

# **Australian School Teachers And Their Experience With The Law: What Do Practising School Teachers Know About The Law And How It Impacts Them In The Performance Of Their Professional Duties?**

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**Abstract :** *With the increasing legalisation of many professions, including school teaching, the need to possess a certain degree of legal knowledge in order to perform your professional responsibilities has changed. There is now an increased need to possess such knowledge and it is posited that there will be a further increase in this need. School teachers in Australia find themselves in a position where they need to possess a degree of legal knowledge because the world in which they operate has changed significantly. Reasons for this change are varied, but primarily include an increase in litigation and changes to expected social responsibilities. Whilst few may argue that school teachers require the same degree of legal knowledge as a professional accredited legal practitioner, it is submitted that there is an increasing legalisation of the teaching profession meaning that teachers require a significant grasp of both civil and criminal law in order to avoid potential litigation and to fulfill societal expectations of their roles. But what knowledge do school teachers currently possess? This study uses focus groups to assess the legal knowledge held by Australian school teachers in an endeavour to determine the adequacy of this knowledge.*

**Keywords:** *Legal Education For School Teachers, Law, Professionals, Schools, Teachers, Professional Responsibilities.*

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## **I. INTRODUCTION**

Students expect their teachers to know everything – they are yet to learn this is impossible, and that the gift of knowing how to learn is of far greater value.[1]

These comments from American historian Henry Brooks Adams provide a somewhat felicitous starting point to this paper. In this quote, Adams implicitly acknowledges that teachers are unique individuals in our society who have historically been of immense value. The role of a teacher has always been a very important and difficult one, but it has become increasingly more complicated and burdensome because of its legalisation. As a result of the law, school teachers now face challenges in the performance of their professional duties that they have either never faced previously or never faced to the same extent.

This paper is based on a perception that teachers are increasingly becoming involved in situations which have distinct legal characteristics when they have little formal understanding of the legal system.[2][3][4][5] The increased expectations on teachers now make it imperative that teachers better understand the dynamics of these types of legal situations and are better equipped to deal with them as they arise. It is through gaining an insight into the legal world in which they work that teachers become better able to deal with potential problems and this makes them inherently more confident teachers.[6]

In order to better understand the legal knowledge currently held by school teachers in Australia, this paper uses focus groups as a data gathering tool. This paper reports on data gathered from a selection of school teachers that participated in four separate focus groups. The data from these focus groups is discussed and analysed in order to present a picture of the level of legal knowledge that school teachers have about the law and how the law impacts the performance of their professional duties.

## **II. FOCUS GROUPS**

Given the ethnographic nature of this project, focus groups emerged as a way of developing an understanding of the nature of the work of teachers and the law that affects them in the delivery of their professional duties.[7][8] Since, according to Woods, the basis of ethnographic research is to determine great detail about a particular subject, which Woods likens to an artist working with finite detail to create a masterpiece, it is submitted that focus groups are an excellent way to achieve this purpose. Indeed Woods notes:

[In ethnography] ...great attention is often devoted to the intricate detail of the picture, and the ethnographer, like the artist, works with great care at capturing both the general and the essential characteristics, and the myriad of finer points which underpin them.[9]

Focus groups have long been associated with the conducting of ethnographic research.[10][11] In its simplest form a focus group consists of a select group of individuals being asked a series of questions designed to establish their reactions to certain topic areas. As Bouma puts it:

In the focus group, a group of people agree to meet with the researcher and to discuss among themselves issues raised by the researcher.[12]

But it should be noted that, a focus group interview is much more than just a random conversation amongst participants conducted in the hope that useful data emerges from it. Rather a focus group interview is a conversation with a predetermined and definite purpose. But not such a predetermined purpose as to limit the potential for a full picture of the situation to emerge via the participants. This is an important distinction that separates focus groups from other more conversational based research methodologies.[13] Focus groups have been used for this research paper in order to gather data about the level of legal knowledge that school teachers hold. Focus groups were specifically used because they permit a free and full range of responses to be given to an area of concern in ways that other methods such as surveys or questionnaires may limit.

## **III. FOCUS GROUP INTERVIEW SCHEDULE**

The questions posed to any focus group are critical.[14] Very different data can be obtained through the use of focus groups depending upon the questions that are put to an individual group. A researcher needs to be very careful not to consciously or otherwise pressure the group or lead the group to thinking that they need to provide a certain set of responses.[15][16][17] That is, the interviewers role is to ensure that bias is removed from the focus group environment.

To that end the focus group participants for this research project were asked to think of an issue or a problem that had arisen at a school they had been employed at over the last five year period. This method of questioning or direction to the focus group participant permitted the participants to report on any matter that they wished. As apposed to what may have occurred if focus group participants were told to discuss a particular scenario or a particular topic like criminal activity for example. The participant was therefore not prejudiced into a preconceived notion of the type of issue or problem that the interviewer envisaged they were hoping to report on.

## **IV. FOCUS GROUP PARTICIPANTS**

A total of four focus group sessions were held with Australian school teachers for the purposes of this research study. In total this involved 53 participants. Individual group sizes varied between as few as 8 participants to as many as 16 participants.

Participants of these focus groups were constituted either by the school to which they belonged or as a result of a membership of a common professional association. Thus, one of the focus groups was constituted entirely of executive level teachers including head teachers, either from primary or high schools, while one other group comprised teachers exclusively from a high school. The remaining two focus groups consisted of teachers from primary schools, including a kindergarten department. Given the number of focus groups conducted, this has ensured that a reasonable cross section of school teachers has been obtained for the purposes of this study. The following table indicates the specific demographic characteristics of these focus groups.

Table 1  
Demographic characteristics of focus groups

Category	Number
<b>Gender</b>	
Female	35
Male	18
Total	53
<b>Age</b>	
20-30	1
30-40	7
40-50	25
50-60	17
60+	3
Total	53
<b>Years of Teaching Experience</b>	
0-5	0
5-10	6
10-15	14
15-20	26
20+	7
Total	53
<b>Level of education taught</b>	
Kindergarten	8
Primary School	22
High School	23
Total	53

#### V. ANALYSING FOCUS GROUP RESULTS

After a focus group session is concluded a number of tasks need to be undertaken in order to develop meaningful data which can then be analysed. Knodel describes this process in as having two essential parts, these being “a mechanical one and an interpretive one”.[18]

The mechanical process referred to by Knodel is a logical first step in the organisation of material. It involves a transcription of all material that was recorded during a focus group session. This information is supplemented by notes that the interviewer has made during the conducting of the session. These notes can be very important in the conceptualisation of the information provided by any participant which may not be directly evident from the audio tape version of the session. For example, a participant may point to something or smile or shrug their shoulders and each of these events could have a specific and important context to what they have intimated. Therefore the transcript which is produced needs to be supplemented with this information wherever it is available. This process is consistent with the views of Kvale, who in particular detail describes not only the practical difficulties of this process but also the consequences and limitations of the data gathered if this process is neglected or not undertaken in a regimented manner.[19]

Following the mechanical process is the interpretive stage. This stage can be just as complex and time consuming as the mechanical stage. As Burns describes, it involves taking all of the information provided from the transcript and putting it into manageable and meaningful form.[20] This involves segmenting or 'chunking' of the data and its categorisation. Knodel suggests that these categories be kept as broad as possible and that the key criteria in the categorisation should be with regard to the similarity of the topic that the participants are making a comment upon.[21] Clearly this process means that the researcher needs to make a choice about how the data is categorised or 'chunked'. Knodel states that material should be categorised "into analytically distinct segments." [22] Knodel further states that the process of categorisation is helped because:

...topics for analysis are generally dictated by those included in the focus group guidelines. [23]

The classification or categorisation of this information is undertaken in order to achieve the intent of the focus group. That is, to allow the most comprehensive picture of the research topic to emerge as possible. Morgan notes this implicitly in stating that the categorisation of the focus group material needs to be consistent with the purpose of the focus group that is "...to understand why..."[24] To this end quantification is not a useful tool in seeking to categorise information. This is an aspect of focus groups that is often misunderstood.

Implicit in this process is the notion of subjective judgement. It is inevitable that the researcher must use subjective judgement in the choosing of the categories to use to segment the data and then choose which data to include in those categories or sub-categories of information. A further element of subjectivity is contained within the notion that the researcher must then decide which examples they choose to report upon as providing typical or atypical examples of a particular category of information. It is this very subjectivity which as Charles and Mertler note leaves the focus group open to criticism.[25] Nevertheless focus groups have for a considerable period of time been recognised as a useful tool for gathering information in ethnographic research projects and they were chosen for use in this study as they allow for a much greater detail of information to emerge vis-a-vis other forms of restrictive research instruments such as surveys or questionnaires.

## **VI. FOCUS GROUP RESULTS**

All focus group sessions conducted for this study were recorded and then transcribed. From the transcripts, three distinct areas of concern emerged from each of the four separate focus groups that were conducted. Within each of these area of concern further sub-categories became evident and are reported on below. The three distinct categories to emerge were injuries, crimes and some other type of work related responsibility. The sub categories to emerge under the injury categorisation were injuries to students, injuries to teachers and injuries to visitors to the school. The sub categories to emerge from the crime categorisation were crimes affecting students, crimes affecting teachers and child protection matters. The sub categories to emerge from the other type of work related responsibility were truancy and occupational health and safety. Participants were individually assigned a number between 1 and 53 to enable their comments and views to be reported on confidentially.

## **VII. FIRST LEGAL CATEGORY – INJURIES (GENERALLY)**

Participants of all four focus groups were able to identify a range of incidents involving injuries that had affected students, teachers or visitors to the school location. As one participant remarked:

...we've had quite a lot of injuries at our school...there's always the fear of some type of legal action...you know - we weren't supervising properly so we're blamed and potentially sued if anything goes wrong.

The types of injuries noted appeared to vary depending on the nature of the group. Perhaps unsurprisingly, the kindergarten group related stories of students who had been injured on playground equipment, whilst high school teachers related instances of students who had been injured at sporting fixtures, during science experiments, by industrial machinery or during work experience.

The analysis of the transcripts revealed a range of injuries, including those to students, staff and visitors to the school. These injuries have therefore been sub categorised to assist with analysis. The following discussion provides a summary of the responses to each of these sub categories and thus provides a window to their collective knowledge of the law.

### **VIII. FIRST LEGAL CATEGORY – INJURIES TO STUDENTS**

Each of the four separate focus groups identified the injuries to students category. Responses appeared to vary depending upon the age level of students the teachers had come into contact with. Participant number 29 summarised this point when they remarked:

I've been a teacher for 28 years and I've had the experience of working at both high schools and primary schools and I've seen dozens of injuries...you might think that it's the younger kids that get injured more often but that's not the case.

Another teacher added:

Since my school is involved in a lot of contact sports there seems to be a lot of injuries to the boys...particularly broken bones.

And participant Number 51 made specific reference to the types of students she had come into contact with in the following comments:

It's not common but I have come across a few accidents of our kids...particularly during work experience...we make it compulsory for them to do the experience so I get really worried when one of them gets injured.

Of note was the reactions of these teachers when prompted on what they should do in these situations. Comments recorded indicated that participants seemed confused and lacked direction with regard to the legal consequences of the situations. The participants reported that their first reaction was to seek medical assistance but not to think about the legal ramifications. The remarks of participant 19 provides an example of this:

I don't think about the legal stuff...I have no idea about the law...I think firstly about the student...if I think about the student first then I can't be sued for anything...can I?

Additionally participant number 31 noted that:

...I don't know much about the law here... I just know to do what's right...morally right...what I would do with my own children...if I do that then I'll be safe.

Teachers, although having the best intentions for the medical welfare of the students, lacked the knowledge for identifying potential areas of tortious liability. Take for example the following comment from participant number 12 which illustrates the lack of understanding of the issue of vicarious liability:

...so they get injured on the equipment...it's not us they sue but the department...it's not our fault that the department won't fix the stuff (faulty/dangerous equipment).

### **IX. FIRST LEGAL CATEGORY – INJURIES TO TEACHERS**

Three of the four focus groups identified injuries to teachers. All of the injuries noted were minor, that is none involved death or permanent disability.

Participant 39 remarked that:

I was injured one time...but it wasn't serious...I got hit by a volleyball when I was supervising sport...and I know of another teacher at my school who is a very big person that the kids make fun of, who was squashed into a goal post as a joke by some students...she suffered a few bruises.

Similarly participant 2 noted:

I have a friend who was quite badly injured...she fell off a ladder putting up decorations in her Kindy classroom because she is short and there was no one else to help her...she had a badly bruised leg and missed a few days off school.

Injuries of a minor nature, eg. cuts, scrapes, bruises, that they had suffered at some stage of their teaching careers, were identified by participants. Although a reluctance to classify them as injuries was present. As one teacher stated:

I get a few knocks all the time...but that's really just part of being a teacher...we deal with kids.

When teachers came to discussing how the law applied to their situation, a lack of understanding became apparent. Comments recorded demonstrated a lack of knowledge about Occupational Health and Safety issues or at least a reluctance to lodge a statement of injury. There seemed to be a belief that to do so would result in victimisation of the injured teacher. Participant number 1 made this very clear when he stated:

Yes I fell off a ladder...did I write an accident complaint? Well of course not...unless you break your leg or something like that there's no point. If I reported every single time I was injured I'd forever be filling in paper work and I wouldn't have many friends left.

Similarly participant number 8 noted:

If I filled in accident reports for every time I cut my finger I'd never get any teaching done...but I guess there has to be times when you have to know what the law is in relation to accidents and yourself and I guess I don't really know when to draw the line...when does an incident become an accident or when does an incident become worthy of getting a legal opinion on? When do we cross that line? That's what I'm not sure of.

And participant number 4 stated:

I was at a school where one teacher was injured a number of times and didn't report it. Everyone knew that there would be trouble for everyone if they did.

## **X. FIRST LEGAL CATEGORY – INJURIES TO VISITORS TO THE SCHOOL**

Only one of the four focus groups identified an injury to a visitor to the school. At this particular school the injury to the visitor involved a visiting circus group which had organised a special show for the school, which was held on the school grounds. The incident involved one of the circus's trapeze artists falling from a high wire and breaking their arm. The school involved did not believe that it was responsible for the accident but was later surprised to find out that it had been named in a court action as a defendant, in a claim which alleged negligence. Participant 22 remarked thus:

To say we were stunned was an understatement...the guy missed his mark...dropped to the ground and broke his arm and collar bone...we were concerned but we never suspected...or at least our first reaction wasn't that "oh no we could be sued for this"...rather we were concerned for the guy's safety...perhaps we should have been thinking of potential legal action?

On the same topic another teacher (participant 23) noted:

The manual (staff instructions) certainly had nothing in it about this.

## **XI. SECOND LEGAL CATEGORY – CRIMES (GENERALLY)**

Participants of all of the four focus groups identified crime as an area of concern and direct relevance to school teachers. Comments were recorded as indicating that teachers believed that crimes were increasing in number and severity within their school communities and that they needed a thorough understanding of how the law functions in this area. The comments of participant 41 highlight this point:

I know that I've been witnessing an increase in the level of crime at my school...not just petty crime, although there's an increase in that as well, what concerns me is the use of drugs, violent student behaviour and in one case even prostitution.

From the transcripts it was possible to break down the participants' responses into three main areas of concern. Those being crimes which affect students, crimes which affect teachers and child protection matters. These areas have thus been sub categorised and a discussion of the data for these sub categories follows.

## **XII. SECOND LEGAL CATEGORY – CRIMES AFFECTING STUDENTS**

Crimes affecting students ranged from students' use of drugs, to theft, to possession of illegal items, and assaults (including sexual assaults). Reports of the concern that the levels of intensity and frequency of these instances were rising were noted.

Violence was one of the issues raised by each of the four focus groups. Importantly there was a distinction made by participants between the perceived levels of increasing violence made by teachers and the attention given to the issue by the media. Thus participant number 11 noted:

I know there's a reluctance by the department to act because they just think that the media over reacts and concentrates on gang violence at schools because it's sensational stuff that gets ratings on 'A Current Affair' and the like. The truth is that there's a real problem in schools. I know, I've seen it first hand and it's getting worse.

The following comment makes it clear that there is an underlying fear in the teaching community about an explosion of violence:

My school's getting more and more difficult to work in...I know a lot of it comes from the parents but its bloody hard to teach kids who come to school with these problems who as a way of releasing their problems engage in what I could only describe as gang warfare...this will blow up sometime soon.

Participant Number 18 noted that:

I have to break up fights at least once a week...now that's an assault isn't it? How do I know when I have to report it to the police?

The focus groups' responses revealed that teachers lacked knowledge in determining what constituted a criminal assault which needed to be reported to the police and what simply constituted a playground scuffle. Clouding this judgement was the belief that the field of education was becoming increasingly legalised and as a result teachers were more and more uncertain of their rights and responsibilities. Participant number 18 put it this way:

There was a time when I knew just what to do in every situation but those days are now long gone.

Three of the four focus groups also made reference to the increasing use of drugs within their school communities. Participants made comments which identified concern at an alarming increase in the level of usage and supply within the school grounds. Participant number 44 noted that:

The students seem to be experimenting more and more with drugs...the law doesn't seem to be doing anything about it at all...we've reported dozens of students to the police about drugs but nothing ever happens...I'd like to be able to catch them in the act or at least search their bags for the drugs...which I know some students do bring to school to sell but...we're not allowed to do that...

Showing a lack of understanding of the issues of criminal law and in reaction to participant 44's comments, participant 48 stated that:

It's ok to search their bags...since they're minors they don't have the same legal rights as adults...you won't get in trouble from the police if you search them or their bags...even though the students aren't happy about it I've done it several times...

These comments by participant number 48 provide just one of the numerous examples of situations observed during the course of the focus groups where teachers firmly believed that they knew and understood

the law but were incorrect in their knowledge. This example clearly shows a situation where the teacher is misguided about the legal status of bag searches.

Some misunderstanding and confusion also seemed to be present in the comments recorded which discussed instances of potential sexual assaults between students at a number of different schools. Participant number 15 recounted a situation thus:

Students at my school seem to be experimenting with sex younger and younger. Many of the girls tell me that they aren't interested in sex but they feel they have to do what the boys want or they won't be popular. A couple of times girls have come to me and told me that they didn't want to go through with having sex. But I didn't know what to do, if the students are under the age of consent they can't claim rape can they?

What seemed of real concern to the participants in this field of response was the lack of involvement of the police in criminal issues. Indeed there were perplexed comments from individuals as to how the criminal law worked, noted by the response of participant number 15:

I thought that if students assaulted someone they'd also be arrested and punished...assaults are a daily occurrence at our school and the police don't do anything...as a result our principal refuses to report these incidents anymore...what are we supposed to do now? Do we have a duty to report crime?

### **XIII. SECOND LEGAL CATEGORY – CRIMES AFFECTING TEACHERS**

Crimes affecting teachers were also identified as an area of concern. Participants reported instances of assault by students upon teachers and criminal damage to property. One participant had experienced a number of forms of criminal activities perpetrated by students:

I know I'm a tough teacher...there's nothing wrong with that...but I do suffer grief from it...I've had my car vandalised...and I've been assaulted several times...since the assaults are what the principal terms 'of a minor nature' he won't do anything about them...he refuses to support me in reporting the incidents to the police...what am I supposed to do without his support?

And another teacher noted:

While I've never had my tyres slashed I know of several teachers at this school who have had their cars vandalised or stolen from the teachers' car park...the police aren't sympathetic at all...we've been able to identify to them the kids we knew were responsible but they don't do anything...they just keep saying that the courts will let them off...just how does the criminal law work?

Focus group participants appeared to lack a thorough understanding of the function of the criminal law as exemplified in the following comments by participant numbers 4 and 13 respectively:

(name suppressed) has been to court several times now, but he always comes back to school...what's wrong with the justice system?

And:

(name suppressed) is too young to be convicted...I don't understand...I know that he understands what he's doing so why shouldn't he face the law just like everyone else has to?

### **XIV. SECOND LEGAL CATEGORY – CHILD PROTECTION MATTERS**

Participants were concerned about the Child Protection procedures which had been introduced by government. Comments from participants suggested that they saw this policy as representing denials of 'natural justice' and presenting over complicated and burdensome requirements upon teachers. One participant commented:



I can't believe that we just take it (all teachers)...we should stand up and do something about it now...I know of one teacher who was told that he had one hour to get out of the school...he wasn't told what he'd done or anything...later it turned out that some girls had said that they had seen him kissing another girl at school during the holidays...six months later he was back at school...turns out that they'd made it all up.

Comments recorded indicated a concern about the status of the policies, clearly noted in the following comment:

I don't understand...is this criminal or civil law...do we have to follow it...they've given us no training...

That point seemed to be one of contention as others appeared to note the criminal nature of the policy but did not understand how they could be held criminally liable for not reporting an incident:

I don't understand how we can go to gaol for not reporting an incident...if I'm not involved and didn't commit a criminal act how can I get into trouble and face gaol if I'm not the one who is physically responsible?

#### **XV. THIRD LEGAL CATEGORY – OTHER WORK-RELATED RESPONSIBILITIES (GENERALLY)**

This category delivered the most varied responses. Participants related diverse incidents ranging from occupational health and safety concerns to truancy and after school care. There was a sense that teachers were increasingly being asked to take on more and more duties which often carried legal responsibilities and liabilities but for which they received no specific training. Participant 16 made the following point:

Everyday I'm asked to do more and more as a teacher...there's no such thing as a teacher any more...I'm a security officer and a welfare counsellor before I'm a teacher.

Since responses for this category were so diverse it has not been possible to sub categorise all of the comments. Instead a selection of some of the themes for this category is presented and sub categorised for discussion.

#### **XVI. THIRD LEGAL CATEGORY – TRUANCY**

Each of the four focus groups identified truancy as an issue of concern. Participants seemed concerned that they might be held legally accountable for marking the roll. One participant put it this way:

I've heard that we might get called into a court to say that it was us who marked the roll and that it was all correct...I couldn't do that...at my school I have to mark the roll but often it's done very quickly when other people are talking on assembly...there is no way that I could be 100% sure that what I had written down was right...so what I do is this...I mark the roll but I don't sign it.

Another stated:

I know marking the roll is important...they keep telling us that...they also keep using the phrase 'legally responsible' for the roll...but I've got no idea what this means...how could I be held legally responsible for the roll...I'm not even clear on how it should be filled in.

#### **XVII. THIRD LEGAL CATEGORY – OCCUPATIONAL (OR WORKPLACE) HEALTH AND SAFETY**

The issue of Occupational Health and Safety featured amongst all four of the focus groups. Recorded comments indicated that teachers were aware that their school had an Occupational Health and Safety committee and some participants were even current or past members of these committees. However what did seem of concern to the participants was their lack of knowledge of the legal implications and standing of their associated activities. Participant 37 put it this way:

I'm a member of our school's Occupational Health and Safety committee...that means I'm responsible for coordinating all of the accident forms...but that's a huge burden. I know of another teacher who holds a similar position at a different school and she's not required to coordinate the accident reports, just chair meetings...what happens if something goes wrong? Will I be held responsible?

Similarly participant 13 noted:

I'm not sure what my legal liabilities are in relation to being the head of the committee (Occupational Health and Safety committee)...the Principal constantly tells me what I should be doing but I think that since I'm in charge the liability if something goes wrong falls to me.

Participants seemed uncertain of the legal status of their committees and the legal rights and obligations that these committees may either enforce or have imposed upon them:

The OHS (Occupational Health and Safety) committee at my school is very militant it gets things fixed straight away...things like faulty light switches and broken toilets...the Principal isn't happy about being held to ransom about this but the committee keeps telling the Principal that she has no choice, that it's the law...I'm never sure if they're bluffing or whether they really do have the legal authority to order the repairs...and I think the only thing saving them is that the Principal's also not sure.

## **XVIII. SUMMARY AND DISCUSSION OF THE DATA FROM FOCUS GROUPS**

The data gathered from the four focus groups that were conducted is very revealing. The teachers forming these focus groups were far from experts in the area of educational law. However teachers were aware that their positions and duties were regulated by certain laws. Teachers were able to identify many of the relevant areas of the law with which they might come into contact. For example, they could identify criminal and civil examples of educational law and their varied responses to the other work related responsibility category suggested that they are acutely aware that their roles as professional teachers is becoming increasingly legalised.

The participants' knowledge appeared at times to have large gaps or misunderstandings. For example, teachers could distinguish between the criminal and civil dichotomy for simple situations such as an assault but found this much harder to comprehend when facing the issue of Child Protection Policy. Again in the area of tort liability participants failed to understand the issue of vicarious liability.

The teachers' knowledge seemed to be piecemeal or anecdotal rather than being comprehensive and based on specific legal principles. The stories and information they related during these sessions were often based on what they had overheard or information which had been passed down from somewhere; its source and accuracy were questionable. Their knowledge was predominantly not based on training that they had participated in. This seems to correlate with the work of Pell who concluded that school teachers in the United States gained their knowledge of the law predominantly through rumour and misinformation.[26]

It was manifest that teachers did not have a comprehensive understanding of the law. Teachers knowledge of the law was limited and probably below what would be required to deal with common legal situations. In a number of cases teachers failed to even demonstrate a need to know about the law.

Throughout all sessions participants constantly looked to the interviewer for reassurance and comment on the issues being discussed. Clearly the teachers were far from certain that their information was accurate and they showed a willingness to embrace new information for the sake of clarity and certainty of dealing with future problems.

There was clear evidence throughout all of the focus group sessions that teachers desired more legal information in order to help them to more confidently perform their professional duties.

## **XIX. CONCLUSION**

There should be little obfuscation around the notion that teaching is becoming a more legalised profession.[27] Concomitant with this notion is that in order to successfully perform their professional duties teachers require an adequate understanding of relevant laws. It is certainly not suggested that teachers require the same degree of knowledge that would be gained by undertaking a law degree, but there should be no doubt that teachers do require sufficient legal knowledge in order to perform their duties. At the very least this is required in order to reduce the potential for litigation. However there are many other reasons why legal knowledge for teachers is important including that having a legal understanding of your role can increase your

level of competency in performing your duties, valuing truth and justice and that having sufficient knowledge of the law is a societal expectation.[28]

The findings of this study indicate clearly that practising Australian school teachers do have some knowledge about the law and the impact that the law has on their daily professional activities. However this knowledge was often limited, ill-informed and haphazard. This should be of considerable concern. There were certainly significant gaps in the knowledge demonstrated by participants in this study. That is, situations where school teachers either did not recognise a particular situation involved the law or the knowledge of the law that they had in relation to an issue was incorrect or limited. It also appeared evident that participants recognised the need for an increase in their knowledge to improve their level of competency and enable them to better perform their professional duties.

This was a small scale study involving a limited number of select individuals. It would be extremely useful to have this study conducted on a much wider scale to see what further trends in the data emerge. But from the data gathered in this study there does appear to be an inherent problem of an insufficient level of legal knowledge held by school teachers. It is evident that employers need to take action to address this situation. It is likely that the status of the teaching profession will suffer and that there will be increased costs associated with legal actions if this situation is not adequately addressed.

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