Teachers' Professional Boundary Transgressions: A Literature Review

Prepared by the Centre for Children & Young People,
School of Education, Southern Cross University

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This literature review was prepared for the Queensland College of Teachers by Professor Anne Graham, Professor Nan Bahr, Julia Truscott and Dr Mary Ann Powell of Southern Cross University.

The views expressed in this publication do not represent any official position on the part of the Queensland College of Teachers or Southern Cross University.

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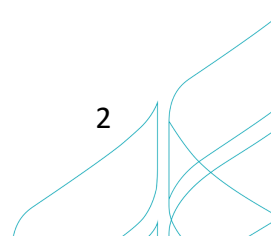
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EXECUTIVE SUMMARY

This report details the findings of a comprehensive scoping review to investigate and analyse factors that relate to teachers transgressing their professional boundaries. Information was collected via two main sources: electronic database searches and website searches. The review focused on factors related to teachers' professional boundaries in Australia and a small number of English-speaking countries (Scotland, Ireland, Northern Ireland and, to a lesser extent, Canada and the USA) known to have innovative, comparable or different approaches to managing issues of teacher professional boundaries.

A comprehensive scoping review methodology was used to gather data, using Arksey and O'Malley's (2005) five-stage framework, which involves:

1) identifying the research questions;
2) identifying relevant studies, documents and information;
3) selecting studies, documentation and information to include
4) charting the data; and
5) collating, summarizing and reporting the results.

The initial **research questions** identified in collaboration with the Queensland College of Teachers were:

- What are the factors that relate to teachers transgressing their professional boundaries?
- Are there different influences per different demographic groups? e.g. Gender/Age
- What is best practice in assisting teachers comply with their professional and ethical responsibilities?

Key findings are as follows:

What constitutes a breach of professional boundaries in the teacher-student relationship?

The notion of 'professional boundaries' has been defined in terms of 'parameters that describe the limits of a relationship where one person entrusts their welfare and safety to a professional and often in circumstances where a power imbalance might exist.' (Australasian Teacher Regulatory Authorities (ATRA), 2015, p.2). There is a range of different ways in which teachers' professional boundaries can be transgressed in their relationships with students. Boundaries are indisputably violated by certain acts, most notably grooming and child sexual or physical abuse. However, in the social milieu of everyday school life more minor ethical, relational and situational complexities and challenges frequently arise, and transgressions can involve inadvertently crossed boundaries, as well as exploitative violations. Much of the literature on teachers' boundary transgressions focuses primarily on transgressions in their most serious forms, with particular emphasis on sexual misconduct.

Guidance on professional boundaries for teachers in Australia generally refers to four or five categories of boundary transgression, typically including emotional, relationship, power and communication breaches, with some guidelines also including financial or physical breaches.
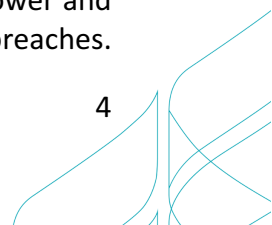
The use of social media is an area where there appears to be heightened risks of teacher-student boundary transgressions, primarily around the complex interplay between: privacy (both for students and teachers) versus improved relations; authority versus friendship; and availability versus responsibility. Particular attention is also paid in the literature to grooming, as child sexual abuse perpetrated via school settings usually occurs in the context of a 'special' relationship, facilitated through a process of grooming. However, the evidence suggests this is an area which continues to be poorly understood and misidentified by colleagues.

What are the factors that relate to teachers transgressing their professional boundaries?

Understanding the factors that relate to teachers' professional boundary transgressions helps develop more responsive policy and practice mechanisms for reducing this behaviour. The literature suggests some contexts hold particular challenges, with higher risks of blurred boundaries, such as if teachers: live and work in rural, remote or small communities; have a 'dual' relationship with students such as being a coach or extra-curricular instructor for activities outside of school; use social media as part of their professional practice; frequently work alone with students; are a young, inexperienced teacher; and/or have mental health difficulties or social or emotional difficulties in their personal life.

Overall, factors relating to teachers transgressing boundaries cluster in three general areas, which can interact to further increase risk:
- **personal factors**, including demographic characteristics such as gender, age and teaching level, understandings about pedagogy, ideas about love, teachers' own mental health and personal morals
- **student factors**, such as behaviour that is flirtatious, provocative or vulnerable
- **institutional factors**, including the physical environment, policies and practice, and school culture

In terms of demographic characteristics, boundaries are transgressed by male and female teachers, at primary and secondary teaching level, and across the age range. *While impossible to draw definitive conclusions based on the limited data and evidence linked to demographic characteristics*, broadly, the available evidence in relation to sexual misconduct indicates that: the majority of institutional child sexual abuse is perpetrated by males; younger teachers appear to experience more errors of judgement; more sexual misconduct appears to happen at secondary school level, and age seems more relevant for females, with most female teachers convicted of sexual misconduct with secondary students closer to their own age, whereas male perpetrators vary in age, as do their student victims.

A useful typology of perpetrators of institutional sexual abuse, highlighted by O'Leary, Koh and Dare (2017) indicates that they typically fall into one of three categories: *predatory* (those who are sexually attracted to children and/or young people, and who use grooming in an intentional, premeditative way); *opportunistic* (perpetuated by those who have poor impulse control, lack social boundaries or social conformity); and *situational* (encompassing grooming and abuse perpetuated by individuals who are not specifically attracted to children and tend to be otherwise law abiding).

What are the existing mechanisms for supporting teachers with professional boundaries?

The existing mechanisms for supporting teachers with establishing and maintaining professional boundaries fall mostly (although not exclusively) into the following categories:
- *policy and policy-related guidance* – including recent written guidelines for teachers on teacher-student relationships and professional boundaries; specifically focused social media guidelines, identifying legitimate and non-legitimate use of social media; teacher codes of conduct and ethics; child protection policies and mandatory reporting; and teacher professional standards
- *teacher training and professional development* – there is very little detailed information publicly available in this area, but a few pre-service modules on ethical decision making were identified, with approaches that include case studies, a variety of decision-making models and open-ended assessment tasks within a community of inquiry context
- *safety education for children and parents* – there is a wide range of protective behaviour/personal safety programs available for children and most Australian states have adopted a compulsory program or curriculum component
- *other* – some international jurisdictions have advice/support systems in place to help teachers if they need additional advice regarding professional boundaries.

What is best practice in assisting teachers to comply with their professional and ethical responsibilities?

Best practice involves using a range of strategies or mechanisms to reduce all modifiable risks as far as reasonably possible and assist teachers to comply with their professional and ethical responsibilities. These can be considered in terms of policy and training, both of which directly impact practice.

Policies to support schools to reduce risk, particularly of *predatory* offending, include pre-employment policies and screening mechanisms, and reporting policies and procedures for staff, students and others. Education and training is essential for staff and students to be able to use reporting mechanisms. The introduction and implementation of child safe standards encourage schools to move beyond compliance toward cultural change, embedding child protection into everyday practice, and helping prevent, in particular, *opportunistic* offending. In addition, codes of ethics and conduct, in which child safe standards are embedded, can potentially provide aspirational and regulatory guidelines, in conjunction with supporting guidance about how to enact ethical principles in practice. These may be particularly helpful for preventing *situational* offending.

Training in developing and maintaining professional boundaries is critical. It is clear from the findings of this review that adequate training, professional learning and support is critical, both in pre-service teacher education and as part of ongoing teacher development. This needs to go beyond training in understanding policies and following procedures for reportable conduct, to include learning and support in developing and sustaining cultures in schools that reflect the status and voice of children as human persons worthy of dignity and respect. Such cultural shifts help to interrupt power dynamics in teacher-student

relationships that may otherwise be tacitly or explicitly exploitative, diminishing or damaging.

The school education environment is constantly changing and adapting to new technologies, information, expectations and innovation. Hence, any training around professional boundaries needs to be adaptive and keep pace with this. Understanding and using social media effectively and appropriately, for example, will require close and ongoing attention. Further, teachers' professional development in terms of ethical understandings and decision-making is critical to establishing a strong professional identity, a characteristic that emerges in the evidence as key in maintaining appropriate professional boundaries.
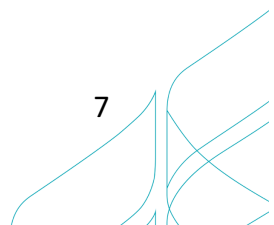
Teachers' Professional Boundary Transgressions:
A Literature Review

INTRODUCTION AND CONTEXT

Current educational research underscores the importance of teachers genuinely investing in relationships with students to foster a productive learning and development environment and to support student wellbeing (Bernstein-Yamashiro & Noam, 2013b; Graham, Powell, & Truscott, 2016; McHugh, Horner, Colditz, & Wallace, 2013; Shuffelton, 2012). As such, teaching is recognised as a caring profession (Andersson, Öhman, & Garrison, 2016; Barrett, Casey, Visser, & Headley, 2012; O'Neill & Bourke, 2010; Öhman & Quennerstedt, 2017). Electronic communication, such as social media, has generated further platforms upon which teacher-student relationships can be built and nurtured, considerably extending teachers' duty of care (Asterhan & Rosenberg, 2015; Canadian Teachers' Federation, 2011; Morris, Richardson, & Watt, 2012; Russo, Squelch, & Varnham, 2010; Schimko & Willard, 2012) and exacerbating perennial tensions between professionalism and care (Carr, 2005; Forster, 2012; Thunman & Persson, 2017). Collectively, these shifts have intensified the focus on 'professional boundaries', defined in terms of 'parameters that describe the limits of a relationship where one person entrusts their welfare and safety to a professional and often in circumstances where a power imbalance might exist'. (Australasian Teacher Regulatory Authorities (ATRA), 2015, p.2). The current context has generated considerable scope for the blurring of professional boundaries in teacher-student relationships, increasing the risk of boundary transgressions (ATRA, 2015; Elementary Teachers' Federation of Ontario, n.d.; Thunman & Persson, 2017).

The most serious boundary transgressions by teachers are recognised to be physical and sexual abuse. Grooming, whereby an adult seeks to secure the trust or compliance of a child with the intention of engaging in (or preventing exposure of) sexual activity (Choo, 2009; O'Leary, Koh, & Dare, 2017), has also emerged as a major concern (Jaffe et al., 2013; Queensland College of Teachers (QCT), 2017; Teacher Registration Board Western Australia (TRBWA), 2017). At the time of this review, there has been heightened attention given to child sexual abuse in Australia, following the Royal Commission into Institutional Responses to Child Sexual Abuse (2017), which inquired into and reported upon responses by institutions to instances and allegations of child sexual abuse. For the small percentage of teachers who seek to intentionally sexually abuse children, opportunities for grooming may be increased via electronic communication and social media contact, particularly outside school hours (Choo, 2009; Jaffe et al., 2013).

Blurred boundaries between appropriate and inappropriate conduct may result in teachers facing allegations of relational misconduct or inappropriate behaviour towards students, including accusations of sexual abuse (Bernstein-Yamashiro & Noam, 2013b; Elementary
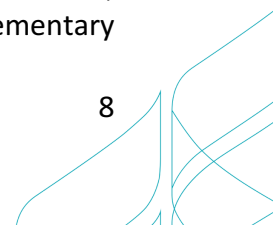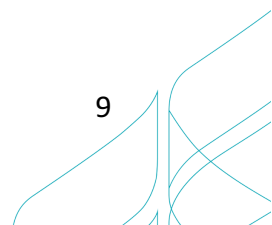
Teachers' Federation of Ontario, n.d.; NASUWT Teachers' Union (UK), 2017). Teachers have become increasingly vulnerable to such allegations of misconduct, with general upward trends of these in a number of jurisdictions (Ontario English Catholic Teachers' Association, 2012; Piper, Garratt, & Taylor, 2013; Zimmerman, 2017). Increased allegations are likely due, in part, to heightened awareness and improved reporting, with parents and students increasingly informed and vigilant (NSW Department of Education, 2017). However, an allegation of misconduct or inappropriate behaviour, even if found to be unsubstantiated, is distressing and disruptive for students, teachers, schools and communities (Elementary Teachers' Federation of Ontario, n.d.; Morris et al., 2012; NSW Department of Education, 2017), and can leave teachers feeling uncertain about how to 'be' around students (Piper et al., 2013). Further, it can severely compromise a teacher's reputation, their professional standing, and act to undermine public trust in the teaching profession (Page, 2013; QCT, 2017). Correspondingly, how best to define, understand and support teachers to establish and maintain professional and ethical boundaries has been receiving increased attention in Australia and internationally (ATRA, 2015; QCT, 2017; Thunman & Persson, 2017; TRBWA, 2017).

The Queensland College of Teachers (QCT) is recognised as one of the most progressive teacher registration and regulation authorities in Australia. It has been proactive in recognising the increasing complexity of the contemporary teaching role and the need to provide guidance for teachers regarding issues of professional boundaries. Their recent document, 'Professional Boundaries: A Guideline for Queensland Teachers' (QCT, 2017) stands out, both in Australia and internationally, for its clarity and specificity. Against a background of on-going media interest in teachers' inappropriate behaviour (Miskelly, 2017; Zimmerman, 2017), broad community concern about child safety (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017), and damage to the reputation of the teaching profession, the QCT sought to extend its existing efforts in relation to professional boundaries, specifically seeking a better understanding of the factors that relate to teachers' transgressing professional boundaries. As part of their ongoing commitment to safe-guarding students and to improving and upholding the standards of the teaching profession in Queensland, the QCT commissioned this review, undertaken by the Centre for Children and Young People at Southern Cross University, to investigate and analyse factors that relate to teachers transgressing their professional boundaries.

Method

A comprehensive scoping review methodology was used to gather data for this report, using Arksey and O'Malley's (2005) five-stage framework, which involves the following consecutive steps:

1) identifying the research questions;
2) identifying relevant studies, documents and information;
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The initial **research questions** identified in collaboration with the Queensland College of Teachers were:

- What are the factors that relate to teachers transgressing their professional boundaries?
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The scoping study aimed to be as comprehensive as possible in identifying studies (published and unpublished), documentation, reviews and web-based information suitable for answering the research questions. A three pronged approach (described in detail below) was used to identify, access and select relevant studies, grey literature and information about factors related to teachers transgressing their professional boundaries, including ethical and professional best practice. The three strategies were:

1. Database searches for academic literature
2. Website searches for information and documentation
3. Email communication with key contacts in Australian University teacher education faculties and departments.

The data from the academic literature and website searches was charted using an Excel database system, then collated and summarised using the research questions as a framework. *The timing of this project (over the annual summer holiday period) resulted in a poor response from Universities and a decision was taken not to include this data.*

Database searches

A search strategy was developed, following which a series of electronic searches was conducted using the following databases: Academic Search Premier; Business Source Premier; CINAHL Plus with Full Text; Education Research Complete; ERIC; Humanities International Complete; MEDLINE with Full Text; PsycARTICLES and PsycINFO.

We searched titles, subject terms and abstracts using combinations of the following search terms:

- "professional boundar*"
- "boundar*"
- "professional*"
- "teacher-student relationship"
- "teacher"
- "school"
- "social media"
- "child AND (protect* OR safe*)"
- (conduct OR misconduct)
- (ethic* AND (practice* OR challeng* or sensitive*))
- (moral* OR ethic*)
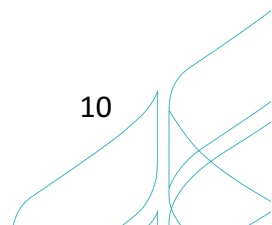
Using these search terms and the exclusion criteria described below, 480 articles were identified, following removal of duplicates. A further 36 articles were later identified through snowballing and other sources.

All titles and abstracts were manually reviewed to identify relevant articles. Articles that were *included* met the following criteria: they focused on teacher-student boundaries; and they addressed at least one of the research questions. Articles were *excluded* if they were not from peer reviewed academic journals, not in the English language, or if they were published before the year 2000 (this date was chosen on the basis of the significant focus on teacher-student boundaries over recent years, discussed in this report). Foreign language material was excluded given the time and cost involved in having such material translated. Of the total 502 articles identified, 57 articles were found to be particularly useful and were used to generate this review.

Website searches

Website and grey literature searches were undertaken using the Google search engine. For each of the eight Australian states, the following search terms were used (with the addition of the name of each state):

- Teacher professional boundaries
- Teacher code of conduct
- Social media teacher student relationships
- Teacher professional conduct
- Teacher professional ethics
- Child protection schools

Results pages were screened until the links were no longer relevant to the focus or saturation was reached. The search located material relevant to government, independent and/or the Catholic school systems. A matrix was created in Excel and the located documentation was charted for each state. This allowed for comparison across documentation type (e.g. social media policy) between each state.

A similar approach was adopted for international jurisdictions, although the search was not as exhaustive. The international search was limited to a small number of English-speaking countries known to have innovative, comparable or different approaches to managing issues of teacher professional boundaries. Relevant material was located from Scotland, Ireland, Northern Ireland, Canada and the USA (although, as indicated, the searches in Canada and the USA were not fully comprehensive across all provinces and states).
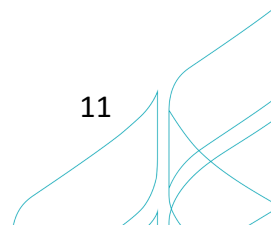
SECTION 1: HOW ARE TEACHERS' PROFESSIONAL BOUNDARIES DEFINED IN THE CONTEXT OF THEIR RELATIONSHIPS WITH STUDENTS?

Professional boundaries are recognised as being critically important across professions that involve working with people and are particularly well established within the health field. By way of example, the Australian Medical Council, 'Good Medical Practice: Code of Conduct' (2014, p.13), states that 'professional boundaries are integral to a good doctor–patient relationship. They promote good care for patients and protect both parties'. The Nursing and Midwifery Board of Australia (2010) goes further, defining professional boundaries in nursing as 'limits which protect the space between the professional's power and the client's vulnerability; that is they are the borders that mark the edges between a professional, therapeutic relationship and a non‑professional or personal relationship between a nurse and a person in their care.' (p.1).

Within the education context, and drawing upon such insights from the medical profession (Bird, 2013; Gabbard & Nadelson, 1995), the Australasian Teacher Regulatory Authorities (ATRA, 2015) define professional boundaries as the 'parameters that describe the limits of a relationship where one person entrusts their welfare and safety to a professional and often in circumstances where a power imbalance might exist' (p.2). The emphasis on welfare, safety and power imbalance are clearly critical when the non-professional person in the relationship is likely to be a child or young person. Professional boundaries are particularly important in the teaching profession, where teachers are entrusted with a 'duty of care' toward students. Within the education context, duty of care is a common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against physical or psychological harm, including in their relationships with them (Government of South Australia, 2017).

Certain acts, most notably grooming and child sexual or physical abuse, indisputably represent a violation of boundaries. However, in the social milieu of everyday school life more minor ethical, relational and situational complexities frequently arise (ATRA, 2015; Colnerud, 2015; Ehrich, Kimber, Millwater, & Cranston, 2011; Mahony, 2009; O'Neill & Bourke, 2010; QCT, 2017). These can be contextual, generating considerable 'grey' areas around teacher-student professional boundaries.

North American research gathering students' perspectives on teacher-student relationships highlights the importance of students feeling cared for and known, with teachers showing interest and understanding of their personal needs and circumstances and how these might be impacting on their learning and engagement at school (McHugh et al., 2013). These ideas have been echoed in a recent major study in Australia, which also highlighted the importance of students feeling recognised and respected as human beings (Graham, Powell, & Truscott, 2016). In the North American study the students highlighted the importance of the students' feeling cared for, but not intruded upon, of the mutual construction of interpersonal boundaries, which provide a sense of predictability and comfort (McHugh et al., 2013).

Teachers need to be intentional in their efforts to negotiate and establish professional boundaries with students such that they can connect with and demonstrate care towards students, while protecting both themselves and their students (Government of South Australia, 2017). Clear intentions and understandings regarding boundaries help teachers make positive and timely professional decisions when boundaries begin to become blurred, helping them to avoid the risk of a boundary transgression, breach or violation (and the associated disciplinary and legal repercussions). Boundary establishment is a particularly important part of the work of new teachers, helping them to develop a sense of professional identity and legitimacy, and aiding in the self-care that might help them avoid the potential of emotional burnout (Aultman, Williams-Johnson, & Schutz, 2009; Bernstein-Yamashiro & Noam, 2013b, 2013c; Cook, 2009; Neary, 2017). Early career teachers speak of learning 'to carefully balance their relationships with students by creating boundaries that are flexible, sustainable and reasonable' (Cook, 2009, p. 284). However, defining boundaries between teachers and students is complex and, even following the more recent literature located for this review, there remains no definitive source on where boundaries lie.
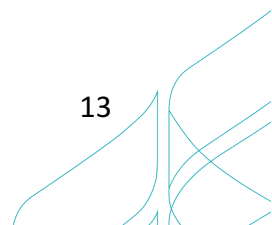
SECTION 2: WHAT CONSTITUTES A BREACH OF PROFESSIONAL BOUNDARIES IN THE TEACHER-STUDENT RELATIONSHIP?

Drawing upon work from Northern Illinois University, ATRA (2015) states that 'Professional boundaries are breached when a teacher misuses the power imbalance in the teacher-student relationship such that the student's welfare is compromised' (p.2). Bird (2013) suggests that breaches include both *boundary crossings* and *boundary violations*. Reframing Bird's medically based conceptualisations (p.666-667) in terms of the teacher-student relationship, the differences between boundary crossings and violations can be understood as follows:

- *Boundary crossings* are departures from usual professional practice that are not necessarily exploitative. On occasion, a boundary may be consciously crossed with the intention of actually assisting a student; for example, a self-disclosure intended to be empathic and supportive. However, at other times, boundary crossings may occur as part of a 'slippery slope' of moving from outside usual practice to inappropriate practice harmful to the student.
- *Boundary violations* are transgressions that harm the student in some way. Boundary violations are unethical and unprofessional because they exploit the teacher-student relationship, undermine the trust that students and the community have in teachers, and can cause profound psychological harm to students.

However, such distinctions have not been widely adopted in the educational sector, and the various terms (boundary breaches, crossing, transgressions and violations) are often used interchangably by different jurisdictions, and tend to all be interpreted as violations. For instance, Kerry Street Community School (Western Australia) writes in its Appropriate Relationships Policy (2016) that 'it is always a boundary *violation* to be in a 1:1 situation alone in a room with the door closed' (p.4) (emphasis added). While this may be a violation of the school's policy, it is more likely, when using the ATRA definition as quoted above, to be identified as a potentially risky situation in which a boundary transgression or violation might be more likely to occur (McWilliam & Jones, 2005; Parkinson & Cashmore, 2017).

Research by Aultman, Williams-Johnson & Schutz (2009) has gathered the perspectives and experiences of teachers regarding the boundary issues that they encounter in their relationships with students. They combined these findings with those from the wider existing literature on teachers' professional boundaries to generate a typology of 11 categories. Aultman et al.'s (2009) study has been influential in the development of guidance on professional boundaries for teachers in Australia, being referenced in the ATRA guidelines (2015) and several state-based adaptations, namely, the Northern Territory Teacher Registration Board guidelines (NTTRB, 2015), QCT guidelines (QCT, 2017) and the Teacher Registration Board Western Australia resource (TRBWA, 2017). These guidance documents that make reference to Aultman et al.'s (2009) study have condensed the typology into four or five categories of boundary transgression, typically providing examples of emotional, relationship, power and communication breaches, along with financial breaches (ATRA and NTTRB, 2015) and physical breaches (TRBWA, 2017). Related
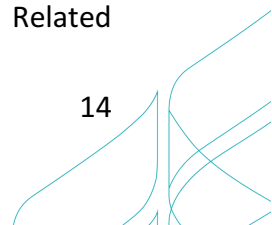
documentation from other states, Catholic Dioceses, or individual schools also makes reference to similar kinds of boundaries, although between the different documents examples are sometimes placed in different categories. Indeed, there is considerable cross-over between many of the categories. For instance, a communication transgression could also be framed as a relational transgression, and issues of power are usually played out within relationships. Further, in the context of grooming, whereby an adult seeks to secure the trust or compliance of a child with the intention of engaging in sexual activity, a teacher may transgress multiple boundaries, sometimes simultaneously. Nevertheless, the categories are useful in aiding teachers to understand the breadth of boundary transgressions.

For the purposes of providing context for this review, we provide a brief overview of the descriptions of the four transgression categories included in the QCT document, 'Professional Boundaries: A Guideline for Queensland Teachers' (2017), with the addition of the physical transgressions category included in the TRBWA resource, 'Teacher-Student Professional Boundaries: A Resource for WA Teachers' (2017). Where relevant, some of these descriptions are supplemented with additional insights gained from wider literature. An overview of the latest research on grooming, drawn from reports commissioned by the Royal Commission into Institutional Responses to Child Sexual Abuse (2017), culminates this section.

Emotional
The QCT lists the following, as examples of behaviours that may constitute a breach of professional boundaries in the emotional category (QCT, 2017, p. 5):

- Showing preferential treatment to students without legitimate reason
- Using subtle forms of control to allow a student to develop an emotional dependency on the teacher in order to later foster an inappropriate/sexual relationship with the student
- Failure to recognise the role of a teacher is not to be a 'friend', 'personal counsellor' or 'parent' of the student

Relationships
The QCT lists the following as examples of behaviours that may constitute a breach of professional boundaries in the relationship category (QCT, 2017, p. 5):

- Intimate relationships with students: engaging in a romantic and/or sexual relationship with a student (current or recent former)
- Flirtatious behaviour/intimate gestures directed towards a student
- Expressing romantic feelings towards a student in written or other form
- Planned meetings with the student alone outside of school without a valid context
- Taking the student alone for an unauthorised outing, e.g. coffee, the movies or other social events

The QCT guidelines, along with other Australian documents on professional boundaries in teacher-student relationships, generally include a section on sexual relationships between teachers and recent former students. Although the student may be a legally consenting
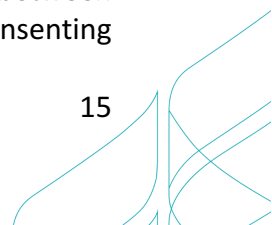
adult, the guidelines explain that professional boundary issues may remain relevant because of earlier imbalances in authority and power (see below) and the level of trust the student and their family placed in the teacher. In many Australian states, staff may be subject to disciplinary action even if the relationship is claimed to have begun after the student finished school. By way of example, the Queensland Teachers' Union has drawn its members attention to the case of a male teacher (aged 24) who entered into a relationship with a female student (aged 17) the day after she graduated from the school (Knott, 2014). There was no allegation of grooming by the QCT, no inappropriate conduct identified while the student was at the school and acknowledgement that there was genuine, mutual affection between the two. Nevertheless, the relationship was ruled as inappropriate on account of the enduring power imbalance and the trust inherent in the teacher-student relationship. The teacher was deemed unsuitable to teach, his teacher registration was cancelled and related sanctions imposed.

Power
The QCT lists the following as examples of behaviours that may constitute a breach of professional boundaries in the power category (QCT, 2017, p. 5):

- Privately giving a student money, credit for a mobile phone or a gift
- Exploiting position for financial gain
- Implying that a student's grades will be affected if the student does not comply with the teacher's request
- Withholding information about academic performance to manipulate 'alone time' or opportunities with a student

Communication
The QCT lists the following as examples of behaviours that may constitute a breach of professional boundaries in the communication category (QCT, 2017, p. 5):

- Talking with a student about highly personal and/or sexually inappropriate matters that do not benefit the student
- Using social media to interact with a student about personal/sexual matters without a valid context
- Offering advice on personal matters to a student
- Asking a student questions about personal/sexual matters
- Refusing to stop discussions of a personal/sexual nature when asked by the student

A small North American study conducted by Kaufman and Lane (2014) adds further insight to the above, highlighting the subtleties of finding a balance between personal disclosures by teachers that can create positive connections with students, and positively influence student learning, and those that can have 'detrimental effects' and damage teacher credibility. A Finnish study, which focused on adults' memories of relationships with their teachers, suggests that it is impossible to draw complete boundaries between personal lives and work; that students inevitably find out about teachers' personal lives and that relationships form outside of school, through casual meetings and contact (Uitto, 2012). These findings suggest teachers need to be intentionally mindful and strategic regarding what and how they disclose, to minimise negative consequences and maximise benefits.
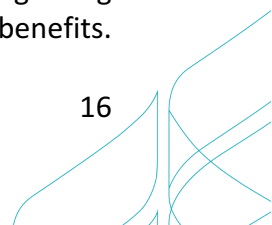
Further, Uitto (2012) suggests that 'both pre-service and in-service teacher education should provide tools and means of supporting teachers to become aware of and to work with the personal and professional aspects of their work and student relationships' (p.300).

In relation to communication boundaries, there are reports that teachers' social media usage is increasingly requiring investigation by teachers' unions and regulation authorities (ATRA, 2015; NASUWT Teachers' Union (UK), 2017). Social media refers to 'online services, mobile applications and virtual communities that provide a way for people to connect and share user-generated content and to participate in conversation and learning' (Tasmanian Government Department of Education (DET), 2014, p.2). There is also concern that social media platforms offer increased opportunities for teachers to 'be alone' with students (Jaffe et al., 2013). On the other hand, some education departments or schools advocate the appropriate use of social media as a valuable educational tool for teachers (Queensland Government Department of Education and Training (DET), 2016). This is an area where the risks and benefits have necessarily had to be negotiated for policy and practice, despite little research to draw upon (British Columbia College of Teachers' Official Magazine, 2011; Foulger, Ewbank, Kay, Popp, & Carter, 2009).

However, there is now a small but growing research interest exploring social media usage by teachers and students. In the majority, teachers and students talk of the positive benefits of social media platforms (Asterhan & Rosenberg, 2015; Manca & Ranieri, 2017; Schimko & Willard, 2012). Commercial platforms such as Facebook are considered much more useful than internal equivalents offered by education departments (Asterhan & Rosenberg, 2015), although it should be noted that already some teachers are finding that their use of Facebook is declining as students increasingly move to other platforms, particularly Instagram and Snapchat (Thunman & Persson, 2017). Most research conducted to date suggests social media offers a more egalitarian, interactive and learner-centred platform and greater scope to bridge formal and informal learning spaces (Asterhan & Rosenberg, 2015; Manca & Ranieri, 2017; Schimko & Willard, 2012). Teachers also report providing extension activities and assisting students who are struggling, particularly those who are too shy to approach the teacher in class, or in instances when there is not enough time to help students during the school day (Asterhan & Rosenberg, 2015; Thunman & Persson, 2017). In addition, some teachers describe using social networking to get to know students better and understand their worlds, to strengthen relationships with students and provide out of hours support to students having socio-emotional or personal difficulties (Asterhan, 2015).

Benefits aside, some evidence has been gathered indicating that students are less inhibited in their interactions with teachers on social media, and concerns have been raised by teachers that students might interpret notions of Facebook 'friendship' differently – despite the label 'friend', most teachers using social media do not consider there to be a shift in the relationship from that of a teacher and student to that of mutual friends (Asterhan & Rosenberg, 2015; Manca & Ranieri, 2017). In addition, teachers highlight the ethical dilemmas regarding duty of care and responsibility if they encounter aspects of students' private lives (such as photos of students drinking alcohol at parties) (Thunman & Persson, 2017). There are also considerable privacy issues for teachers, if students can gain access to their personal profiles (Asterhan & Rosenberg, 2015; Manca & Ranieri, 2017; Thunman & Persson, 2017). Nevertheless, in an Israeli study (Asterhan & Rosenberg, 2015) conducted
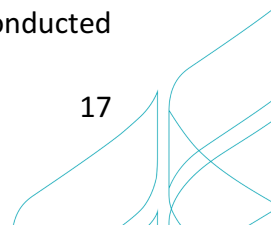
during a period in which the Ministry of Education prohibited teacher-student contact on Facebook, it was found that 40% of the teachers in the study sample chose to defy the directive, regularly using the platform to communicate with students. The ban has now been eased, but this example suggests the teachers had considerable conviction in the benefits of the platform.

In Australia, teaching staff are permitted to use platforms such as Facebook, although it is identified as having heightened risks in terms of teacher-student boundary transgressions (ATRA, 2015; Government of South Australia, 2017; Western Australia Department of Education and Training (DET), 2010; QCT, 2017; TRBWA, 2017). Many Australian state departments of education or teacher regulation authorities have developed specialised social media guidance for department of education staff, or specifically for school staff (see Section 4 for further details). This documentation is generally explicit in stating that social media usage should be for legitimate educational purposes/valid educational context only. Although, in an era in which Australian educational policy is placing greater emphasis on student wellbeing (Powell & Graham, 2017), what might constitute educational context may be open to interpretation. As the Western Australia DET (2010) social media guidelines note, 'in the event of a complaint or allegation being received by the Department, the responsibility will be on you [the teacher] to demonstrate that the use was appropriate' (p.4).

In efforts to reduce the risks of boundary transgressions via social media, most states do not allow staff to accept students as 'friends' on their personal social media accounts, and advise (or require) them to use a separate 'professional profile' (ATRA, 2015; Government of South Australia, 2017; QCT, 2017; TRBWA, 2017), something also advocated in literature to date (see, for example, Asterhan & Rosenberg, 2015; Schimko & Willard, 2012). Connected to this, are issues around expectation and the expansion of teachers' duties (and duty of care) outside of school hours (Thunman & Persson, 2017). Social media guidance in Canada is particularly clear in reminding teachers that there is no obligation upon them to be on duty 24 hours per day and suggesting they have a disclaimer on their profile citing their 'office hours' during which students or parents can expect a response to queries, and sometimes a time limit on contact with any individual (Canadian Teachers' Federation, 2011; Peel District School Board (Ontario), n.d.). Overall, in reviewing the broad range of documentation sourced for this review, it is apparent that in digital environments such as Facebook, there are potentially complex boundary issues around: privacy (both for students and teachers) versus improved relations; authority versus friendship; and availability versus responsibility.

Physical
The Teacher Registration Board of WA's document, 'Teacher-Student Professional Boundaries: A Resource for WA Teachers' (TRBWA, 2017) lists the following as examples of behaviours that may constitute a breach of professional boundaries in its physical category (p.6):

- Touching of a student without a valid/authorised reason or context. Examples of valid reasons include removing a student from danger where physical contact is the only viable way of removing the student from the danger, for example in contexts
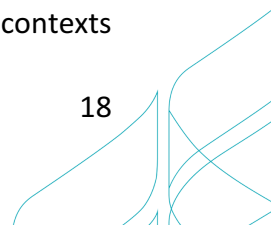
such as Physical Education activities, consoling an upset child or providing first aid to a student in need.

- Unwarranted, unwanted and/or inappropriate touching of a student, personally or with an object, such as a pencil or ruler.
- Initiating or permitting inappropriate physical contact by or on a student, e.g. massage or tickling games.
- Allowing students to push too close, or otherwise make inappropriate contact with a teacher.
- Being present when students dress or undress, when not in an authorised supervisory role [authorised roles might include early years child care or staff working with students with disability who require assistance with daily care].

Recent discourse in educational literature and existing legal cases highlight the particular issues for teachers concerning touch. The research highlights that many teachers may routinely be inclined towards (appropriate) touch in some contexts (such as giving students a pat on the back, placing a reassuring hand on their arm, sitting close together while reading). This would usually be construed as a caring act and/or as a way of acknowledgment (to indicate to an individual student that an instruction or compliment is directed at them) (Andersson et al., 2016; Bernstein-Yamashiro & Noam, 2013c; McWilliam & Jones, 2005; Öhman & Quennerstedt, 2017). Many teachers, particularly in research from Scandinavia and the UK, believe touch to be a human relational need and some research draws upon their narratives to question whether 'no touch' is really in the 'best interests of the child' (relationally, societally, in terms of trust and mutual respect, and in terms of aiding learning in subjects such as PE) (Öhman & Quennerstedt, 2017; Piper et al., 2013). However, teachers acknowledge the considerable risks surrounding the interpretation of touch by students (Andersson et al., 2016; McWilliam & Jones, 2005; Piper et al., 2013). Indeed, in research from the UK, many male teachers and coaches explain that they try to completely avoid touching students, sometimes even in instances of safety (for instance, they may pull a struggling child out of the water by their buoyancy aid rather than a part of their body) (Piper et al., 2013).

Guidance in current Australian documentation for teachers, such as the examples above from the Western Australia professional boundaries resource, usually try to clearly lay out the forms of touch that are considered appropriate. Notably, this does tend to allow for the likes of a pat on the arm or shoulder to comfort a student who is distressed (see, for example Catholic Education Archdiocese of Brisbane, 2016; Government of South Australia, 2017; NSW Department of Education, 2017; TRBWA, 2017). The Appropriate Relationships Policy from Kerry Street Community School (Western Australia) (2016) provides particularly clear guidance on issues of touch for its teachers. The document includes a table with a range of common situations that may warrant teacher-student touch (such as a child with separation anxiety, comforting a distressed child, reciprocating physical contact etc.), and describes examples of appropriate responses by a teacher depending upon the age or developmental stage of the child.
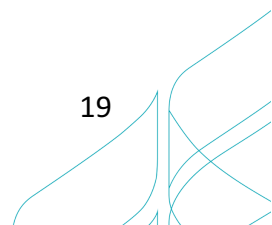
Nevertheless, a 2015 case, which came before the Queensland Civil and Administrative Tribunal (QCT vs RCJ (No 2) [2015] QCAT 540)[1], is particularly illustrative of the subjective complexity and risks surrounding touch, both for teachers and for regulatory authorities investigating allegations of inappropriate touch. RCJ, a teacher with 40 years experience, was working as a relief teacher assigned to an upper primary class. The class had recently received protective behaviours awareness training from a police officer. Following one day at the school day, three upper primary school girls complained to the school Principal that RCJ had touched them inappropriately in ways that made them uncomfortable. The QCT suspended RCJ's teaching registration and sought to deem RCJ unsuitable to teach, decisions RCJ contested. The tribunal report states that the contact was not 'disgraceful or improper', it was not 'violent, indecent or sexual', it was initiated to 'comfort or encourage' or was accidental (p.4). The tribunal debated notions of necessary versus unnecessary and reasonable versus unreasonable touch, and how this relates to the behaviour generally expected of a teacher. How best to assess teacher behaviour was debated, with reference made to the 'Necessary Test' versus the 'Reasonable Test'. RCJ argued, 'it would be absurd if it could be said conduct was reasonable but not necessary and it was therefore inappropriate' (p.5). It was agreed that the 'Necessary Test' has a higher threshold for behaviour than the 'Reasonable Test', and after considering the evidence, the tribunal ruled that the 'Reasonable Test' was the most appropriate to adopt.

What do we know about grooming?

Child sexual abuse perpetuated via school settings is very rarely reported to be violent or forceful, rather it occurs in the context of a 'special' relationship, facilitated through a process of grooming (Jaffe et al., 2013; Kaufman & Erooga, 2016). The Royal Commission into Institutional Responses to Child Sexual Abuse commissioned a review of the most current research and understandings of grooming (O'Leary et al., 2017), which adopted the following definition of grooming:

> The use of a variety of manipulative and controlling techniques; with a vulnerable subject; in a range of inter-personal and social settings; in order to establish trust or normalise sexually harmful behaviour; with the overall aim of facilitating exploitation and/or prohibiting exposure. (McAlinden, 2012, p.11 cited in O'Leary et al., 2017, p.1)

O'Leary et al. (2017) draw attention to the way this definition builds upon earlier understandings of grooming by highlighting that perpetrators may manipulate not only the child, but also the significant adults in their life, and the institution or setting. In school contexts, this is more likely in offences in primary school rather than secondary school settings (Jaffe et al., 2013; Kaufman & Erooga, 2016; O'Leary et al., 2017). O'Leary et al. (2017) also favour the above definition for the way it highlights that grooming is not only precursory and linear, but also an on-going process used in an effort to conceal sexual abuse. Indeed, grooming is now conceptualised as a (largely) incremental process with three main stages: gaining access to the victim, initiating and maintaining the abuse, and concealing the abuse (Colton et al., 2012 cited by O'Leary et al., 2017).

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[1] Full details of the case and decision available at: https://www.sclqld.org.au/caselaw/QCAT/2015/540
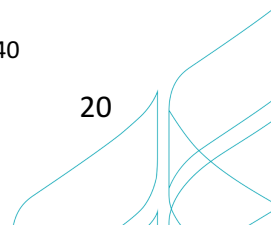
In institutional settings, the initial stages usually involve a process of relationship-building and heightened trust with an individual student, including inappropriate preferential treatment, repeated time in private spaces with a student, giving gifts or cards, acting as a student's confidante (Kaufman & Erooga, 2016; Knoll, 2010). This is typically followed by gradual desensitisation to physical contact (tickling, wrestling, congratulatory hugging and/or kissing and general increased use of touch) (Kaufman & Erooga, 2016). As such, even if no sexual offence results, the premeditative grooming process typically breaches professional boundaries across many of the categories described above.

Research reviews commissioned via the Royal Commission into Institutional Responses to Child Sexual Abuse highlight that perpetrators working within institutions such as schools often target students they perceive to be vulnerable to reliance or dependence upon positive attention or gifts, and easier to manipulate (Kaufman & Erooga, 2016; O'Leary et al., 2017; Parkinson & Cashmore, 2017). Potentially vulnerable students can include those with low confidence, emotional deprivation or neediness, those who are socially isolated, those with disability, or those who are socially or economically disadvantaged in some way (such as children in care, refugees, or non-English speaking students) (Kaufman & Erooga, 2016; Parkinson & Cashmore, 2017). Also at higher risk are students for whom it would be additionally disadvantageous to disclose the abuse, such as those with identified talents receiving special tuition, or girls from highly religious backgrounds (Parkinson & Cashmore, 2017).

O'Leary et al. (2017) report that in all Australian states and territories grooming is an offence in its own right. Between Australian legal jurisdictions the adopted definition of grooming can differ, but in all it is not essential that the grooming techniques have resulted in sexual abuse. Rather, 'culpability relates to the perpetrator's intent' (p.7). However, the criminalisation of grooming can be complex, especially in the absence of abuse, because it is difficult to identify intent except by hindsight (McAlinden, 2006 and Williams, 2015 both cited by O'Leary et al., 2017).

Clear guidelines, such as those developed by the QCT can help teachers to understand, establish and maintain professional boundaries in their relationships with students. Clear guidance can also help bolster teachers' confidence to speak out about the conduct of a colleague they believe may be inappropriate, including any suspicions of grooming (Vancouver Board of Education, n.d.). However, grooming continues to be poorly understood and misidentified by colleagues (O'Leary et al., 2017), and issues stemming from blurred boundaries continue to come before regulatory authorities.

As this section has outlined, there are a range of different ways in which teachers' professional boundaries can be breached in their relationships with students. Such breaches include both boundary crossings, in which boundaries are blurred but not necessarily for exploitative purposes, and boundary violations, which are transgressions that harm the student in some way. Having looked at the kinds of transgressions and the categories into which they fall, the following section further unpacks this, to examine the factors that contribute to these transgressions. Specifically, it looks at the characteristics of teachers who transgress, the ways in which they transgress and the reasons why.
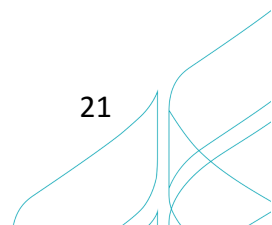
SECTION 3: WHAT ARE THE FACTORS THAT RELATE TO TEACHERS TRANSGRESSING THEIR PROFESSIONAL BOUNDARIES?

In reviewing the literature on teachers' boundary transgressions, discussion focuses primarily on transgressions in their most serious forms, with particular emphasis on sexual misconduct.[2] Correspondingly, this section of the review draws largely upon material pertaining to teachers' sexual misconduct. Understanding the factors that influence a teacher to perpetuate sexual misconduct towards a student is important in helping to reduce its occurrence. It also seems likely that, as one of the most severe forms of boundary transgression, any understandings will be relevant to other forms of boundary transgression. However, where it was possible to do so, factors relating to other forms of boundary transgression, or influencing the blurring of boundaries, are also illuminated.

What are the characteristics of teachers who transgress professional boundaries?

Across the literature sourced for this review, it was apparent that teachers may be at higher risk of finding themselves in complicated situations regarding *blurred* boundaries if:

- They live and work in rural, remote or small communities (Aultman et al., 2009);
- Incorporate social media as part of their professional practice (Jaffe et al., 2013; Kaufman & Erooga, 2016; Mototsune, 2015);
- They have a 'dual' relationship with students such as being a coach or extra-curricular instructor for activities outside of school (with it noted that the likelihood of this may be increased in rural / small communities) (Aultman et al., 2009);
- They frequently work alone with students (e.g. music teachers, coaches, tutors) (Kaufman & Erooga, 2016);
- They are a young, inexperienced teacher who wants to be perceived as friendly and approachable, and to be 'liked' by students (Aultman et al., 2009; Bernstein-Yamashiro & Noam, 2013c; Cook, 2009; McWilliam & Jones, 2005) (again this could be heightened further in rural or remote postings if the teacher has little social support locally);
- They have mental health difficulties or social or emotional difficulties in their personal life (these could arise during the course of their work due to the emotional labour of teaching - including for new teachers grappling with the demands of the profession) (Kaufman & Erooga, 2016; O'Leary et al., 2017; Proeve, Malvaso, & DelFabbro, 2016).

This does not, of course, imply that young teachers working in rural settings and stressed by the demands of the profession will transgress professional boundaries. However, across the existing research literature it emerges that young teachers may experience increased complexity and errors of judgement regarding professional boundaries, particularly until they come to establish themselves in their role as a teacher and develop a strong sense of

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[2] This emphasis may be particularly apparent in Australia at the present time, given the work associated with Royal Commission into Institutional Responses to Child Sexual Abuse.

professional identity (Aultman et al., 2009; Bernstein-Yamashiro & Noam, 2013b, 2013c; Chapman, Forster, & Buchanan, 2013; Cook, 2009). By way of contrast, research in Australia suggests that the teachers who most frequently and confidently use touch with their students are often older females, who are strongly established in their role (McWillijam, 2005). While these teachers may make use of touch as a form of care, and may voice irritation with 'political correctness' regarding such issues, they do tend to use touch in a risk-consciousness way (mainly by ensuring they are always visible) (McWilliam, 2005). Finding such a sense of confidence may be more difficult for male teachers (particularly in relation to the use of touch), as they are subject to increased societal apprehension and suspicion (Hansen & Mulholland, 2005; McWilliam & Jones, 2005; Piper et al., 2013).

This **gender**-based suspicion is not unfounded, given that across all jurisdictions and contexts, it is consistently reported that the majority of institutional child sexual abuse is perpetrated by males, with only between 6-11% by females (Jaffe et al., 2013; Mototsune, 2015; Proeve et al., 2016). Analysis of 99 QCT disciplinary cases against teachers for sexual misconduct echoes this for Queensland, with 80% of cases involving male teachers (Creagh, 2013). Data from England analysing non-criminal disciplinary misdemeanours highlights that men typically account for 60-76% of cases, almost regardless of issue - from inappropriate interactions with students through to organisational confidentiality breaches (Page, 2013).

In Page's (2013) data, which involved analysis of 300 criminal and non-criminal disciplinary cases in England, **teaching level** also emerges as a factor, with both male and female secondary school teachers overrepresented compared to their primary school counterparts. This sector bias is echoed in terms of sexual misconduct as well with, for instance, the Ontario College of Teachers reporting that 57% of perpetrators taught at the secondary level, compared to 38% at the primary level (Jaffe et al., 2013). The QCT data demonstrates similar percentages (see Table 2 below), with 54% of perpetrators employed in the secondary sector, compared to 14% in the primary sector (the remainder worked across both, or the details were unrecorded) (Creagh, 2013). The QCT data analysis undertaken by Creagh (2013) potentially adds further to existing knowledge in its efforts to indicate the **subject areas** of the teachers involved in disciplinary proceedings for sexual misconduct. For those cases that this information was available for (notably only 33 of the 99 cases), the highest numbers are recorded for teachers of Maths / Science and HPE (Health and Physical Education).

Many disciplinary cases do not include the **age** of the teacher, and as such it is not often included in analyses. However, where data exists, age emerges in the literature as a factor in the sexual misconduct of female teachers, but less so of male teachers. It should also be noted that in the QCT data the exact **age of the student** was frequently missing[3] from case reports (in 57 of the 99 cases). However, the above information regarding teaching level

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[3] Creagh (2013) notes that given the extent of missing data in the QCT sample used, it would be beneficial to extend analysis into further case studies. Information on cases of teacher dismissal / disciplinary action are available to access on-line for the teacher regulation authorities of NSW (cases from 2008-2016), VIC (2004-2017), SA (2008-2018) and annual figures are reported in TAS and NT. Similarly, some international data is available on-line. For example, the General Teaching Council in Scotland publishes very detailed information of the outcomes of all hearings related to teacher misconduct. Although outside the scope of this review, analysis of some of this data may prove useful in extending Creagh's work.
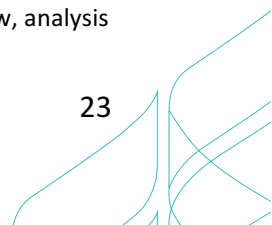
offers a useful proxy for student age group. Considering factors relating to age (both of the teacher and their victims), sexual misconduct by female primary teachers is very rare, with female teachers tending to be convicted of misconduct against students closer to their age (Kaufman & Erooga, 2016; Mototsune, 2015). The QCT data provides some of the clearest illustration of these links. As the tables below highlight, the majority (60%) of female teachers were aged 30 or younger (see Table 1), and only one female teacher was known to have committed an offence against a primary school student (see Table 2).

Table 1. Sex and age groups of teachers in QCT analysis (reproduced from Creagh, 2013 p. 3)

Age group	Female	Male	Total
22-30	12 (60%)	23 (29%)	35 (35%)
31-40	4 (20%)	23 (29%)	27 (27%)
41-50	4 (20%)	19 (24%)	23 (23%)
51-62	0	12 (15%)	12 (12%)
missing	0	2 (3%)	2 (2%)
Total	20	79	99

Table 2. Age, gender and school sector in which teacher was working (reproduced from Creagh, 2013, p. 4)

Age group	Female	Male	Total
1) Primary			
22-30	0	3	3
31-40	0	3	3
41-50	1	3	4
51-62	0	4	4
Total	1 (7%)	13 (93%)	14 (100%) (14%)
2) Secondary			
22-30	9	12	21
31-40	4	12	16
41-50	1	9	10
51-62	0	5	5
missing	0	2	2
Total	14 (26%)	40 (74%)	54 (100%) (54%)
3) Both primary and secondary			
31-40	0	2	2
41-50	0	1	1
Total	0	3 (100%)	3 (100%) (3%)
4) Unknown			
22-30	3	8	11
31-40	0	6	6
41-50	2	6	8
51-62	0	3	3
Total	5 (18%)	23 (82%)	28 (100%) (28%)
Total	20	79	99 (100%)

The QCT data also differs somewhat from other studies in terms of the **gender of victims** affected by female teachers. Of the 20 cases involving female teachers, female students represented at least 40% of victims (n=8) (6 cases involved male students (30%), in 4 cases the gender of the victim was unrecorded (20%), 1 case of misconduct against students of both genders (10%)). The QCT dataset for female teachers is very small, and the results should be interpreted with caution, but they suggest there may be a need to better engage with sexual orientation in studies of teacher sexual misconduct and particularly how this might pertain to student sexual orientation / identity formation during adolescence.

Some large studies from the US also make reference to female homosexuality, but generally they have found that female perpetrators most commonly fall into the 'heterosexual nurturer' category (Knoll, 2010). Similarly, a recent study from Ontario (with a small number of female cases comparable to the QCT data (n=24)) found that in 82.6% of cases the victims of female perpetrators were male (Mototsune, 2015). It also highlighted that in 81.8% of cases the female teachers sexually abused their victim multiple times, and the majority of convicted female teachers had only one reported victim. Across the literature then, something of a typology of sexual misconduct is purported for female teachers. Although significantly rarer overall than sexual misconduct perpetuated by male teachers, female teachers are considered to typically be younger secondary school teachers who abuse students (usually male but sometimes female) aged 13 or over, and may do so in the context of a perceived 'consensual' love affair (Creagh, 2013; Kaufman & Erooga, 2016; Mototsune, 2015; Proeve et al., 2016).

In contrast to the data on female teachers, there is much greater variation in the characteristics of male teachers disciplined for sexual misconduct. For instance, as Table 1 above demonstrates, in the QCT data there is a fairly even spread of perpetrators between the ages of 22 and 50 years (Creagh, 2013). While female students comprise the largest group of victims of male teachers (for example 56%, n=44) in the QCT data), there is also much greater variety in the victims of male teachers, with a greater spread across primary and secondary school and male and female victims (Creagh, 2013; Mototsune, 2015; O'Leary et al., 2017; Proeve et al., 2016).

Typologies of offenders
In an effort to make sense of the above variety, distinctions have been identified in existing literature between the characteristics of teachers who sexually abuse children at primary or secondary school levels. Teachers who sexually abuse primary school students (whether male or female students) are typically well-respected and highly regarded male teachers, considered to be trustworthy (Kaufman & Erooga, 2016; Knoll, 2010). Knoll (2010) suggests that outstanding work reputations are essential for this group, forming part of the grooming process of securing the trust of parents, students and colleagues. For instance, these teachers may position themselves as a support to single mothers by working to be viewed as a trusted, positive male role model in their child's life (Kaufman & Erooga, 2016). By contrast, the male (and female) teachers who sexually abuse secondary school students are less likely to stand out as highly respected or particularly outstanding teachers (Kaufman & Erooga, 2016; Knoll, 2010), and their misconduct may be more likely to occur as a result of poor judgement (Knoll, 2010).

A recent review (O'Leary et al., 2017) published as part of the Royal Commission into Institutional Child Sexual Abuse adds to these distinctions, reporting that perpetrators of institutional sexual abuse typically fall into one of three categories:

- predatory (perpetuated by those who are sexually attracted to children and / or young people, and who use grooming in an intentional, premeditative way);
- opportunistic (perpetuated by those who have poor impulse control, lack social boundaries or social conformity);
- situational (encompassing grooming and abuse perpetuated by individuals who are not specifically attracted to children and tend to be otherwise law abiding).

Applying this typology to data from the school context, the male perpetrators operating in primary school settings would most likely be considered **predatory**, and, given the young age of their victims, to meet the psychological criteria to be considered paedophiles (Kaufman & Erooga, 2016; Mototsune, 2015). These perpetrators may enter teaching with the intention of preying upon children, although typically wait an average of 1.5 years before committing their first offence (Kaufman & Erooga, 2016). Correspondingly, predatory perpetrators working in institutional settings tend to be very strategic and to have a higher IQ than predatory individuals operating exclusively outside of institutions (such as via the internet or in the community) (Kaufman & Erooga, 2016).

Although predatory teachers loom large in the popular imagination, O'Leary et al. (2017) report in their review that **opportunistic** perpetrators have been found to be the most common type of perpetrator in institutional contexts, although their focus was not solely on schools. These individuals are unlikely to be fixated on sexually abusing children or young people, and do not necessarily have a sexual preference towards children over adults. Rather, they tend to be individuals who are indiscriminate in their sexual and moral behaviour, may have little regard for social conformity, and who may engage in other criminal activity (O'Leary et al., 2017). Opportunistic perpetrators also differ from predatory individuals in that they are unlikely to strategically create opportunities to perpetuate child sexual abuse (i.e. to engage in extensive and lengthy grooming of the environment), especially if this requires considerable effort (O'Leary et al., 2017).

Lastly, the **situational** category is used to describe perpetrators who do not have a sexual preference for children and / or young people. Their sexual abuse typically arises as a result of poor judgement and / or strained circumstances, such as social isolation, low self-esteem, poor coping skills, sense of inadequacy or social and emotional crisis (O'Leary et al., 2017). This group tend to be otherwise law-abiding, and may experience deep regret and shame for their actions (Kaufman & Erooga, 2016; O'Leary et al., 2017), although this may depend upon the extent to which they perceive (or have experienced) mutual attraction / consensuality in the relationship (Knoll, 2010). In the school context, this typology might most commonly apply to female secondary school perpetrators, and younger male secondary teachers who take female victims, possibly arising through issues linked to blurred boundaries and/or lack of coping.
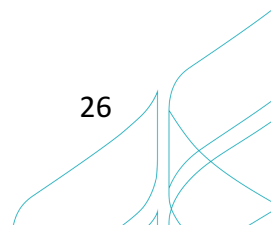
It is evident from the above typologies that perpetrators working within institutions and, particularly, in professional institutions such as schools, may not display the kinds of characteristics (such as poor social and relational skills, exaggerated cognitive and emotional affiliation with children) that can sometimes be identified in perpetrators in other settings (Kaufman & Erooga, 2016; Proeve et al., 2016). In common with other perpetrators, though, some teachers who sexually abuse children (particularly male teachers who sexually abuse boys) may have a history of being sexually abused as a child themselves (Kaufman & Erooga, 2016; Proeve et al., 2016). Individuals who sexually abuse children may have also often been physically abused as a child, or have experienced other negative childhood experiences related to poor parenting. However, there is little evidence confirming whether or not such characteristics hold true for teacher perpetrators, specifically (Kaufman & Erooga, 2016; Proeve et al., 2016). Further, Kaufman and Erooga (2016) caution against considering such experiences as risk factors, highlighting that 99% of those who were sexually abused as a child will not become abusers.

It should be noted that in any typology there will be individuals who are not easily categorised. In addition, the data explored above and, indeed, all literature investigating the characteristics of those who sexually abuse children, is reflective of individuals who have been 'caught'. In considering the above characteristics, it is important to bear in mind that there may be some teachers who continue to evade detection. Nevertheless, the above ideas are useful in considering the most common groups of perpetrators and identifying any intra-group similarity in terms of factors influencing their boundary transgressions (below). Identifying any such similarities is strategically useful for considering the kinds of mechanisms and approaches that might help support teachers with professional boundaries and reduce misconduct.

What are the reasons that teachers transgress professional boundaries? Are there different influences for different demographic groups or typologies?

There are many reasons why teachers transgress their professional boundaries. However, these can largely be grouped into personal (teacher) factors, student factors, and institutional factors (Kaufman & Erooga, 2016). These three groupings will be explored with reference to the above demographic/typological characteristics because, as the above discussion has alluded to, demographic characteristics or typological categorisation may influence individual teachers' reasoning and responses to personal, behavioural and environmental cues.

Personal factors
Adding to the demographic characteristics discussed above, a range of personal factors emerge across the literature as potentially influencing teachers' judgement and actions in relation to professional boundaries, particularly in terms of sexual misconduct. These may include:

- A blurring of boundaries arising through efforts to make connections with students (Aultman et al., 2009; Bernstein-Yamashiro & Noam, 2013c; Cook, 2009; McWilliam & Jones, 2005) and/or to be more democratic/reduce the power differential
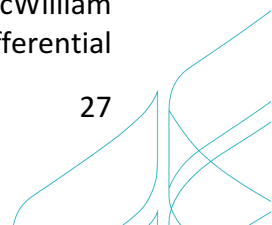
between teachers and students in an effort to support student engagement at school (Shuffelton, 2012);

- 'Love', including mutual attraction/reciprocal love (Sikes, 2006), is an inescapable feature of teacher-student romantic relationships (often male teachers, female students) where both parties believed they were genuinely (and equally) in love, and some went on to get married;
- Mental health or wellbeing issues, such as social isolation, low self-esteem, poor social competence or coping skills, sense of inadequacy, need for power and control or social and emotional crisis (Kaufman & Erooga, 2016; Knoll, 2010; O'Leary et al., 2017);
- Deviant or indiscriminate morals, beliefs and behaviours, particularly as these pertain to sexual activity (Kaufman & Erooga, 2016; O'Leary et al., 2017; Prichard & Spiranovic, 2014);
- Mental disorder characterised by abnormal sexual desires and actions, specifically paedophilia (towards pre-pubescent children), hebephilia (towards early adolescents, typically aged 11-14 years), or ephebophilia (towards older adolescents, typically aged 15-19 years). It needs to be noted there is debate surrounding whether sexual attraction to adolescents over the age of 14 should be considered a mental disorder (Kaufman & Erooga, 2016).

As is evident in these brief descriptions, there are identifiable links to the typological categorisations discussed earlier. Specifically, a blurring of boundaries, love (especially reciprocated love), and wellbeing issues, may be most likely to be at the root of boundary transgressions by inexperienced teachers and/or the sexual misconduct of situational perpetrators. Deviant or indiscriminate morals, beliefs and behaviours, in tandem with institutional factors (see below) may allow opportunistic perpetrators to take advantage of situations. Lastly, paedophilia, or the associated disorders related to adolescents, are likely the key motivating factors behind predatory perpetrators (most typically male primary school perpetrators).

In addition, psychological research from both the USA and Australia exploring prevalent perceptions of teacher sexual misconduct adds a sociocultural layer to these personal factors. The research highlights that sexual misconduct by female teachers (with a male secondary school student) is perceived less negatively than that perpetrated by male teachers (Fromuth, Holt, & Parker, 2002; Fromuth, Mackey, & Wilson, 2010; Geddes, Tyson, & McGreal, 2013; Howell, Egan, Giuliano, & Ackley, 2011). This is partly because it is commonly believed that male secondary students (sexually abused by a female teacher) are less likely (than female secondary students abused by a male teacher) to be negatively affected by the overall experience and might even view it positively (in terms of confidence, sexual experience, and social acclaim amongst peers) (Fromuth et al., 2002; Fromuth et al., 2010). Extrapolating from these findings, it is possible that, on a personal level, female teachers may diminish the consequences of their actions upon male students, particularly if the male student does not report.

In addition to the belief that male students may not be adversely affected, female offenders are often afforded greater mercy, perceived to be 'misguided' rather than predatory (Howell et al., 2011; Knoll, 2010). In the psychological studies, such perceptions led the

public to recommend more lenient sentencing for female perpetrators (Fromuth et al., 2002; Fromuth et al., 2010; Geddes et al., 2013). This leniency has also been identified in legal proceedings, with a US study highlighting comparable cases of sexual misconduct in which the male teacher was jailed for 8.5 years, added to sexual offenders register and given a lifetime ban on working in the public sector, whereas the female teacher received a sentence of five years probation for her offence (Howell et al., 2011). Again, if these findings are extrapolated to the context of why teachers transgress professional boundaries, perceptions of leniency may mean reputed sanctions are less of a deterrent to female perpetrators. In addition, at the institutional level, general clemency towards females could result in staff being less likely to identify or report any suspicious conduct by a female colleague. While most sexual abuse is perpetrated by males, differences in perception speak to a cultural dismissing or minimising of the negative effects of sexual misconduct by female teachers. As indicated, these differences could bear influence at the personal and/or institutional level, and as such may need to be challenged.

Also of note in the psychological studies were findings that male respondents tended to recommend lower sentences (for all perpetrators) than female respondents, and tended to view the sexual misconduct (towards adolescent students of the opposite gender) less negatively overall (Fromuth et al., 2002; Fromuth et al., 2010; Geddes et al., 2013; Howell et al., 2011). However, research from the teaching profession generally highlights that male teachers are very wary of allegations of inappropriate conduct, and, in fact, may carry a more heightened sense of risk than their female counterparts (Andersson et al., 2016; McWilliam & Jones, 2005; Piper et al., 2013). It may be that, for some male teachers, their professional wariness may be at odds with their personal perceptions, such that those who have little regard for social conformity (for example, perpetrators in the 'opportunistic' category described earlier) may find greater self-justification for their actions.

Student factors

The onus is always on the teacher to maintain professional boundaries. However, student factors may play a role in influencing teacher boundary transgressions. For instance, while teachers are generally conceptualised as holding the power in teacher-student relations, students can challenge this dynamic. Some professional guidelines recognise that students may sometimes intentionally or unintentionally cross boundaries with teachers, in the way they speak to teachers or by initiating inappropriate contact (see for example, WA Boundaries resource). This can be most obvious in the context of young teachers working in secondary school settings who may become the object of determined admirers, and who may be openly flirtatious and provocative (Sikes, 2006). If connections are also made via social media, flirtatious jokes and 'banter' may quickly escalate (Newland, 2015), particularly if such student behaviour is combined with teacher personal factors such as reciprocal attraction, or social isolation, uncertain professional identity, or a pedagogical desire to connect with students (Cook, 2009; Shuffelton, 2012). This is also against a broader background of increasing incidences of problematic sexual behaviour in Australian primary schools, which teachers feel they do not know enough about to confidently manage (Ey, McInnes & Rigney, 2017).

When students are particularly needy or vulnerable, there is also the potential for blurred professional boundaries. When students have personal, social, economic, academic or
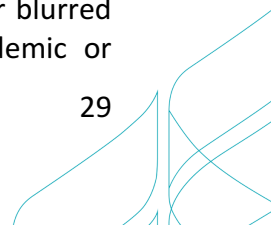
engagement issues, teachers may try to help by providing a listening ear, pastoral care, additional tutoring, financial assistance (such as for breakfast or lunch), or driving a student to an appointment or home from school (Aultman et al., 2009; Morris et al., 2012). In one US study (Aultman et al., 2009), a teacher spoke of a colleague who drove a student home from an after school activity and found the door open and a group of young people in the house. Knowing that the student's mother worked nights, the teacher was concerned for the student's safety and took the student home to their house to spend the night. Many of these actions, driven as they are by compassion and a sense of morality, might best be considered boundary *crossings* (Bird, 2013), but there is potential for them to be interpreted as violations, or for them to evolve into transgressions. Indeed, as described in the earlier section on grooming, vulnerable students are often the victims of institutional child sexual abuse (Kaufman & Erooga, 2016; O'Leary et al., 2017; Parkinson & Cashmore, 2017). While predatory perpetrators may target vulnerable students, and opportunistic perpetrators may find opportunities arise with such students, situational abuse may evolve from a cross-over of personal teacher factors and student needs - when an inexperienced or vulnerable teacher becomes too involved in a student's life.

Institutional factors
Institutional factors, which include aspects of the physical environment as well as culture and teacher support, provide important context and can act to considerably increase or decrease the risk of professional boundaries becoming blurred and breached (Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Relevant institutional factors may include:

- Physical features of the school layout, such as classrooms with few or high windows and private offices (McWilliam & Jones, 2005; Parkinson & Cashmore, 2017);
- Policies (and the degree to which these are enacted in practice) such as regarding one-to-one meetings with students, social media contact, driving students in staff cars etc. (Kaufman & Erooga, 2016; McWilliam & Jones, 2005; Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017); and
- School culture, particularly in relation to openness to discuss blurred boundaries, supportive mentoring of graduate or inexperienced teachers, and a committed approach to child safety, including full investigation of allegations by students or reports of suspicious behaviour by staff (Aultman et al., 2009; Chapman et al., 2013; Colnerud, 2015; Cook, 2009; Ehrich et al., 2011; O'Neill & Bourke, 2010; Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017; Shapira-Lishchinsky, 2011).

While the strategic and covert actions of a determined predatory perpetrator of child sexual abuse can be some of the most difficult to guard against, the above examples highlight that institutional factors influence the ease or complexity of the grooming process and the risk of exposure (Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). However, it is likely that institutional factors may have the greatest bearing upon the numbers of opportunistic and situational perpetrators of child sexual abuse (O'Leary et al., 2017; Parkinson & Cashmore, 2017). By their very nature the
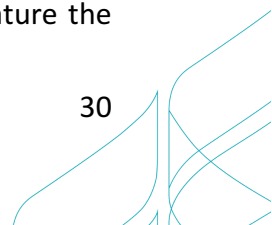
kinds of institutional factors listed above create or reduce scope for opportunistic grooming behaviour and/or the escalation of situational boundary transgressions.

In particular, covert spaces at school or poor supervision during activities (such as school camps), unclear or poorly implemented policies, and inadequate mechanisms for recognising and reporting suspicious behaviour or abuse, all lend themselves to providing openings for opportunistic boundary transgressions or opportunistic perpetrators of child sexual abuse. Unclear or poorly implemented policies, in combination with little explicit emphasis on child safety, and a lack of support and ambiguity over the teaching role, leave inexperienced teachers to rely on their own personal judgements and to learn from their own mistakes. This is unlikely to be the best way to navigate their a socio-emotionally complex and demanding profession such as teaching (Bernstein-Yamashiro & Noam, 2013c; Ehrich et al., 2011; Mahony, 2009; Morris et al., 2012; O'Neill & Bourke, 2010; Spendlove, Barton, Hallett, & Shortt, 2012), and may inevitably involve considerable boundary dilemmas, if not slippage.

The final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly Volume 13 on schools (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017) is illustrative of the critical importance of institutional factors, in particular school culture, in the context of child sexual abuse in schools. It is reported that almost three quarters of the child sexual abuse disclosed during the Commission occurred in non-government schools (of these, 73.8% were Catholic schools and 26.4% were independent schools). While bearing in mind that some of the reported abuse was historical, a range of institutional cultural conditions are cited as contributing to these statistics (Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017):

- Desire to protect school reputation/financial interests (leading to reports not being fully investigating, and abusers to continue to perpetuate);
- Increased involvement of religious ministry (these emerged as a key group of perpetrators and points to the importance of extending professional boundary issues to all staff/adults working in school settings);
- Increased likelihood of being boarding institutions;
- Minimisation of the seriousness of child sexual abuse and/or little accountability for student mental wellbeing;
- Inadequate internal disciplinary procedures and a deference to internal procedures over the involvement of involving civil authorities;
- Hierarchical, conformist culture - increased likelihood of being male-dominated environments, selection of ex-students for employment, strong group loyalty amongst staff, sense of superiority, a culture of not listening to children.

The kinds of issues listed here, and the broader institutional factors flagged above, can be considered 'modifiable' risks (Parkinson & Cashmore, 2017), whereby actions can be taken to reduce them: internal windows can be added, artwork removed from windows, doors left open; relevant policies can be developed and enforced; and school culture can be shifted such that child safety is approached in a proactive and serious manner; emphasis is placed upon respecting and listening to children; staff are encouraged to be 'risk-conscious'; and
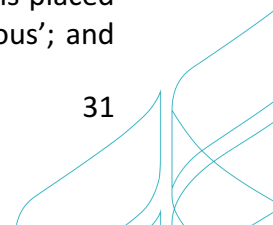
strategies are developed to support of staff professional development (McWilliam & Jones, 2005; Parkinson & Cashmore, 2017). Indeed, the notion of child safe organisations is that they seek to minimise these kinds of modifiable risks as far as reasonably possible (Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).

Overall, this section has sought to address the first two research questions by investigating the factors that relate to teachers transgressing their professional boundaries, and considering whether there may be different influences for different demographic groups or typological categories. It has been highlighted that personal factors, including demographic characteristics such as gender, age and teaching level, along with pedagogy, love, mental health and personal morals may influence teachers' behaviour in relation to professional boundaries. It has also been pointed out that these factors can act in combination with student factors, such as flirtatiousness, provocation or vulnerability, to increase the likelihood of teacher boundary transgressions, including sexual misconduct. However, teachers and students are organic, social beings and hence personal and student factors may be difficult to control or modify. Indeed, as work connected to the Royal Commission into Institutional Responses to Child Sexual Abuse has highlighted, institutional factors, including the physical environment, policies and practice, and school culture, bear a strong influence upon institutional child sexual abuse (and it can be assumed, other professional boundary issues) and, crucially, are largely modifiable. While reducing all modifiable risks as far as reasonably possible is critical to establishing schools as genuinely child safe organisations (Parkinson & Cashmore, 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017), it seems likely that different strategies or mechanisms may be most effective for each of the typological categories. The types of mechanisms currently in place in schools in Australia and internationally are the focus of the following section.

SECTION 4: WHAT ARE THE EXISTING MECHANISMS FOR SUPPORTING TEACHERS WITH PROFESSIONAL BOUNDARIES?

The existing mechanisms for supporting teachers with maintaining professional boundaries fall mostly (although not exclusively) into three categories: policy and policy-related documents; teacher training and professional development; and safety education for children and parents. In this section, we look at each of these categories in turn, followed by an 'other' category for mechanisms that do not fit within these three main areas.

Policies and policy –related documentation

a) Teacher-Student Relationships / Professional Boundary Guidelines

The production of written guidelines for teachers specifically focussed on teacher-student relationships and professional boundaries is a fairly recent development. Three Australian States and Territories have such documents developed by teacher registration boards; namely the QCT guideline (2016, updated 2017), NTTRB guidelines (2015) and TRBWA resource (2017). These draw heavily on the guidelines developed by the ATRA (2015); the incorporated association of authorities which maintain and enhance teaching standards, and promote and regulate the teaching profession, across Australia and New Zealand.

The Government of South Australia, Protective Practices guidelines (2005, 2009, 2011), predate the ATRA guidelines and appear to have been a source drawn on by the ATRA. This document is distinctive in that it was co-produced across government, Catholic and Independent schools, thus demonstrably an example of State-wide inter-sector collaboration. Although, clearly the QCT, NTTRB and TRBWA documents, produced by teacher registration boards, also apply to all teachers across all sectors.

Each of the documents provides information about professional boundaries and teachers' obligations, before elaborating on types of boundary transgressions or violations (providing examples of each) and information to help teachers recognise breaches of boundaries or warning signs that boundaries are being crossed. As noted in Section 2 of this report, Aultman et al.'s (2009) study, which includes a typology of boundaries and transgressions, has been influential in the development of guidance on professional boundaries for teachers in Australia. All the documents outline types of boundary transgressions, condensed from Aultman et al.'s (2009) study, with the QCT, TRBWA and NTTRB documents including *emotional*; *relational*; *power*; and *communication breaches*. TRBWA also includes *physical* boundary transgressions, while NTTRB guidelines include *financial* violations. The Government of South Australia (2017), Protective Practices guidelines categorises professional boundaries in relation to *communication*, *personal disclosure*; *physical* contact, *place*; *targeting individual children and young people; role*; *possessions*; and *digital/electronic*. The guidelines all contain similar examples of transgressions in these areas to those outlined in Section 2.

In addition to outlining and providing examples of each of these areas of boundary transgressions, all of the documents also focus attention on a few specific areas. These

include grooming behaviour and identifying the warning signs of this; and teachers' relationships with former students, that is, sexual or romantic relationships between legally consenting adults where a staff-student relationship once existed. The QCT (2017) guidelines identify the difference in power and authority between the two parties is a significant factor in teacher-student relationships.

There are some challenges and areas of specific concern addressed in some of the documents, most notably the Government of South Australia (2017) which stands out, in that it addresses all such areas and the need for balance between providing pastoral care and maintaining professional boundaries:

- Working in country and local communities – Staff are more likely to have social relationships with families/parents of students and therefore more likely to share social, sporting and community events and club memberships. Aboriginal employees across remote, regional and metropolitan settings may have family and social connections, and cultural or family obligations, to the children and families that they are working with. These social and community connections and engagements may present additional challenges and require support from leadership, to enable enjoyment without compromising professional responsibilities.
- Working one-to-one with children and young people – There are a range of situations in which school staff provide one-to-one support, including learning assistance/feedback, behaviour assistance, counselling, testing or assessment, toileting assistance.
- Managing privacy expectations – There are some staff and visitors to schools acting in roles which require a degree of privacy for children and young people, such as counsellors/wellbeing leaders, pastoral care workers/chaplains, health providers and various professional service providers. In addition, students may assume a high level of confidentiality when disclosing issues of concern. In these instances schools need to find a careful balance between respect for privacy and duty of care obligations for the safety and wellbeing of the child or young person.
- Conducting home visits - The key principle is that a home visit should place no one at unreasonable risk and that identified minor risks are consciously managed. This involves making sure that the school is informed about home visits, appropriate preparations are made and that staff take measures to protect themselves, such as not being alone with a student or enter a home if parents are not present.
- Provision of family day care – Provision of family day care is unique in that educators do not have access to professional support or supervision on site. While some guidance in the guidelines is not applicable to family day care, such as being alone with children and working one-to-one, the guidelines can generally play an important role in assisting family day care educators to recognise and avoid circumstances that might place them, children or others at risk, most notably the advice covering appropriate physical contact, responding to inappropriate behaviour in children and in adults, using social network sites and non-physical interventions.
- Working in boarding houses – Staff working in boarding houses face particular challenges in providing a 'home-like' environment for children and young people in ways that do not compromise their professional boundaries or the welfare of children and young people. The guidance on managing professional boundaries and examples of boundary violations are all particularly pertinent to boarding house

staff.
- Using digital forums and social networking sites – this area of concern is addressed in the following sub-section

In addition, some professional boundary guidelines also provide guidance about appropriate behaviour, using illustrative examples in different contexts and in some cases providing more detailed information to support teachers' decision-making. As noted in Section 2, an Appropriate Relationships document from Kerry Street Community School (WA), for example, takes a useful approach. It provides a table with a range of common situations, such as a child with separation anxiety, comforting a distressed child and reciprocating physical contact, and then describes the appropriate response of a teacher for various ages / developmental stages of the child.

The QCT and NTTRB guidelines also include a decision-making model, developed by the Australian Public Service Commission, using the acronym REFLECT, to outline steps that teachers and others may find helpful in evaluating and dealing appropriately with teacher conduct that is of concern to them:
- **RE**cognise a potential issue
- **F**ind relevant information
- **L**iaise and consult
- **E**valuate the options
- **C**ome to a decision
- **T**ake time to reflect

The New South Wales Department of Education has a webpage with material outlining professional responsibilities for teachers. This includes lists of good/acceptable practice and poor/unacceptable practice.

In addition to the above state-wide documentation, some related documents were located in the Independent or Catholic school sectors. In general, there was more documentation accessible for Catholic schools, coordinated through regional or Diocesan Catholic Education Offices (see for example, Catholic Education Archdiocese of Brisbane (2016), Code of Conduct). Documentation specific to the independent school sector was particularly lacking and ad hoc. That said, the Independent Education Union of Victoria and Tasmania has a specific advice sheet on maintaining professional boundaries. This information appears to be aimed toward younger teachers, with sections on encountering students in pubs and clubs, social media, mobile phone use and relationships with ex-students.

Internationally, there is a very thorough regulatory document by the Ontario English Catholic Teachers' Association (OECTA, 2012) entitled, 'On Thin Ice: Maintaining Professional Boundaries'. The booklet is accompanied by a DVD and a workshop. The aim of these resources differs slightly from the Australian guidelines discussed thus far, in that it is described as being designed to help teachers avoid false allegations and advise them what to do if their conduct comes under investigation. The Australian documents appear to be more underpinned by the knowledge that some teachers do transgress professional boundaries and aimed at addressing this concern. The OECTA material includes some facts:
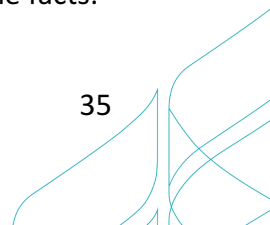
The number of allegations against teachers has increased tenfold since the early 1990s. Allegations of emotional, physical or sexual abuse are more common. OECTA handles between 150 and 160 new cases a year.

- The majority of allegations are unfounded. OECTA records indicate that just one per cent to three per cent of allegations of physical assault/abuse result in criminal convictions; five per cent to 10 per cent of allegations of sexual assault/abuse lead to criminal convictions.
- Increasingly, students and parents regard any kind of physical contact, including a simple tap on the shoulder, as an assault.
- Similarly, allegations of sexual harassment and abuse are being made for looking at a student the wrong way' (OECTA, 2012, p.6).

b) *Social media guidelines*

Australian social media guidelines

Social media policies or guidelines were identified for most States and Territories in Australia (with the exception of ACT and NT). The general purpose of the guidelines (as stated in the Western Australia DET, Social Media in Schools guidelines (2010), for example), is to clarify the professional boundaries to protect teachers and students from potential misinterpretation of the staff-student relationship. The WA guidelines discuss *legitimate* and *non-legitimate* use of communication technologies, as listed below, stating that teachers should only engage with students through social networking sites if there is an educationally valid context.

Legitimate reasons to use communication technologies, those which are educationally valid, include:

- communicating by email with parents and students about student assignments and progress
- creating applications such as web pages and blogs as part of the teaching program
- studying social media as texts in learning areas such as English and media studies

Non-legitimate (or inappropriate) use of communication technologies varies across documents, but can relate to:

- *Any* personal or social interaction (also, Catholic Archdiocese of Brisbane, 2016) or communication of a personal nature (Tasmania Government DET, 2014)
- Accepting a friend request from a student, 'liking' a student post, following a student (Catholic Archdiocese of Brisbane, 2016; Victoria State Government DET, n.d.)
- The exchange and use of personal information, such as e-mail address, personal mobile phone or home phone to contact a student (Catholic Archdiocese of Brisbane, 2016) – teachers must always use work / student e-mail account
- Socialising, such as entering chat rooms with students, instigating or participating in 'chats' of a personal nature via instant messaging, contacting a student via email or text without a valid educational context (Victoria State Government DET, n.d.)
- Having unconsented images of students
- Sending/exchanging images or videos of school staff or students without authorisation
- Instigating or participating in offensive or slanderous 'chats' regarding a colleague, student or parent (Victoria State Government DET, n.d.)
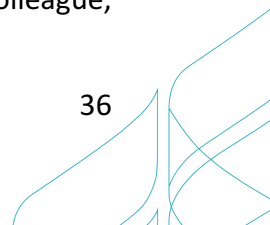
- Downloading inappropriate images; accessing inappropriate websites (Victoria State Government DET, n.d.)

Most guidance advocates that teachers use separate professional and personal social media accounts, and/or that schools have a 'team' social media account that school staff can use (Archdiocese of Sydney social media policy). The Government of South Australia (2017) guidelines emphasises that staff need to be accountable for personal social media activity – and aware that 'nothing is private!'. It notes that regardless of the protection placed around access to personal sites, digital postings are still at risk of reaching an unintended audience.

A risk identified for teachers is the high level of familiarity that web socialising encourages, which may result in the blurring of professional boundaries (WA DET, 2010). Some guidance explicitly advises discouraging 'friend' requests, from students and parents. The Burke Ward Public School (NSW), for example, has a short social media policy on their website. This draws parents' attention to the NSW DEC guidance for teachers and seeks their assistance by asking them not to send teachers Facebook friend requests.

International social media guidelines
Useful social media guidance was identified from Scotland, Ireland, New Zealand and Canada, supporting the concerns regarding 'non-legitimate' use of communication technologies outlined above. The Professional Guidelines on social media usage from the General Teaching Council of Scotland (GTC) (2011) remind teachers that students will be naturally curious about teacher's personal lives and may try to find them on-line. They therefore advise teachers to manage their privacy settings carefully, and review their settings regularly, particularly with regard to photos.

Similarly, a key concern in the social media guidelines from Peel School District in Ontario (n.d.) is teachers distinguishing between their personal and professional lives. The Peel School District guidelines strongly advise against the use of a blended personal and professional account, and encouraged staff to maintain a clear distinction between their personal and professional social media use, with two separate accounts for these purposes. They advise teachers, if students become aware of their personal media account that they should refer them back to the educational account for discussion rather than permitting personal or private messages. They similarly advise that texting students is inappropriate, whether for personal or educational purposes.

The Scottish GTC (2011) guidelines on social media usage allow teachers to use their discretion in accepting friend requests from parents, although they empower teachers that it is acceptable to decline requests and to ask parents to use more formal means of communication to discuss their child's education. However, one of the Teacher's Unions in the UK (NASUWT) states on its website (2017) that they are 'undertaking a high level of casework involving incidents of social media usage that have compromised the professional position of teachers'. As such, they urge teachers not to accept or request to be the friend of students or parents, and not to get involved in on-line arguments.

With regard to posting images online, the Peel School District in Ontario (n.d.) guidelines specifically say that posting images or content related to alcohol and/or tobacco use cannot
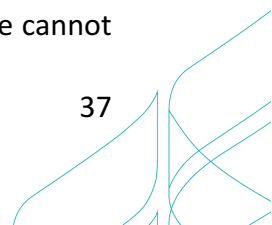
happen on classroom, department and professional accounts, and is discouraged on personal accounts. Scottish GTC (2011) guidelines, take a broader approach, asking teachers to consider the following three questions before posting anything on-line:

      1. Might it reflect poorly on you, your school, employer or the teaching profession?

      2. Is your intention to post this material driven by personal reasons or professional reasons?

      3. Are you confident that the comment or other media in question, if accessed by others, (colleagues, parents etc) would be considered reasonable and appropriate?

Some of the above mechanisms position teachers as 'constantly on duty'. Indeed, in Scotland the GTC's Professional Guidance on the Use of Electronic Communication and Social Media (2011) for example, highlight that while teachers do have a right to a private life, aspects of their private life shared on social media, even if not directly related to students, could have a bearing on a teacher's fitness to teach. In Ontario's Peel School District, almost the exact same wording is used in their social media guidelines, but it is noted that 'the Supreme Court of Canada has ruled that teachers' off-duty conduct, even when not directly related to students, is relevant to their suitability to teach' with a court case cited. In England notions of constantly being contactable (for example, for queries about homework) and the sense of constantly being 'on duty' and accountable led to a Teacher's Union petition that this was unreasonable (Spendlove, 2012).

In seeking to manage these issues, Peel School District (n.d.) advises staff that social media operates 24 hours a day, seven days a week, but that staff are encouraged to establish "professional office hours" and share them with students and parents. They also spell out clearly schools' obligations in terms of duty of care and responding to students in crisis. They state that schools cannot be expected to provide 24 hour duty of care, but that a disclaimer is necessary such that students do not expect this and provide template disclaimers for use on social media sites. Similar notions are identified on the website of the Canadian Teacher's Federation, which states, 'If you're going to "chat" with students online, ensure you set up "office hours" so that you are free to end the conversation when the time is up. You may also want to set time limits on how long you speak with each student.'

c) *Teacher codes of conduct / codes of ethics*

Professional codes of conduct and ethics are another form of policy documentation that potentially support teachers and others with maintaining professional behaviour and boundaries. This can be quite explicit, for example, the Victoria Institute of Teaching Profession Code of Conduct (2016) has a section on Professional Conduct, which addresses boundaries in teacher-student relationships within the context of the principle that 'teachers are always in a professional relationship with their learners, whether at the education setting where they teach or not'. Similarly, the NSW Department of Education Code of Conduct (n.d.) provides a brief, succinct overview of what is acceptable and what constitutes breaching the boundaries of the professional relationship.

Australian codes

All Australian states have a code of conduct and/or ethics for public servants generally and / or for those working in the teaching profession specifically (produced by the State or Territory education department or the relevant teacher regulation authority). In general,

codes of conduct are produced by the state government (for example, in Queensland, New South Wales, the ACT, Victoria and Western Australia) and codes of ethics by teacher regulation boards (for example, the Northern Territory, South Australia and Tasmania) although this is not rigid across the States and Territories. In Victoria, for instance, there is a combined code of conduct and ethics for the teaching profession. Indeed, there is something of a blurring between conduct and ethical codes, although traditionally these are different; codes of conduct regulate behaviour and codes of ethics are more aspirational (Forster, 2012).

Breaches of these codes are sometimes considered misconduct and could lead to disciplinary action (Forster, 2012; Spendlove et al., 2012). This was the case in NSW and possibly still is in the ACT (Forster, 2012), but most codes in Australia are not disciplinary tools. Rather, codes are somewhat aspirational and articulate professional values, positioning teachers as autonomous decision-makers (Forster, 2012). In line with this, Maxwell & Schwimmer (2016) agree that a code of ethics can be seen using Van Nuland's (2009) compelling formulation, as the "collective conscience of a profession". Forster argues that this aspirational, rather than regulatory, approach is preferable, although there is a risk that they are taken less seriously than more regulatory-focused approaches. She also suggests there is a risk of shared values carrying an "aura" of teacher heroism, which is unsustainable.

Despite assertions such as those made by Foster (2012), it is notable that individual schools or school districts may take different approaches / interpretations. For instance, the Northern Beaches State High Schools (QLD) take a compliance-based approach to applying the Queensland DEC code of conduct for teachers. It describes the code as binding for all permanent employees and the disciplinary penalties are listed for any breaches of the code, including an official reprimand, salary reduction or deduction, compulsory transfer, redeployment and termination of employment (Northern Beaches State High School, n.d.).

It is also worth noting that codes are open to different interpretation. Key words, such as respect, for example, are used slightly differently in codes between different States and Territories, highlighting potential differences in interpretation that could occur (Forster, 2012). Documents tend to be brief (sometimes one page, especially if they are a code of ethics – see for example, Tasmania, Northern Territory and South Australia), which increases the potential for confusion around key words. This points to the value of additional documents that elaborate on the content, induct teachers to the intended nuances and encourage them to reflect, discuss and explore aspects of morality (see also Pre-service Education). Examples of such accompanying documents (generally for codes of conduct, rather than codes of ethics) are the Western Australia DET 'How to comply with our Code of Conduct' (2011) and the Queensland DET 'Standard of Practice' (2016), which guidance on the application of the four ethics principles set out in the Code of Conduct for the Queensland Public Service, with examples for how to uphold and embody each of the principles.

International codes

The codes of conduct accessed from other countries, namely Scotland, Ireland, New Zealand and Canada, are fairly extensive and combine professional conduct with notions of ethical
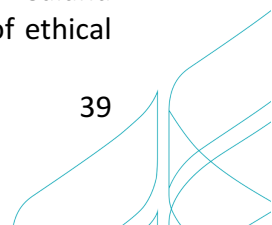
decision-making. They differ from the Australian codes, in that they tend to be both supportive and regulatory. These codes also address professional boundaries, although not as thoroughly and clearly as the Australian teacher-student relationship/professional boundary guidelines discussed above.

The General Teaching Council of Scotland (GTC) has a 'Code of Professionalism and Conduct' (2012). This seems a useful document for the way that it bridges teacher autonomy in professional judgement with regulation. The GTC document states that it is not a statutory code and that 'teachers must use their own judgement and common sense in applying the principles to the various situations in which they may find themselves' (p.5). However, at the same time it does state that 'a serious breach or a series of minor breaches' of the principles may lead to a teacher being deemed 'not fit to teach' and subject to 'imposition of any of the sanctions open to the Council' (p.5).

The Irish Teaching Council's 'Code of Professional Conduct for Teachers' (2016) similarly approaches support and regulation in a helpful way, stating its belief that 'advocacy and regulation are interdependent' (p.2). The code is described as a compass to help teachers steer an ethical and respectful course, but it also has legal standing, used as a reference point for investigative and disciplinary functions and in determining fitness to teach.

The Education Council of New Zealand has a document entitled 'Code of Professional Responsibility: Examples in Practice' (2017). This lays out teachers' responsibilities to society, the teaching profession, their students and students' families and communities. This document is particularly helpful in that it provides lists of appropriate and inappropriate behaviours for each of the commitments and sub-commitments.

Finally, the Vancouver Board of Education has a document entitled, 'Guidelines for adults interacting with students'. This extends issues of boundaries and appropriate behaviour to all adults involved in school life including, for example, parent volunteers. Therefore, it does not focus on professionalism but rather sets out clear guidelines for appropriate adult-student behaviour. This may be a useful addition that helps to further safeguard students.

d) Child protection policies / mandatory reporting

Some research suggests that qualified teachers may feel inadequately prepared to deal with the issue of child abuse (Goldman et al., 2008). Goldman et al (2015) note that literature strongly supports specific training for preservice teachers regarding child sexual abuse and mandatory reporting. However, in their research study with preservice teachers in Queensland, Goldman et al. found that training received by student-teachers on Department policy requirements and directives regarding child sexual abuse and mandatory reporting was 'incidental, sparse and sporadic, rather than sustained and systematic' (Goldman et al, 2011, p. 16) and noted that 'it appears that no Queensland university has a compulsory course of study in Child Protection, or even in puberty, relationships, sexuality and reproductive health education, for student-teachers.' (p.14). They noted that preservice education in Queensland did not reach a standard to engender educators' satisfaction and confidence in student-teachers' understanding of Departmental behavioural and legal requirements (2008). Student teachers also want more information and training than they were currently getting. Specifically, they wanted 'more content regarding child sexual abuse
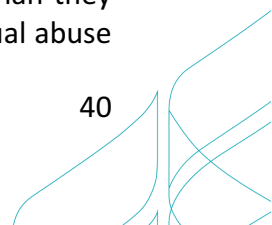
than they currently get, they want it to be integrated with early experiential in-school learning, and they want it delivered just before their first block of practice teaching in schools' (Goldman et al., 2015, p.20).

In some States, these issues are being addressed with mandatory training in child protection. For instance, in 2017 in NSW it was compulsory for all Department of Education staff to participate in an induction or undertake an updated one-hour self-paced on-line module on child protection awareness (NSW Department of Education, 2017). Similarly, in an effort to address gaps between government and independent schools, the Minister of Education in Western Australia introduced revised and extended Standards for Non-Government Schools in 2017. As part of the extensive new standard on the prevention and reporting of child abuse, all non-government schools must provide staff with annual training or child protection policies and their implementation.

Victoria is recognised as a leader in this space at present. This has arisen following the state government inquiry, which came to be referred to as the Betrayal of Trust inquiry, which inquired into the handling of child abuse allegations in religious and other non-government organisations. Following the recommendations of the Inquiry's final report in 2013, the Victorian state government instigated a series of reforms. These include three new laws including making grooming a criminal offence, a failure to protect law for those in authority positions who know someone poses a risk and a failure to disclose law, making it an offence to fail to inform the police if anyone over 18 years suspects that a child has been sexually abused. Another key reform was the introduction of Child Safe Standards in 2016 (Victoria DET, 2016). The 7 Victorian Child Safe Standards are:

> *Standard 1:* Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.
> *Standard 2:* A child safe policy or statement of commitment to child safety.
> *Standard 3:* A code of conduct that establishes clear expectations for appropriate behaviour with children.
> *Standard 4*: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.
> *Standard 5*: Processes for responding to and reporting suspected child abuse.
> *Standard 6*: Strategies to identify and reduce or remove risks of child abuse.
> *Standard 7:* Strategies to promote the participation and empowerment of children.

These have been considered particularly innovative, described as a 'child protection revolution' by shifting the focus from compliance to cultural change, encouraging schools to look 'beyond their documented policies in order to embed child protection into the everyday thinking of leaders, staff and volunteers' (Field, 2016 - CompliSpace). The State Department of Education and Training is supporting schools to implement and uphold these standards through the initiative PROTECT. Similar recommendations regarding the creation of child safe institutions have been advocated in the final reports of the Royal Commission of Inquiry into Institutional Responses to Child Sexual Abuse. In this sense, Victoria is ahead other states in having these reforms already in place (RC – Final Report Volumes 6 and 13).

e) Teacher Professional Standards

While professional boundaries are not explicit in the Australian Teacher Professional Standards (Australian Institute of Teaching and School Leadership, 2011, revised edition, 2017) there is mention of ethical, professional behaviour for each of the four career stages. For graduate teachers 'understand the importance of working ethically' (p.6); proficient teachers 'behave professionally and ethically in all forums' (p.7); highly accomplished teachers 'behave ethically at all times' (p.7); leaders are 'professional, ethical and respected individuals inside and outside the school (p.7).

In addition, under Standard 4: Create and Maintain Supportive and Safe Learning Environments, focus 4.4. is on maintaining student safety and 4.5 on using ICT safely, responsibly and ethically, from graduate through to lead there are responsibilities to use / act and then to support, model etc. behaviours that would align with notions of professional boundaries. (NSW Education Standards Authority document, 2017).

Further, Standard 7: Engage professionally with colleagues, parents/carers and the community, is clearly relevant to professional boundaries. Recognising this, the ATRA Managing Professional Boundaries Guidelines (2015) state that: 'Teachers must also be aware of the standards required of them to meet professional ethics and conduct responsibilities and to comply with legislative, administrative and organisational policies and processes as detailed in Standard 7, focus areas 7.1 and 7.2 of the *Australian Professional Standards for Teachers*.' (p.1).

Teacher training / professional development

Ethical understanding is a key context for development of professional identity and behaviours, with pre-service training an important mechanism for promoting understanding of professional boundaries and preventing breaches. Around 10 to 15 years ago there was growing concern that teachers' ethical understanding was inadequate for the times and needed to be better incorporated within teacher education (Mahony, 2009). Prior to this, concern had been noted as far back as the 1920s/30s, that teaching was behind other professions in terms of articulation of ethics. This difference between professions appeared starkly evident in pre-service training, in a study from the USA (Glazner, 2007), which highlighted that a mandatory ethics course was included in one third to one half of a broad spectrum of professional majors, but only 6% of teaching courses. More recently, Maxwell (2016) conducted an examination across five countries, including Australia, finding that '24% of programs required at least some structured and intentional teaching of ethics' (p.144). Most indicated though, that ethics was being taught but sometimes through integration in other modules. Of the countries sampled, and at the time of the study (2015), Australia had the highest rate, with 50% of initial teacher education courses reported to include a mandatory ethics unit. However, this was based upon self-report by department heads / course instructors who opted to take part; an exhaustive manual search of Australian universities program calendars suggested only 16% of programs included an ethics course. An international trend was noted that the more specialised the teaching course (e.g. secondary rather than primary but especially Master's in teaching) the less likely it was to include ethics.

Chapman (2013) notes that in Australia 'teacher education around ethics is sometimes based within the pedagogy of 'community of inquiry,' which encourages critical, creative and respectful peer-facilitated discussion of stimulus issues' (p.132). Some approaches use case studies and the Borromean Knot decision-making model, and draw on multiple ethical theories to draw out tensions. Others identified by Chapman, situated in early childhood teacher education, offer 'the Ethical Response Cycle, which is a reflective cycle that enables pre-service teachers to work through legal and professional considerations, basic ethical principles, multiple ethical theories, intuitive responses, shared justifications, documentation procedures and retrospective evaluation' (p.132). By comparison, professional bodies such as the Victorian Institute of Teaching and the NSW Department of Education tend to offer different forms of decision- making models that are more linear in nature.

The documentation search identified only a few pre-service modules on ethical decision making (namely, Elrich et al. 2011, Pennsylvannia Department of Education; Connecticut Teacher Education and Mentoring Program). The Educator Ethical Toolkit from Pennsylvania Department of Education (referenced in the QCT Guidelines) is delivered as a three-day workshop, which schools can offer as part of continuing professional development or it can be integrated into a pre-service training course. It contains eight units, including a unit specifically addressing 'Private and Professional Lives' and another specifically on 'Relationships with Students', which helps teachers to find and recognise boundaries. Each unit contains information, case studies and a video case study.

The Facilitator's Guide (2012) from the Connecticut Teacher Education and Mentoring Program provides a range of case study dilemmas and discussion questions to be used with teachers to help them to understand and practice applying the state's Code of Professional Responsibility for Educators.

Complementary safety education for children / parents

There is a wide range of protective behaviour/personal safety programs available for children and most Australian states have adopted a program or curriculum as a compulsory, annual component of schooling. State-wide programs/curriculum currently in use include:

- Daniel Morecombe Child Safety Curriculum (Prep – Year 9), developed in Queensland and also in operation in Victoria and Tasmania
- Child Protection and Respectful Relationships Curriculum (Kindergarten – Year 10), Crossroads Course (Senior Students) in New South Wales
- Respectful Relationships Education (Foundation – Year 12) in Tasmania
- The Keeping Safe: Child Protection Curriculum (Pre-school to Year 12) in South Australia
- Protective Behaviours Child Safety Program (0-18 years) in Western Australia
- Cyber Savvy Curriculum (for students (no age indicated), parents and teachers) in Western Australia

Many require teachers to be trained to deliver the program fully and effectively. The programs cover a wide range of topics, relevant to the age of the child, but even for young children include skills to help them recognise and articulate experiences of sexual abuse, recognise grooming, and better understand issues of cyber safety. In relation to teacher boundary transgressions, these programs act as a complementary mechanism in schools by empowering children to recognise and report abuse. Some programs, such as the Daniel Morecombe Curriculum, have accompanying information for parents to help them to understand what their child is learning and to reinforce the messages at home. Other programs (such as the Protective Behaviours Program in WA) include specific workshops for parents, which help debunk myths around the likes of sexual abuse and grooming.

Evaluative research evidence reviewed as part of the Royal Commission (Kaufman & Erooga, 2016, p.31, p.58, p.60) suggests that children involved in these kinds of programs recall the information they learn and are better able to identify sexually unsafe situations, are at lower risk of sexual abuse in schools, and more likely to report abuse. The research also appears to suggest that exposing children to such interventions do not appear to cause harm or increase children's anxiety. However, as noted in Section 2 concerning a 2015 case, which came before the Queensland Civil and Administrative Tribunal (QCT vs RCJ (No 2) [2015] QCAT 540), protective behaviours awareness training can heighten students' awareness of physical touch, such that reasonable behaviour may be misinterpreted, leading to false allegations of inappropriate behaviour and potentially impacting on relationship building, especially with male teachers.

Similar mechanisms exist internationally, including for example, Webwise.ie a website produced by the Irish Department of Education and Skills' Professional Development Service for Teachers, and partly funded by the European Union to promote European wide initiatives in relation to online privacy and safety. It has resources for teachers to teach digital literacy and safety, as well as resources to help teachers maintain their own privacy. It also offers information for parents to explain the various apps young people use and help them support their child to make safe choices online.

Other

In some international jurisdictions there are advice / support systems in place to help teachers if they need additional advice regarding professional boundaries for themselves or in relation to the conduct of a colleague. For instance the Elementary Teachers' Federation of Ontario in Canada advises its members to directly call their Local President or the Federation's Professional Relations staff in Protective Services for additional advice. In the UK there is a 'Stop it Now!' hotline for teachers who fear they have or are at risk of transgressing boundaries www.stopitnow.org.uk

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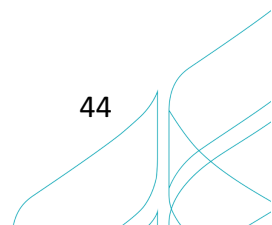
SECTION 5: WHAT IS BEST PRACTICE IN ASSISTING TEACHERS TO COMPLY WITH THEIR PROFESSIONAL AND ETHICAL RESPONSIBILITIES? (WHAT ACTUALLY WORKS?)

The ways in which professional boundaries can be breached and the factors related to these, discussed in Sections 2 and 3, point to the mechanisms that may be most helpful in assisting teachers to develop and maintain appropriate boundaries, and comply with their professional and ethical responsibilities. The typology of offending discussed earlier (in Section 3) provides a framework for addressing these.

Best practice in relation to *predatory* perpetrators of child sexual abuse involves improved screening mechanisms, improved reporting mechanisms and training for children, and support for staff in shifting perspectives and making connections with different bits of evidence when making decisions.

Similarly, mechanisms to prevent *opportunistic* perpetrators include tightening child safe policies and ensuring these are reflected in practice such that opportunities are reduced. Boundaries can also be supported by improved reporting by students and colleagues, and training regarding this for both students and staff. Ongoing ethical professional development workshops may help staff identify potential concerns earlier.

The mechanisms best suited to prevent *situational* perpetrators and blurred boundaries, particularly in relation to young teachers, seem to be the professional boundary guidance, including social media guidance, pre-service training in ethical decision-making and better all-round professional and wellbeing support and mentoring for new teachers to the profession.

In this section we draw together the different the mechanisms and best practice identified in the literature to support teachers, schools and students across these different areas.

Policy and practice

In existing literature (as summarised by the various reports linked to the Royal Commission), along with the direct findings of the Commission's work, it is evident that written policies in relation to appropriate student-teacher relationships are critical (Kaufman & Erooga, 2016; O'Leary et al., 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). These reports recommended that such policies must keep apace with changes in technology (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017) and that individual schools must be held to greater account in ensuring that these are followed and upheld (Kaufman & Erooga, 2016; O'Leary et al., 2017; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). However, concerns have been raised in Victoria regarding how approaches to this accountability might be undertaken. In 2016, Victorian Principals were required by the Victorian Registration and Qualifications Authority (VRQA) to sign a legally binding statutory declaration of their compliance with the seven Child Safe Standards, with some Principals arguing this implicated them as personally liable
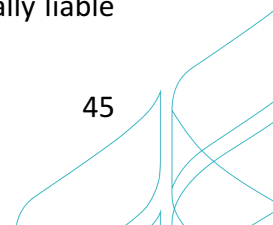
and potentially subject to criminal charges should any child sexual abuse occur at the school during their tenure.

Reports to the Royal Commission point out that there tends to be an over-reliance upon the likes of 'Working with Children Checks' and that these may engender an unfounded level of complacency (Kaufman & Erooga, 2016; O'Leary et al., 2017). While such screening is one tool, it is important to recognise that these checks are unlikely to identify the majority of perpetrators of child sexual abuse, because most do not have prior relevant convictions. Therefore, it is being advocated that it is important to conduct other background character checks, including actively following up references and contacting previous employers. Values-based Interviewing is also being suggested as a method that may help institutions such as schools to employ people at the outset who embody the right values (Kaufman & Erooga, 2016; O'Leary et al., 2017).

However, even with additional pre-employment procedures in place, the overall impact is likely to be limited and the focus must be on creating child safe institutional practices and cultures, such as implementing the 10 Child Safe Standards identified in the Royal Commission final report (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). The Child Safe Standards, as advocated in the final report of the Royal Commission, are as follows:
1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe (listed on p.270 of Volume 13, also refer to Volume 6 where they are initially explained.)

Identified best practice
Across the literature accessed for this review, a wide range of ideas and mechanisms for improving best practice in relation to institutional policy and practice were identified to build upon the existing commitment in Queensland:

- Encourage schools to have open professional dialogue around ethical dilemmas / boundaries (i.e. not just regulations, but the reality of 'messy' grey areas) – conduct regular professional workshops and/or provide time for teachers to engage in discussion in small groups of issues that have arisen and to learn from one another to improve decision-making (this is likely to happen informally, but schools can formalise it more so that it creates an open, supportive culture) (Bernstein-Yamashiro & Noam, 2013a; Forster, 2012; Morris et al., 2012; O'Neill & Bourke, 2010)
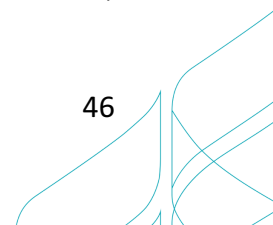
- Improve investigation following child sexual abuse – to conduct thorough institutional system review and to learn from failures and improve policies and practices (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Also, improve record keeping and information sharing regarding child sexual abuse within schools, and between schools / other schools / agencies or organisations (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017)

- Improvements in cultural safety are particularly required in boarding schools and, in particular, more effective support for Aboriginal and Torres Strait Islander children transitioning to and from boarding schools (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017)

- Increase awareness of grooming amongst staff and wider community, including parents (given that it is poorly understood). Regular training should aim to help staff feel confident about what is appropriate / inappropriate behaviour, to better recognise modus operandi and patterns of perpetrators, feel confident to report and how to go about doing so (Kaufman & Erooga, 2016; O'Leary et al., 2017). While the effectiveness of such training is largely unknown (O'Leary et al., 2017), there is some indication that it is helpful and that both web-based and in-person training offer advantages and disadvantages as training platforms for this subject matter (Kaufman & Erooga, 2016).

- Encourage and support children to report sexual abuse and grooming behaviour. They need to know they will be taken seriously and believed, that they are not the only ones to experience it, that it is not their fault (Kaufman & Erooga, 2016) and that they will be kept safe from further abuse, including emotional and physical abuse, if they disclose (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). It needs to be promoted amongst students and staff that no one is exempt from investigation of allegations due to status or prior recognition (Kaufman & Erooga, 2016). This will not only benefit children, but will also create an institutional cultural environment that increases the risk of detection for perpetrators and actively condemns this behaviour.

- Consider how to minimise the risks of staff-student activities that involve working one-to-one or beyond the school day (if these will involve being alone with students), such as lunchtime and after school individual tuition. Alternatives could include offering tuition in small groups or in communal areas (Parkinson & Cashmore, 2017). The South Australian Protective Practices guidelines advise making one-to-one contact public, authorised, timely and purposeful.

- Extend child safety/awareness/protective behaviour programs – and ensure it is mandatory in the non-government sector where approaches to sex education may be different (Kaufman & Erooga, 2016; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Ensure that such programs have an on-line safety component (Recommendation 6.2b,d of RC Final Report 2017). Ensure that accompanying programs are offered to parents covering all relevant aspects
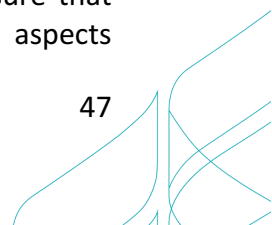
including on-line safety (Recommendations 6.2c,e of the RC Final Report 2017). Seek to more comprehensively evaluate the efficacy of those programs adopted in Australia, for example, the Daniel Morecombe Child Safety Curriculum in Queensland. Ensure processes and procedures are established and all staff are prepared to receive any disclosures from children following their involvement in such programs (Kaufman & Erooga, 2016).

- Raise awareness that Child Exploitation Material ('pornography') in any form, including cartoon, art and literature, is unacceptable and usually illegal in Australia. Ensure staff know that viewing material even 'out of curiosity' or 'to see what it is / how bad it is' could lead to them being prosecuted (Prichard & Spiranovic, 2014)

- Identify independent case coordinators with regulatory authority who ensure all allegations are reported to the police and child protection agencies and who provide a joined-up process from disclosure through to resolution (See Kaufman & Erooga, 2016 p. 62). It is important that there is not reliance on internal disciplinary procedures (these should be in place and robust), but it is important that the QCT and civil authorities are also involved (Parkinson & Cashmore, 2017).

- The Royal Commission recommends introducing a confidential support / information service for staff who think they, or other staff, may be at risk of sexually abusing children / transgressing boundaries. This allows staff to make contact for advice on the behaviour of others. The RC suggest copying the Stop It Now! Model implemented in the UK and Ireland (see https://www.stopitnow.org.uk) (Recommendation 6.2g) (also mentioned in Section 4).

- Critically, it is important that these measures presented here are incumbent upon on all schools in all sectors, given the much higher incidences of reported abuse in the Catholic and Independent sectors in Australia (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017), as well as institutions the greater risk in institutions with a high ratio of male staff (all-boys schools for example) (Parkinson & Cashmore, 2017)

Educator professional codes of conduct / ethics
Codes of conduct and codes of ethics exist across the Australian states and schools, as noted in Section 4. In considering how these might be better leveraged to supporting teachers and school to establish and maintain professional boundaries, the existing literature offers some suggestions:

- These must clearly apply to educator behaviour both inside and outside the classroom (Barrett et al., 2012)

- Explicit consideration should be given to finding the balance between compliance and teacher autonomy, and the different ways notions of value can be interpreted by individuals (Foster, 2012)
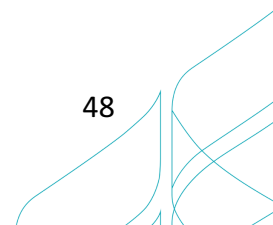
- Codes should be better grounded in underlying principles (Barrett et al., 2012, p.896): concern for student welfare (versus personal harm), concern for community standards (versus violating public/private boundaries), objectivity in teaching and evaluating students (versus subjectivity), and integrity (versus behaviours that compromise professional standards of service)

- They should include decision-making rules or guidelines for when principles appear to be in conflict (Barrett et al., 2012)

- They should include as many examples as possible (perhaps referring to an on-line site or appendix so that individual documents to do not become too unwieldy) (Barrett et al., 2012)

- Codes of conduct need to be as unambiguous as possible. For example: Can teachers drive students in cars? Yes, or no, or at the teacher's discretion depending upon the situation? Is this a school level or state level decision? How will this be enforced at school/state level? (Bernstein-Yamashiro & Noam, 2013a). The clearer the boundary lines, the easier it is for teachers to maximise what they can positively give to students through teacher-student relationships (Bernstein-Yamashiro & Noam, 2013c). Clarity also helps to reduce stress, anxiety and teachers' sense of isolation around ethical and boundary dilemmas (Bernstein-Yamashiro & Noam, 2013c; Chapman et al., 2013; Colnerud, 2015; Ehrich et al., 2011)

- It is likely that there is considerable room for improvement by reviewing all of the existing codes and identifying areas of consensus. For example, a thorough study in Canada concluded that individual codes are 'a fragmentary portrait of the ethical obligations of the teaching profession' (Maxwell & Schwimmer 2016, p. 471).

It is also argued that teachers need a greater sense of ownership over professional ethics, with early research in Australia suggesting many teachers consider ethics to be 'removed from daily working life … and even though most had experienced ethical dilemmas, the greater majority were unable to distinguish these from poor practice' (Coombe, 1997 cited in Chapman et al., 2013, p. p.131). Improving pre-service education around ethics, and basing this upon state codes of ethics and codes of conduct may help in this matter, with a study from Victoria illustrating that third year teaching students were not at all familiar with the code of conduct for the state (Morris et al., 2012). This then needs to be accompanied by a commitment in schools to providing opportunities for on-going reflective dialogue, exploration and professional development around the application of the codes in their context, to help values to become internalised and new dilemmas to be discussed (Bernstein-Yamashiro & Noam, 2013a; Forster, 2012; Morris et al., 2012; O'Neill & Bourke, 2010).

Addressing human reasoning error in schools
A Report for the Royal Commission (Munro & Fish, 2015) highlighted that typical responses to issues of institutional child abuse have been to focus on providing more training, to heighten emphasis on the importance of vigilance and to create more detailed policies.

However, the report highlights that, while these are of course part of the solution, they have still not been sufficient to protect children to date. As such, the report argues that it is important to go beyond human error to look at features of the work environment that contribute to human reasoning error – that is, why institutional staff may not identify or report abuse / suspicious behaviour. As Munro and Fish (2015) point out, in other sectors in which human safety is paramount and the risk stakes have a low probability but a high impact (e.g. the aviation, nuclear or healthcare industries), it is no longer seen as sufficient to attribute failure to individual error, particularly in terms of learning and encouraging safer practices in the future. This links to the importance of institutional factors highlighted in Section 3 above.

In considering how organisations might act to improve human reasoning in relation to identifying and reporting child sexual abuse, the report states:

> Organisations have a major part to play in creating the conditions in which errors of reasoning can be quickly picked up and corrected. They can do this by providing mechanisms for staff members to talk through their judgements and encouraging a culture of critical reflection (Munro & Fish, 2015, p. 6).

Munro and Fish (2015) highlight that it is important for staff to know that they can report suspicions confidentially to senior staff. It is also important that senior staff have tools to help them to re-evaluate their judgements about individuals, and review and make connections with prior pieces of evidence, particularly counterevidence. Checklists and frameworks have been proven to be powerful for this in the health sector. Alternatively, a colleague who takes the role of 'devil's advocate' or (perhaps preferably) a skilled external confidential advisory consultant may be helpful in talking through allegations. The benefit of an external service is that they can help senior staff to look objectively at the evidence or allegations, without bias based upon working relationships. In addition, they generally have a breadth of accumulated experience, which most staff in schools will not have because they rarely encounter someone who is grooming or abusing a child.

Munro and Fish (2015) advocate that there needs to be a shared understanding of how difficult it can be to detect and respond effectively to abuse to keep it high on the agenda. Also, that there is a risk of 'drifting into failure' over time - it is critical that the momentum of monitoring performance and maintaining child safe practices is maintained over time.

Pre-service training – in ethical understanding and decision-making

It is clear from the literature that for teachers to manage their professional identities and boundaries there is a need for a strong grounding and training in ethical understanding and decision-making. Wiggins (2006, cited in O'Neill & Bourke, 2010) defines ethics as 'the philosophical study of morality. Ethics concerns not just: (1) the substance, nature and extent of morality but also (2) the reasons why people choose to act morally and (3) questions regarding the 'truth, objectivity, relativity' of their moral judgements, together with the logic that approves of some acts and disapproves of others.' On this definition, education in the ethics of teaching would focus on the quality of reasoning that informs
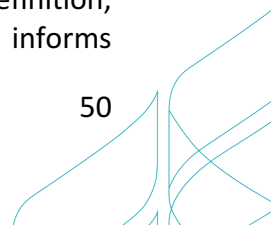
teachers' judgement and conduct, 'its notions of consistency and implication, its aspirations to truth, and the whole variety of forms of argument or persuasion for which it makes houseroom')' (Wiggins, 2006, cited in O'Neill & Bourke, 2010, p.161). Rather than just focusing on boundaries in regulatory terms, pre-service training needs to include preparation for the emotional labour and ethical dilemmas of teaching (Aultman et al., 2009; Barrett, 2012; O'Neill & Bourke, 2010). This includes their important role in supporting students and where the boundaries lie in this regard (concerning care and control etc.).

Pre-service training therefore needs to involve more than education about ethical codes and guidelines. Maxwell & Schwimmer's (2016) analysis of (13) Canadian teaching code of ethics shows that 'basing the content of ethics education for teachers narrowly on the content of a code of ethics runs the risk of conveying an incomplete picture of the deontology of teaching, muddying the distinction between ethical obligations and associative obligations, and excluding in advance richer aspirational conceptions of teacher professionalism'. Foster makes the following point about compliance-based codes (of which there are few in Australia): 'The assumption that breaking the rules equates with ethical misconduct can impact on moral agents' motivation (E. T. Higgins, 1996) and promote 'deference to authority' rather than 'grounded ethical confidence' (Cigman, 2000). Genuine confidence in one's ethical beliefs and judgements cannot be replaced by the kind of confidence one gets from deferring to authority' (Forster, 2012, p. 7). However, new graduates in particular, may have little confidence, preparation or experience in making sense of ethical beliefs and making appropriate ethical judgements, particularly when faced with an ethical dilemma.

Drawing on the work of Feeney and Freeman (1999), an ethical dilemma is defined by O'Neill & Bourke (2010) as 'a situation an individual encounters in the workplace for which there is more than one possible solution, each carrying a strong moral justification. A dilemma requires a person to choose between two alternatives, each of which has some benefits but also some costs' (p.166-167). Shapira-Lischinsky et al (2011) found that many ethical dilemmas stem from lack of confidence in educational abilities and a sense of failure to act properly. This suggests the need for ethical guidelines to provide tools for dealing with dilemmas and greater clarification and more transparent sense of teachers' ethical knowledge and the beliefs and values that underlie that knowledge.

Forster (2012), citing Mergler (2008), states that most pre-service teacher training does include units on ethics and values in relation to teaching, classroom management, moral development and the like, but (at that point in time) there was little focus on ethical philosophy and as such the development of moral reasoning. There are rarely easy answers in socio-relational issues in teaching (Colnerud, 2015) and Chapman (2013) points to a real risk of 'relativism and moral despair' (p.132); despite the different formats and theories to draw upon in teaching, students can still be left not knowing what to *do*. Chapman (2013) advocates, 'the use of ethical guidelines is recommended … to give teachers 'limits and tools' to prevent distortion of judgment' (p.133).

The literature indicates that there has been a growing shift in teacher preparation programs in Australia to better assist teachers with ethical and moral reasoning. There are a number of models to assist teachers understand and make sense of the multiple forces surrounding complex ethical dilemmas, for example the model proposed by Elrich et al. (2011). Methods
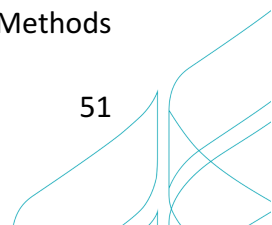
used within these include using case studies, problem-based learning, observation, reflection and encouraging a framework for on-going reflective practice (Aultman et al., 2009; Elrich et al., 2011). 'Teachers need to be able to think *and* act ethically … it is not sufficient for teachers to know what ethics are' (O'Neill & Bourke, 2010, p.161). Hence, they need skills as well as knowledge.

An important part of training is assisting pre-service teachers to better construct the identity of the teacher role, including how much of their 'self' to put into student-teacher interactions (Bernstein-Yamashiro & Noam, 2013c). As Aultman et al. (2009, p.644) point out, 'teachers' beliefs about what is appropriate and beneficial are inherently tied to their teacher identities'. In terms of professional ethics, it is important for graduates to understand that they need to embody ethical knowledge and responsibilities – in their role they are both moral agents and values educators (acting on behalf of society) (Forster, 2012; O'Neill & Bourke, 2010). These issues are particularly important for young trainee teachers to reflect upon (particularly those who will be working with students not much younger than themselves) (Bernstein-Yamashiro & Noam, 2013c). This is likely important, not only for graduates, but in professional development for teachers to help them clarify and deepen their ethical understandings (Forster, 2012; O'Neill & Bourke, 2010).

While this section has focused on training in ethical understanding and decision-making, a few other areas are highlighted as needing specific training to assist with professional boundaries, including:

- Training for PE teachers needs to specifically incorporate reflective practice around touch / child protection
- Thorough and direct training on child protection and recognising and reporting teacher sexual misconduct (RC final report, recommendation 6.2f).
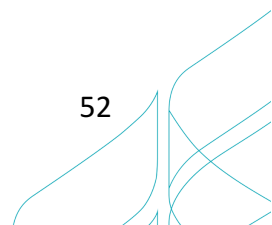
CONCLUSION

This report has presented the findings of a comprehensive scoping review of academic and grey literature aimed at investigating and analysing factors related to teachers transgressing their professional boundaries. Establishing boundaries is an important part of the work of teachers, contributing to the development of a professional identity and enabling them to form effective, enabling relationships with students, such that both students and teachers are protected. However, developing and maintaining professional boundaries can be a complex process of maintaining equilibrium in an environment where there are multiple and competing expectations and challenges.

The scoping review was framed by three overarching research questions:

- What are the factors that relate to teachers transgressing their professional boundaries?
- Are there different influences per different demographic groups? e.g. Gender/Age
- What is best practice in assisting teachers comply with their professional and ethical responsibilities?

In relation to the **first research question**, the scoping review identifed different types of boundary transgressions. Drawing on the work of Aultman et al. (2009), most guidelines organise these into categories of emotional, relationship, power and communication breaches, with some also including financial or physical breaches. The nature of the breaches can be complex, including boundary crossings and boundary violations (Bird, 2013).

Some breaches are not necessarily exploitative in intent and may come about from a teacher's well-intended endeavours to assist a student. The literature notes, however, that such breaches may constitute a 'slippery slope' - that moves beyond acceptable practice to inappropriate actions harmful to the student. Avoiding boundary crossings requires staff to have an awareness and understanding of the importance of boundaries and how to establish and maintain these. Some contexts require closer, considered attention. For example, teachers may be at higher risk of situations concerning blurred boundaries if they live and work in rural, remote or small communities; have a 'dual' relationship with students such as being a coach or extra-curricular instructor for activities outside of school; use social media as part of their professional practice; frequently work alone with students; are a young, inexperienced teacher; and/or have mental health difficulties or social or emotional difficulties in their personal life.

Other boundary violations can be directly harmful to students, exploiting the teacher-student relationship, undermining the trust that students and the community have in teachers, and causing profound harm to students. Most of the literature reviewed focuses primarily on transgressions in their most serious forms, with particular emphasis on sexual misconduct. Identifying potentially concerning situations and individuals is of key importance. A typology of offenders, outlined in a recent review published as part of the Royal Commission into Institutional Child Sexual Abuse (O'Leary et al., 2017), provides a useful framework for identifying the different factors and how these may play out within
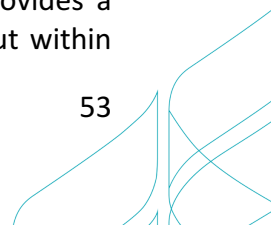
school contexts. Perpetrators of sexual abuse within institutions are seen as typically being either: predatory (those who are sexually attracted to children and who use grooming in an intentional, premeditative way); opportunistic (those who have poor impulse control, lack social boundaries or social conformity); and situational (encompassing grooming and abuse perpetuated by individuals who are not specifically attracted to children and tend to be otherwise law abiding).

In relation to the **second research question** concerning demographic distinctions, the literature suggests boundaries are transgressed by male and female teachers across a range of ages, as well as those teaching at different levels. *While impossible to draw definitive conclusions based on the limited data and evidence linked to demographic characteristics*, some broad trends can be identified. These include: the majority of institutional child sexual abuse is perpetrated by males; younger teachers appear to experience more errors of judgement; more sexual misconduct appears to happen at secondary school level; and age seems more relevant for females, with more convicted of sexual misconduct with secondary students closer to their own age.

These demographic characteristics interact with other personal factors such as approaches to pedagogy, preconceived notions of 'love', teachers' own mental health, and personal morals. Such factors can act in combination with student factors, such as behaviour that is flirtatious, provocative or vulnerable, to increase the likelihood of teacher boundary transgressions, including sexual misconduct. In addition, institutional factors, including the physical environment, poor policies and procedures, and school culture, bear a strong influence upon institutional child sexual abuse (and, presumably, other professional boundary issues).

The **third research question** involved identifying best practice in assisting teachers comply with their professional and ethical responsibilities. Best practice, as presented in the literature, generally involves a range of strategies or mechanisms to reduce all modifiable risks as far as reasonably possible. These mostly revolve around having clear policies and procedures, as well as training, both of which ostensibly guide ethical conduct and good practice.

Policies to support schools to reduce risk include pre-employment policies and screening mechanisms, designed to reduce the likelihood of individuals who are more likely to transgress boundaries from being employed in schools. In addition, reporting policies and procedures are required for staff, students and others, to report any concerns. Education and training is therefore essential for staff and students to be able to use reporting mechanisms. The introduction and implementation of child safe standards will encourage schools to move beyond compliance toward cultural change, embedding child safety into everyday practice (for example, the Victoria Department of Education and Training PROTECT Child Safe Standards, 2016, and the Child Safe Standards identified in the Royal Commission into Institutional Responses to Child Sexual Abuse final report, 2017). In addition, codes of ethics and conduct, in which child safe standards are embedded, can potentially provide aspirational and regulatory guidelines, in conjunction with supporting guidance about how to enact ethical principles in practice.
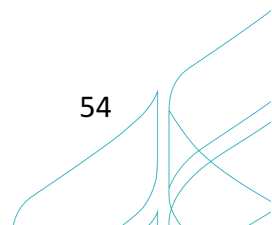
While the issue of teachers transgressing professional boundaries is far from new, along with countless reports and inquiries into children's safety in families, schools and the broader community, the recent Royal Commission into Institutional Responses to Child Sexual Abuse has ushered in an unprecedented era of transparency, accountability, compliance and culture change. Maintaining an explicit and persistent focus on the complex issue of professional boundaries in the context of schools is critically important for children and young people as well as for teachers. The school education environment is constantly changing and adapting to new technologies, information, expectations and innovation. Hence, any training around professional boundaries needs to be adaptive and keep pace with this. Understanding and using social media effectively and appropriately, for example, will require close and ongoing attention. Further, teachers being professionally developed in terms of ethical understandings and decision-making is critical to establishing a strong professional identity, a characteristic that emerges in the evidence as key in maintaining appropriate professional boundaries.

It is clear from the findings of this review that adequate training, professional learning and support is critical, both in pre-service teacher education and as part of ongoing teacher development. This needs to go beyond training in understanding policies and following procedures for reportable conduct but also in developing and sustaining cultures in schools that reflect the status and voice of children as human persons worthy of dignity and respect. Such cultural shifts help to interrupt power dynamics in teacher-student relationships that may otherwise be tacitly or explicitly exploitative, diminishing or damaging.
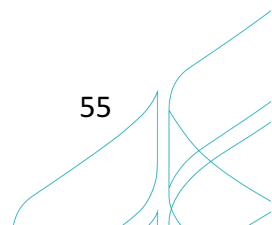
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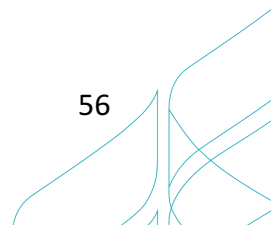
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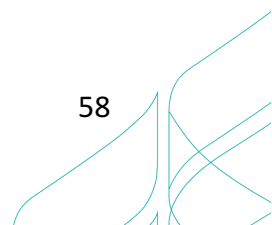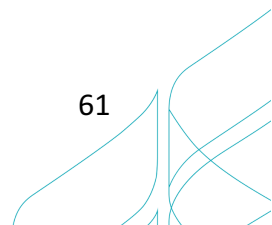
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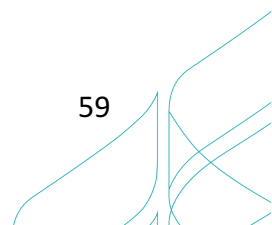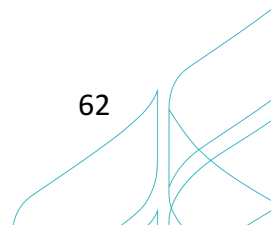
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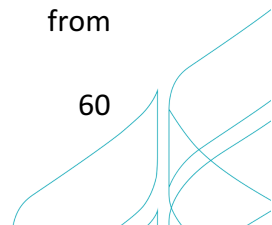
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