touchy subject - but in the current climate of the fear of accusation of abuse, teachers are being encouraged to believe that any form of touch, regardless of children’s needs, could be potentially construed as abuse.

In this chapter I focus on the early years of education encompassing early childhood services and primary schools, and with particular reference to the New Zealand context. First I overview the leading causes of the development of the moral panic in New Zealand education and discuss the current climate. Then I outline the main policies on teacher contact with children and give some examples of how these policies are making teachers feel torn between their own need for self-protection on the one hand, and being a caring and effective teacher on the other. In conclusion, I offer some predications of what might happen if the current situation remains unchallenged. I also offer recommendations for changing the climate of fear.

The Moral Panic

During the 1980s a key topic in professional development for New Zealand teachers was learning about sexual abuse and how to identify children who had been sexually abused. Considerable resources were given to awareness-raising and training. This reflected efforts by public and community agencies within
society to make child abuse and protection a leading social issue. Brian Pearl, representing the Education Department, said at a national conference looking at child abuse prevention in 1987:

I think it is fair to say that since 1982 awareness of child abuse and hopefully child protection in New Zealand has come of age. Up to 1982, notwithstanding some very fine work that was going on, many people in our society, including those in child-related activities like teaching, educational psychology etc., could not or would not believe that here in New Zealand we had a major problem with child abuse. Any horror stories that we did hear about seemed to be the province of our American or British cousins (p.15).

I entered teachers’ college in the early 1980s and participated in many workshops and read widely about child abuse. A slogan I heard often was “all men are potential rapists”. “Girls can do anything” was another slogan. Like many of my friends, teaching colleagues, and lecturers, I read the feminist magazine Broadsheet, and believed, as did researchers Andrews and Merry in 1987, that the abuse of children was simply another “example of the way we structure our worlds, with women and children 'fair game' for men” (p.53). The politicisation of child abuse made it very difficult for men, particularly fathers and male teachers, to interact and to be intimate with children. Prior to the early 1990s the spotlight was on child abuse in the home setting, and significant attention had yet to be given to schools and early childhood settings as potential places for abuse. In New Zealand society, teachers were trusted professionals. Moreover the majority of teachers and child-care workers were women, and the focus on child abuse was mainly on sexual abuse, considered at the time to be a largely a male problem.

Ivan, who started kindergarten teaching in 1984 and in recent years left kindergarten to retrain for primary teaching, recalled the following experience during an interview that was part of my study on male early childhood teacher experiences:

But probably my worst situation was at an area staff meeting. We had a woman come in as guest speaker. I think she was from rape crisis. We had a few lesbian teachers in the Association and it turned into an anti-male meeting. They were going to castrate all rapists and blah blah blah ... The whole thing got totally out of control. The window was open behind me. I was seriously thinking of getting out of it (Farquhar, 1997a, p.27).

Changing attitudes towards gender roles in the early 1980s saw small numbers of men, like Ivan, being welcomed into kindergarten teacher training at Teachers’ Colleges. As Ivan found, though, working with young children was still considered women’s work. Despite men’s involvement being welcomed by a kindergarten movement keen to challenge sex-role stereotyping for children, some women were not pleased to see men become teachers. As one woman kindergarten teacher said:

Before the abuse cases came up things were different - it was exciting. People would ring up or come around and look and say “Wow, you’ve got a male staff member, how wonderful!” Then after the abuse cases I hear new parents say “Oh, you’ve got a male staff member” in a disapproving tone (Farquhar, 1997a, p. 29).

As the feminist movement grew stronger in New Zealand and more women entered paid employment, supported by equal employment opportunity, the proportion of female to male primary school teachers increased. In 1971,62.2 percent of primary teachers were women. By 1998 this has increased to 79.5 percent.

By the mid 1990s the focus on child protection and teachers as trusted professionals had changed. Teachers had become people who needed to be watched, and teachers and the teachers’ unions responded by focusing on teacher protection from allegation of abuse. The main reason for this trend towards distrust can be traced back to the high profile Peter Ellis case, and the changing nature of schools and early childhood centres as places with greater public and community accountability. With the educational reforms, schools and early childhood services have had to become more accountable to their communities, and especially to parents, management committees and boards of trustees. Teachers find that they can be questioned about whatever they do. The status of individual professional judgement and experience is diminished. The government and Ministry of Education have largely regarded the problem of sexual abuse allegation as the responsibility of teachers, schools and early childhood services and their boards or managers.
One of the most significant events for teachers of young children in New Zealand has been the charging in 1992 of child-care worker Peter Ellis and (initially) some female co-workers for the sexual abuse of children at the Christchurch Civic Child Care Centre, considered a model early childhood centre and well known for its liberal ideals (Farquhar, 1997b). Ellis maintained his innocence. The charges against the women were dropped before the main trial. In a television interview at the time, one of the women said that the focus in the case had been on child protection, and asked “but what about the protection of workers?” Peter Ellis was sentenced to ten years imprisonment. A number of subsequent appeals to have his conviction overturned failed. Media attention to the case was considerable. It sent shock waves through the whole education community. Even after his release from jail Ellis’s case remains very much in the political and media spotlight.

A few cases of child abuse (including physical and/or sexual) come to light in schools and early childhood services every year. None have been on the same scale as the Ellis case, and none have received anywhere near the same intensive media coverage and scrutiny. Nevertheless, these cases continue to reinforce public perception that (all) teachers are not to be trusted not to abuse children. Individuals have been targeted as ‘abusers’ simply for being teachers. For example, after media coverage surrounding the trial of a Wellington Hospital child-care teacher for sexual abuse, a teacher who had no connection to the case was faced by a violent intruder at home. The teacher recalled:

I have been assaulted because I am a male early childhood worker. I had never met him ... He came to the door with a nametag on his shirt and said he was doing a survey and asked what I did. I said childcare worker and he just burst into the house and started beating me up. He was saying, “I know what you are doing” (Farquhar, 1997a, p. 31).

Until my 1997 study of men in New Zealand early childhood teaching, showing that the sex abuse issue was affecting male teacher employment, retention, and teaching practices, there had been no official acknowledgement of the impact of the issue on teachers. A representative from the early childhood and primary teachers’ union, the New Zealand Educational Institute (NZEI), at the time of the research told the press that salary levels and conditions were the main issues for teachers. Some months later, the Minister of Education, Wyatt Creech, was quoted as saying that the “highly publicised sexual abuse cases had generated dreadful PR for male teachers ... [but] he doubted the government could do much to aid the situation” (EDUVAC, 1997, p.1).

In April of 1998 one teacher took a brave stand by speaking out through the media about how bad the situation had become for teachers. His personal story showed the damaging effects of social bias against men working with young children and just how vulnerable all teachers are to accusations of abuse. This was John Edgar, a primary school teacher who was acquitted by a Hamilton District Court jury after seven boys alleged he had touched their genitals. Edgar appeared on national television to tell men that the risks of being a teacher were too great, and he advised those already in teaching to get out. He said that his career was ruined and that after this experience he would never teach children again.

As a professional group, teachers have largely shied away from publicly examining the controversial issue of child abuse in schools. It is accepted that teachers are very vulnerable to accusations of abuse, despite the evidence that abuse is far more likely to happen outside of the classroom and early childhood centre than within. It seems to be accepted that the withdrawal, or limiting, of physical contact will protect a teacher from accusation. But as John Edgar’s story showed, teachers do not have to touch children to be accused of abuse. The effects of such cases on teachers and potential teachers, and the subsequent costs to children’s emotional well-being and education have not been publicly considered.

As yet, there have been few studies, and an absence of theorising of the issue, in New Zealand. The Ministry of Education has done little to effectively reverse the damage of the moral panic about touching children. NZEI, the primary teachers’ union, has done an admirable job of looking after its members through the development of a code about physical contact and representing teachers who face allegations, but NZEI also has unwittingly helped to reinforce and fuel teacher concerns. The moral panic has redefined teachers’ identity (as dangerous), and is having a seriously limiting impact on their interactions with children. The lack of analysis and questioning has led, as Richard Johnson (1997) argues to a strengthening of control and a fuelling of the moral panic about touch in schools, which in turn has then justified and increased the need for greater surveillance and concerns about litigation.
The Current Climate

As I have explained, teachers are no longer trusted professionals, and this has made them both feel, and be, more vulnerable to allegations of abuse. Teachers are also now much more accountable for their actions and there is reduced acceptance of teachers’ professional integrity and judgement in how teachers respond to children’s behaviour and interact with them. There exists no educational rationale for teachers holding back from, or constantly checking, their physical contact with children. The reason for these new practices is fear. Some would argue that this fear is exaggerated, unnecessary and irrational, while other teachers who have experienced an allegation or know of teachers who have been accused of abuse would say that the fear is rational and necessary. It is a fear that teachers tell me niggles away in them. It is an ever-present worry that sometime, someday, they may be (mis)perceived to be touching or interacting with children inappropriately and investigated for abuse. The example given by an early childhood teacher explains this point well. He said:

There has been a case of suspected abuse at this centre. I remember when I was first informed about it, I went home and all those paranoid thoughts flashed through my mind - what am I doing here? What is the media going to do with me? The whole incident ended when it was discovered that it was innocent playing - between two children (Farquhar, 1997a, p.31).

A fourth-year primary student teacher confided that he wanted to be a caring teacher whom children can trust, but when a child looked to him for help he felt paralysed to respond in any way other than through talk. He said he finds it stressful because he cannot work with a “clear mind”. He cannot be himself, and feels that often he is putting on a performance. He worries about the time he spends evaluating himself compared with evaluating his teaching.

Men working in primary schools and early childhood centres can experience greater stress and mistrust because sexual abuse is most often associated with male offenders. In my study of male early childhood teacher experiences I asked the men about the initial reactions of family, friends and others to their decision to become a teacher. Reactions included:

Martin: My mother keeps telling me to get out, she is trying to protect me from the stigma, from any sort of accusation.

Richard: Male friends joked, “Oh child molester”. They thought I was a 'girl'.

Female teachers did not experience the same kind of responses from their friends and families. It was interesting that when I asked teachers why few men work in early childhood centres, as many as fourteen out of the forty male and female teachers talked about management suspicion of the motives of men wanting to work with children as a barrier to male employment. For example, Irene said:

We were looking for a long-term reliever and the person that we thought was most suitable was a male, but one committee member said that she didn’t like the idea of having two males because two males could end up in the bathroom with children. As far as we were concerned they were two people. Two people in the bathroom was what our policy said. People do have to have an element of trust. Females can abuse children too and I think people lose sight of that (Farquhar, 1997a, p.21)

Judith Duncan (1999,1998) has documented the effects that sexual abuse protection policies have had on female kindergarten teachers’ work through increased surveillance, and has noted a tension between the teachers’ own sense of self-trust and a perceived lack of trust from parents and the community. She indicates that anxiety about child abuse in educational institutions is affecting female teachers, and that the issue is not confined to male teachers alone.

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Teachers are finding that due to the climate of mistrust it is very difficult to achieve what they hoped to achieve in entering the profession - that is, to be effective teachers. Initial goals in becoming teachers are difficult to realise and job satisfaction can be lower as a result. Most teachers are very cautious, and feel unable to properly care for children in certain ways - for example allowing a child who is sad to sit closely beside them, or physically help a child in trouble. The result of this is that teachers are teaching children
not to value physical contact, and to see any form of touch as something that is akin to abuse.

Through being cautious and distant, teachers are also showing children that they as adults cannot be trusted because they cannot be alone with or close to a child. In addition, to maintain a ‘safe’ distance from children, early childhood teachers are encouraged to keep strict boundaries between the early childhood centre and children’s homes, which makes it very difficult for teachers to build a strong link between settings to enhance children’s learning and provide support. In short, the moral panic about touching is creating a deep contradiction between what teachers know is good and vital for them to be doing in their work with children, and their own needs for self-protection.

It could be argued that the moral panic about sexual abuse is merely a precautionary aspect of contemporary culture, and the fear it generates is useful in protecting women and children. After all, why is it that today you are less likely than previously to find a workplace with at least one pornographic picture on the wall? Why is it that many workers are asking friends and colleagues not to send them dirty jokes on their work e-mail? It probably has more to do with fear than respect for women or for work-place rules. But is fear of accusation detrimental to schools and early childhood centres? As a young student studying education at university, I was taught that education is about leading and supporting social change for the improvement of children’s education and welfare. I was taught that to be an educator is to be a critical thinker and someone who is not afraid to speak up on educational issues. Fear, especially for male teachers, makes it difficult for teachers to speak up about the policing of touch, and its threat to their everyday lives as teachers.

Policies

The primary and early childhood teachers’ union’s (NZEI) code of conduct for physical contact with children in schools has probably had the strongest impact nationally in terms of telling teachers to protect themselves and stipulating what teachers should not do. While clearly not liking the stress and fear teachers are under, the union has reinforced the moral panic about touch in their code of conduct. The code clearly tells NZEI members to accept that they are in a high risk occupation, and states that “any physical contact with students presents a risk to the teacher or staff member” (NZEI, 1998, p. 2). It goes on to explain that contact can be misinterpreted by:

- The child in contact
- Other children
- Adults (staff, parents)

Misinterpretation can lead to:
- Discomfort
- Formal complaint
- Rumours
- Community action
- Criminal charges

If found guilty of complaints or charges then employment can be terminated. The code stipulates the situations when physical contact may be required:

- Physical education and outdoor education activities such as swimming
- Toileting children
- Changing clothing
- Giving comfort and first aid
- Restraint in the interests of child safety
- Lifting and caring for children with disabilities
- In less formal situations such as playground supervising duties (p.3)

It advises that physical contact should be restricted to these times, though warns that with “any type of physical contact between staff member and child there is an inherent risk that it can be construed as abuse” (p.3). A highly debatable point made is that staff should present “good role models and practices in their dealings with children” (p. 3). The example given is that teachers should remove themselves from any contact made by a child and explain the situation “so they do not feel rejected”. However, it is difficult to comprehend that a child, of any age, would not feel even the slightest bit unwanted by a teacher who will
not hold their hand or have any physical contact. And how does a teacher explain sufficiently well to a child that they are scared to reciprocate their touch? Some children want to touch and respond to physical contact. A touch can say more than a thousand words, and can often be much more meaningful to young children in some situations.

Attached to the NZEI code of conduct is a copy of the Special Education Service (SES) policy (undated). SES oversees the education of children with special needs. Compared with NZEI’s code of conduct, the SES guidelines leave more to staff judgement and professional discretion. The guidelines focus mostly on staff informing parents and gaining parental permission - for example, to work with a child alone, to implement a toileting programme, and on steps to take to ensure staff protection if it is necessary for children’s learning to provide a ‘physically-guided’ programme. SES also suggests regular supervision and peer review to discuss practices.

The Ministry of Education (1993) guidelines for the prevention of child abuse in early childhood services state that while teachers may feel they are not being trusted because they are required to implement certain policies and practices, it should be remembered that not all adults are safe. What are called the ‘rules’ about touching children are explained as follows:

1. If a child initiates physical contact in the seeking of affection, reassurance or comfort it is appropriate to respond. It is not appropriate to force unwanted affection or touching on a child.

2. Physical contact of children during changing or cleansing must be for the purpose of that task only and be no more than is necessary. Encourage children to take care of themselves (p.28).

In addition, the Ministry guidelines state that teachers should always be visible when working with children, and should never be alone with a child or children. The Ministry suggests that teachers should not become part of children’s families’ lives, but instead keep their professional and personal lives separate, because “many sexual offenders groom children and families to win the confidence and trust of children and their families before abusing them”. The Ministry further suggests that teachers encourage parents to drop in frequently and unexpectedly as a way of helping to prevent teachers from engaging in sexual abuse, and that all early childhood services should have a clear complaints procedure.

Policies in primary schools vary. Some schools have very clear policies about touch; these schools subscribe to the NZEI code of conduct for physical contact with students. In schools where there is no official policy relating to touch, teachers can be left unsupported by their boards and colleagues when an allegation of abuse is made. In talking with principals and teachers, I have found few schools which have developed a policy on ‘touch’ - that is, a policy that focuses not on teacher protection but on the importance of and value for children of teachers being able to maintain positive and timely physical contact with children.

Another form of policy is that decided informally by small groups of teachers themselves. Teachers often chat about their fears, share stories about complaints that have been made against other teachers, and informally come to agreements about safe practices. This can be called a ‘staff-room policy’. Policies also vary across different early childhood services and between early childhood services. Like schools, there is often the written policy of the service and the unwritten policy of the teachers or staff. Policies about sexual abuse and touch tend to be more clearly set out and known in services where men are employed. I came across a few cases where men had been told that as part of their employment they should reduce physical contact with children and that they should not change children's nappies or supervise sleep times. Some male early childhood workers chose to restrict their physical contact with children out of personal choice for their own protection, and their female colleagues understood and did the tasks that involved touching children (Farquhar, 1997a).

Consequences

It is clear that most teachers, from the novice to the very experienced, are anxious about their actions. A very experienced junior class teacher mentioned to me that without stopping to think she had lifted a child to where he should have been sitting on the mat. But she worried about it for the rest of the morning
because she had not asked the child for permission to touch first. Teachers also fret about their lack of touch and concern demonstrated towards children. As one teacher said to me during a casual conversation on the topic: “Teachers are having to force apart the teaching and caring dimensions. But what are the children learning? They are learning that teachers aren’t to be trusted and are cool uncaring people concerned more about the teaching of knowledge than nurturing the child”.

One teacher, who felt she should have quickly picked up and physically comforted a child who had fallen over in the playground, was torn between doing this and the staff-room (informal) ‘no touch’ policy of waiting until another adult was fetched to supervise her contact with the child. Another teacher regretted drawing away from a new entrant who at the end of the day was holding his cuddly, had his thumb in his mouth, and tried to lean against her leg while she was reading to the children. Yet another example is a male teacher who on the one hand felt he should check on the commotion in the boys’ changing shed (a year three class) but on the other hand felt that this would compromise his safety.

These examples illustrate that teacher protection policy and practices are not always in the best interests of children. Children's rights to privacy, self-respect and immediate attention can be disregarded. I have visited kindergartens where teachers regard it as standard procedure, if it is near the end of session, to keep children with soiled pants waiting until their parents arrive to change them. How physically uncomfortable and how socially embarrassing for children this must be. When my child started at crèche at age 2.5 years I was surprised that nearly every lunch-time when I or his care-giver picked him up he had wet pants, and yet he was toilet trained. I soon realised that the problem was that there was no door on the toilet room and he felt too embarrassed to go toilet with other adults and children in the room. He had to learn to accept that this was the way things were at crèche - the open toilet room was for the adults’ protection.

Predictions and Recommendations

If the moral panic about teachers’ physical contact with children in New Zealand continues to be reinforced by major organisations such as the teachers’ unions, and unchallenged by groups of parents, teachers, teacher education institutions, researchers and academics alike, then some of the consequences could include:

1. Teachers will experience stronger restrictions and sanctions on their interactions and relationships with children.

2. Teaching will become a purely technical job.

3. Teachers will become like the Tin Man in The Wizard of Oz, people who will not able to express feeling and warmth.

4. Surveillance cameras and other strategies for monitoring teachers will become the norm rather than the exception.

5. The ability of teachers to provide caring role models for children will not be possible.

6. Children’s physical safety will not always be able to be ensured. Children’s emotional needs will not be able to be met by teachers. Children’s respect for teachers will drop. Teachers could even become the topic of playground jokes, like one I heard recently: “Don’t tell your mum the teacher touched your bum”.

7. Fewer children will feel their teacher cares about them and is interested in them as an individual. They will not say to their parents “I love my teacher”. And parents will worry even more about their children's emotional well-being and safety.

8. Parents are likely to have to engage in coercion or bribery to get their children to attend the early childhood centre or school because to children these will be uncaring places.

My recommendations for change are:

1. Instead of focusing on ‘no touch’, we should focus on the need for, and the nature of, caring relationships and interactions which may involve touch. In other words, a change from seeing
touch as possible abuse to seeing that timely and caring physical contact can hold a range of benefits for children.

2. As part of this change to the positive, we need to place trust in teachers as trained professionals, and teachers need to assert that trust is vital to their role as teachers. Supervision of teacher actions and the use of any forms of electronic surveillance devices should be the exception rather than the growing norm.

3. Children’s needs for privacy, respect, safety, care and emotional warmth should be met and must come before concerns about teacher protection.

4. Teachers as professionals should be supported to put children first, perhaps through some kind of formal framework or the development of a professional body which takes on this issue.

5. We need to look at what values children encounter as a result of current policies and practices of ‘no touch’ and to assess whether these are the values that we want members of New Zealand society to have.

6. Finally, a completely neutral system for assisting teachers to voice their worries and discuss their practices is needed. In the current environment it is hard for teachers to do this without drawing attention to themselves, and others thinking that perhaps they have a problem or are suspect.

Postscript

Since my presentation of this chapter at the symposium titled “Hands Off! Teachers Touching Children” at Auckland University in November 1999, and subsequent media reports, teachers have been questioning whether they should participate in the moral panic about touching. I was particularly heartened at the response from teachers and members of the public throughout the country who had read and shared an article which set out the key issues and what teachers should do in response to it, by reporter Jon Morgan of the Dominion newspaper (1999). A return to teachers having physical contact with children seems to now be occurring, with teachers challenging the moral panic through their practice. Teachers are saying that they will have non-harmful positive physical contact with children when helpful for children and the teacher-child relationship. The main difference today seems to be that teachers are tending to define for themselves when and in what situations they will have physical contact with children, developing their own policies of touch. Some schools are also proclaiming themselves to be places where touch is valued. For example, a publicity catch-phrase for Windley School, and published in Wellington community newspapers, was “Every child needs a lap”.

Should this trend towards teachers saying they will no longer allow fear to rule their interactions with children continue and strengthen, it also becomes less likely that the predictions I offered above on the possible consequences of a path of ‘no touch’ will come true. However, one of the major consequences of moral panic remains in urgent need of address: to make our schools and early childhood services more welcoming places for male teachers and fathers. While the previous government had begun to move on this issue, the present government has to date made no attempt to reverse the downward trend of male participation in teaching. We also have a long way to go to restore public trust in (all) teachers as professionals and as people who truly care about children.

References


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Paper No. 3

Code of Practice
(on-line at http://www.nzei.org.nz/get/225 - date copy accessed 17/7/05)

Introduction

This physical contact code of practice has been developed by NZEI Te Riu Roa for members in the primary sector. As part of the staff development programme every employer needs to ensure all members are aware of their rights and responsibilities in this area. The code provides a basis for behaviour that is appropriate, professional and necessary.

Where physical contact is concerned, teachers and support staff as a group are in a high risk occupation. The code highlights areas where staff are particularly at risk and also what is considered to be appropriate behaviour within the bounds of common sense and safe practice.

Over recent years communities have increased their awareness and understanding of child abuse. Children’s rights are becoming more defined as are teachers’ roles and responsibilities. The safety and wellbeing of children are paramount. It is also NZEI Te Riu Roa’s position that any physical contact with students presents a risk to the teacher or staff member.

Contact can be misinterpreted by:

- the child in contact
- other children
- adults (staff, parents)

Misinterpretation can lead to:

- discomfort
- formal complaint
- rumours
- community action
- criminal charges

If found guilty of complaints or charges then employment can be terminated.

Each school board of trustees should develop with staff and parents a clear policy statement on professional conduct and teaching practices. This leads the way for all staff to develop practices and strategies that are safe.

NZEI Te Riu Roa members in the early childhood sector have been dealing with issues of safe practice and protecting children from abuse for a number of years. They have developed their own early childhood education code of ethics. There are government rules and regulations that govern policy and practice in each centre. These regulations and resources are listed in Annex C of this code on physical contact. They
may be used to guide schools in developing their own policies and practices to keep children and staff safe.

Common occurrences of physical contact

There are some curriculum requirements or emergency procedures which may require physical contact between staff member and child.

These include:

- physical education and outdoor education activities such as swimming;
- toileting children;
- changing clothing;
- giving comfort and first aid;
- restraint in the interests of child safety;
- lifting and caring for children with disabilities;
- in less formal situations such as playground supervising duties.

With any type of physical contact between staff member and child there is an inherent risk that it can be construed as assault. Restricting physical contact to those times where common sense says that the safety and wellbeing of the child clearly require this, will lessen the risk.

When formulating policies and developing safe professional practice it is also important to recognise the differences in cultural traditions and values regarding appropriate touching and to consult and discuss widely among all cultural groups.

Policy

Each school board of trustees should develop with staff and parents a clear policy statement on professional conduct and teaching practices.

The policy should be clearly displayed in a public place and include the following:

- teaching practices which prevent staff from being vulnerable to allegations of indecency or child abuse;
- staff awareness and training in the management and prevention of child abuse;
- visibility in the workplace which protects both staff and children;
- adults should be alone with children only in limited and clearly defined circumstances;
- all relieving staff, parent helpers and visitors who are involved with children are told of the code and the school’s policy.

Support for children

All staff must present good role models and practices in their dealings with children. Some children have a very affectionate nature and express themselves freely seeking close physical contact e.g. hand holding, putting their arms around teachers and other children.

In consultation with parents, children should have the situation explained so they do not feel rejected when action is taken e.g. when staff remove themselves from the contact. With very young children, the possibility of contact will be greater and common sense will help staff to determine what contact is necessary. High staff:child ratios both at school and on outings help to ensure safety.
Given that the safety and wellbeing of the children are paramount there needs to be at all times a balance between protecting staff and also preserving the dignity of the child. For example when assisting with toileting and other personal matters, staff need to respect the child’s need for privacy.

The policy must emphasise that staff need to be supportive and non-abusive in their management of children. Staff have a professional responsibility to report allegations of indecency or abuse and any other unprofessional conduct (Code of Ethics) by another staff member to senior staff or the principal.

Support for staff

A clear school policy on safe, professional practice supports staff as does this NZEI Te Riu Roa Code. Staff can support one another in preventing situations where physical abuse could occur through discussing and knowing the policy. They can also work in pairs or groups when necessary.

Other support is available from the NZEI liaison officer, NZEI counsellors and advocates and the NZEI field officer or kaitakawaenga who is particularly experienced in issues concerning Maori members or Maori education.

Professional development supports staff by increasing their skills and knowledge about effective classroom management, anger management, safe professional practice, prevention of child abuse. Employers have a responsibility to provide this.

Professional practices

The following examples may be helpful as a basis for discussion with staff and parents when developing policy about safe professional practice.

Events outside the classroom

- Ensure that preparation for events outside the classroom includes clear information to parents, caregivers and children regarding supervision, medical treatment, sleeping arrangements, washing/bathing.
- Obtain written parental approval confirming the arrangements
- Ensure parent helpers are informed of their responsibilities and how to handle situations so that their integrity is not compromised
- Ensure that, as a general rule, a staff member is not alone with a child, without being able to be observed. (An exception would be in an emergency when someone has gone for help.)

Administering first aid

- For minor injuries or abrasions attend to the child immediately in the same way a responsible parent or caregiver would and in the presence of other children or another staff member
- Ensure monitors, another staff member, or witnesses are present when assisting or comforting a child who is seriously injured. Only qualified first aiders should examine the child. Immediately contact a parent, caregiver, doctor or the ambulance service
- Do not transport a sick or injured child alone unless in an absolute emergency.

Restraint of children

- Learn and use anger management and other general skills to isolate and restrict students from injuring themselves
- Policy should specify appropriate procedures when it is necessary to restrain children. Contact support agencies (e.g. SES staff)
• If the situation cannot be controlled in any other way physically restrain the child as appropriately as possible and seek other staff/adult assistance.

Searching children

• Do not body search children as this could lead to allegations of physical or indecent assault
• If it is necessary to search property because you suspect theft, or that they have drugs or dangerous weapons, involve the principal or a senior member of staff to supervise
• Tell students what you are looking for
• Ask students to tell you where the item is
• Ask students to check all likely places for the item e.g. empty out bag, desk, locker etc
• Ask students to empty out their pockets and to remove jackets if necessary
• Ask students to place on the table anything they have tucked away in their clothing
• If this is not successful involve the police and the parent/caregiver.

Attacks on staff/Intimidation

• Try to protect yourself without causing injury to the child or adult involved
• Move away or restrain the child if this is possible
• Get assistance immediately
• Report to the principal, supervisor, head teacher

Under the Health and Safety in Employment Act 1992 employers must take all practical steps to provide a safe and healthy environment for staff as well as the children. This includes taking any measures they can to protect staff from any violent attacks by students and adults.

When formulating policy in this area it is helpful to consider the following where appropriate:

• anger management education for students and staff
• training for staff on managing students
• bullying is unacceptable
• mediation techniques for students
• consequences of violent behaviour
• security
• back-up

Toileting

For some support staff and teachers toileting is a part of their regular job. For others this may happen from time to time e.g. accidents, stomach upsets.

Where staff require advice and guidance, involve the parents/caregivers and outside agencies such as public health nurses, SES or a local special school which can assist.
Being alone with a student

Avoid being alone with a child, including pupil monitors/helpers whenever possible. Where staff need to be alone with a child they need to use extremely careful judgement and remain in view of others eg. install mirrors, have glass panels in internal doors or leave doors open. Parents and caregivers must be advised that a student is receiving one-to-one learning such as reading recovery.

Counselling

When counselling or mediating one-to-one ensure the setting is private yet not completely closed off.

Transporting a student

Staff should avoid transporting children on their own unless in an extreme emergency.

Discipline

Corporal punishment is unacceptable and unlawful. Once a situation is defused it is often useful to allow some time to elapse before assessing what action should be taken. Never discipline in anger as this can lead to unprofessional and unlawful actions.

Sexual harassment

Sexual harassment of students by staff

This is totally unprofessional, unacceptable and unlawful. It is child abuse. Each workplace is obliged to set out effective procedures in its charter and policy and make these clear to children so they know the steps to take when making a complaint and also where to go for support.

Sexual harassment of staff by students

If you are being sexually harassed by a student say why the behaviour is unacceptable and must stop. Be clear and treat the matter seriously. If it is repeated, report the child's behaviour to the principal. Avoid situations where this is likely to occur, and if necessary, contact parents or caregiver.

Ongoing programmes

Special Education Needs

SES has prepared guidelines to assist SES staff perform their tasks and to protect themselves.

Some children with special needs have a very affectionate nature and express themselves freely e.g. hold hands, put their arms around staff or other students.

In consultation with parents, the situation needs to be explained so that children with special needs do not feel rejection when this action is taken. Staff should gently remove themselves from the contact without appearing to reject the child.

When a female student requires physical assistance with sanitary hygiene only trained staff or parents/caregivers are to assist.

Physical education

Physical contact often occurs in assisting movement and safety in gymnastics, teaching positioning skills in coaching sports or when dancing or teaching swimming.

Use careful professional judgement regarding physical contact with children in all these circumstances. Encourage children to change and dress themselves.

Ensure there is a policy about ongoing programmes that is known to parents and caregivers.
Complaints/Discipline

Unprofessional behaviour towards students by staff may involve action being taken via the complaints and disciplinary procedures contained in the relevant collective employment contracts. Serious misconduct may lead to suspension or instant dismissal and/or police investigation.

Members should always ask for legal representation in these circumstances. An NZEI Te Riu Roa counsellor, advocate or the field staff can arrange legal assistance immediately and finance an initial consultation. Further assistance is available with approval from the national executive. Acts of indecent or physical assault could, if proven, result in a conviction and imprisonment, deregistration and ultimately the loss of career.

Code Of Ethics

All members are bound by NZEI Te Riu Roa Code of Ethics. The Code of Ethics commits members to good professional practice that will:

- support effective learning and teaching
- assist the rights of students to physical, emotional and cultural safety
- guide members in carrying out their professional role in relation to the NZEI Te Riu Roa Code of Ethics
- maintain the credibility of staff with the public
- promote high standards of work practices that protect members from complaints of inappropriate contact with children.

NZEI Te Riu Roa exercises professional discipline through the Code of Ethics, Ethics Panel and disciplinary tribunal if a formal complaint has been laid.

Checklist

Avoiding the following situations will lessen staff’s vulnerability to allegations of harassment by students.

Staff should not:

- Enter rooms where students are changing for sports or cultural events;
- Invade a student’s personal space, e.g. by leaning over them closely at a desk;
- Touch students in any way able to be construed as sexual, e.g. massaging or squeezing shoulders, hugging or "patting" bottom;
- Avoid eye contact or gaze in a direction that may be construed as looking at a student’s private parts;
- Comment on any piece of literature or picture or on a comment by a student in a way that twists the subject matter so that it has a sexual meaning;
- Refer to a student or group of students in a sexual or sexist way;
- Comment on a student’s physical development, either to that student or to other persons;
- Spend a lot of time privately with individual students;
- Body search students for missing property;
• Seek contact with students or extend invitations to students outside of school hours;
• Allow students, verbally or in written form, to use sexual or sexist language to put down another student or group of students;
• Allow students to comment on other students’ physical development;
• Allow students to physically harass other students;
• Turn "a blind eye" to any other staff member harassing students;
• Be alone in a room with a student with the door closed, unless one can be observed;
• Remain alone with a child outside where you cannot be seen.