



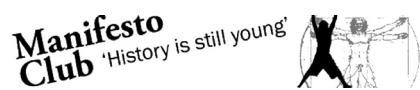
The Case Against 'No-Touch' Policies

Heather Piper

A Manifesto Club Thinkpiece

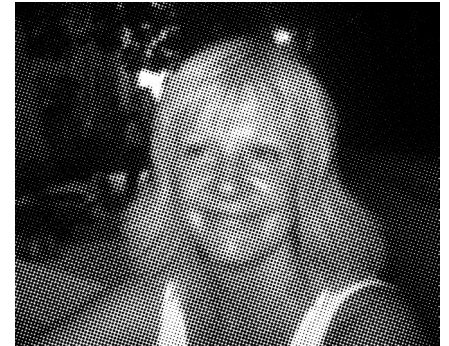
About Thinkpieces

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About the Author

Heather Piper is senior research fellow at Manchester Metropolitan University with expertise in qualitative research. She is drawn to expose and question established worldviews, particularly moral panics of various kinds. She has written about and researched the no-touch panic for the past six years, and has just completed a book about it with Ian Stronach, which will be published in Spring 2008. Her 'voice' in research practice and academic writing is typified by a contrarian approach, a broad-based and eclectic intellectual territory in sociology, philosophy, and social policy. She is concerned with applying academic frameworks to real-life experience (there is often a gap). Heather is also a signatory to the Manifesto Club's petition against vetting, launched in October 2006 (see www.manifestoclub.com/vetting).



In short...

Child professionals have become wary about touching children in their care – from putting an arm on a child's shoulder, to putting a plaster on their knee.

In many cases, these practices come not from overt rules, but from child professionals' growing suspicion of themselves and of others, fed by vague precautionary guidelines from official agencies.

Child professionals often recognise the damaging effect of no-touch practices, alienating adults and children.

Policy cannot resolve this moral panic. New codes for touching will only make matters worse.

Child professionals need to reassert their own judgement, and ability to know what is and is not appropriate. We need to use our knowledge of context and motive, and rely more on earned trust between professionals.

Over the past few years, teachers and others who work with children have become increasingly worried and uncertain about touching those in their charge. Some of these fears relate to touching children in ways that could be interpreted as too forceful (ie, restraining a child from hurting others). Many child professionals fear that later they could be accused of some form of violence. However, other fears appear to be about the kind of touch which would once have been considered caring and nurturing, but which is now often re-scripted as inappropriate at best, and as sexually abusive at worst.

Not so long ago much of this touching would have passed without comment, but now practices which have been routine for the past 30 years or more, such as hugging small children when they cry or a teacher asking pupils to loosen a tie for singing lessons, can become the subject of internal inquiries.

A Local Education Authority (LEA) advisor was brought in to adjudicate one case of a male teacher. The music teacher, who took early retirement rather than hear pupils greet him with 'pervert' every morning, explained: 'And that is me saying...you loosen your tie because it gives you a little bit more freedom...you might want to undo the top button and sit in a relaxed way, don't have your legs crossed, don't flop, and don't sit rigid, because it's putting it in context. If the implications weren't so serious it would be quite funny...but once a rumour has been discussed and documented it's there in print. There's no smoke without fire'.

When I carried out research on professional touch in early years' through to secondary settings¹, I was surprised how consistent and widespread these fears are. Nursery workers will only change nappies in public spaces; primary school teachers keep their doors open and often don't speak to a child alone without a 'witness'. Those working with young people of secondary school age are frequently instructed to avoid touching at all costs.

No-touch policies

Alongside fears about touching, there is considerable confusion over policy. Many child professionals claim that their no touching practices are 'because of the Children Act', when attempting to explain or justify their actions. Legislation which impacts on the care of children in the UK includes: The Children Act 1989 and 2004 for England and Wales, The Children Act 1995 for Scotland, and The Children Order 1996 for Northern Ireland.

But nowhere in the legislation is there any ban on physical contact between children and non-family carers. In England the key legal basis for wariness about touch appears to have come from the Child Protection section of the National Care Standards², which states: 'it is important that staff avoid putting themselves in a situation that may lead to allegations being made against them.' (Interestingly, this is protective of staff rather than of children!) Yet although there is no official ban on touching, official agencies – such as Ofsted or child protection advisors – often encourage no-touch policies, and for child professionals to be wary about contact with children.

Ofsted inspectors, quality assurance officers, and child protection inspectors frequently inform those responsible for managing child oriented settings of the need for internal policies to limit if not prevent touching. They advise cautionary behaviour for all age groups. Frequently, these guidelines are vague and precautionary, encouraging people to be 'careful', and to suggest that adults and children alike are at risk of being at risk.

These play-safe strategies tend to lead to an accretion of precautions, resulting in a ratchet effect. For example, some Ofsted and other inspectors translate policy to mean 'no touching', teachers then interpret 'no touching' to mean don't be with a child on their own, and so on down the chain. All parties are unsure about what is reasonable behaviour, and what is expected of them.

The rise of a moral panic

Professionals' fears are not without substance. A nursery manager was suspended from duty because a young child (aged five) who had previously attended his nursery ran up to him and kissed his cheek. Another junior school teacher was suspended and later arrested for ruffling young children's hair and touching their knees when explaining work they found difficult. A secondary school teacher's career was put under a cloud, because teenage girls he'd told off falsely accused him of throwing paper on the floor so he could look up their skirts.

It is no accident that all these professionals are men. The situation is clearly worse for men who are assumed to be 'perverts' (or 'wimps'), especially when they want to work with young children, since caring is still regarded as essentially a female activity. Teaching young children, because of its caring aspects, is rendered unskilled work, and is feminised along with similar other female-dominated occupations.

Over time, the tendency is for the veil of suspicion to spread, as one researcher noted: 'At first it was gay men who were under suspicion. Then, suddenly, it was all men working in the field. Now women are discouraged - even prevented - from holding children on their laps or helping them in the bathroom. The point is not that we should be more upset by the demonisation of straight women than of gay men. The point is that the moral panic in early childhood education, which focused first on gay men, is spreading'.³

This moral panic possibly began when the numbers of men working

in early years' settings started to increase; at this time, men were in a minority, and were seen as posing a greater risk to children. Yet we are now faced with a situation where women too are regarded and treat themselves as potential risks, apparently having become infected by association. Many women teachers, and others for whom touching young children has tended to be central to the way in which they communicate, have also begun to police their own and others' behaviours. The consequences of this are damaging, both for themselves and for the children in their care.

Increasingly, women regulate themselves and submit to public scrutiny in order to prove they are innocent of something few thought they were guilty of in the first place. Consider, for example, the advice issued to nursery workers and teachers taking young children out on sunny days, to use sprays rather than rub sun-cream on children's skin⁴. A nursery worker putting sun-cream on a young child becomes viewed as potentially sexually abusive. This reflects an attitude not towards particular paedophiles, but towards adults as a whole.

The moral panic has at least two roots. First, a faulty way of judging risks; and second, a self-reinforcing cultural suspicion.

Faulty science

Living our lives defensively, as though any child professional could be an abuser, and as if any action could mean intent to abuse, makes little sense. The *Guardian* journalist Ben Goldacre has argued this point statistically by taking the example of HIV tests. He points out that: 'the predicative value of a positive or negative test that an individual gets is changed in different situations, depending on the background rarity of the event that the test is trying to detect. The rarer the event in your population, the worse the very same test becomes'⁵.

Goldacre shows how if the risk of HIV in a particular area is 1.5 per cent then by testing 10,000 people one could predict 150 cases accurately

out of 150 cases, which on the face of it seems quite good. However, if the infection rate were one in 10,000, this would result in two positive results, one which is positive, and one false positive. In other words the chances of a correct prediction on whether someone is really HIV positive are 50:50. Goldacre then speculates on the likely accuracy for predicting events in human behaviour, which is clearly much more problematic. 'Let's say five percent of patients seen by a community mental health team will be involved in a violent event in a year. Using the same maths... [the] predictive tool would be inaccurate 97 times out of a hundred'. He asks, 'will you preventatively detain 97 people to prevent three events'?

Given that the national statistics for the number of professionals who abuse those in their care in any one year are not readily available, it is difficult even to make even this level of prediction. It would seem safe to assume that the figure is nowhere near five per cent, or else there would be a national outcry. In spite of this reality, most professionals are behaving defensively, assuming they and/or those they know could be abusers, or at least that they could appear suspicious to others. The odds against this likelihood would suggest the need for a radical rethinking of current practice.

Cultural prophecies

There are no laws against touching, but there are a set of cultural pressures that have created a negative and self-sustaining no-touching culture. Overall, this has damaged or impoverished the experience of both children and the professionals who work with them. Doing something about the no-touching culture now firmly established in professional practice is the responsibility of everyone, and not merely policymakers. When many professionals behave as though they are guilty of some indecent intent, it is perhaps hardly surprising that some children make false allegations.

Tellingly, those who resort to bizarre no-touch practices tend to blame *others* for their actions: 'It's just a shame that *society* is coming round

to this', says one head teacher, bemoaning the no-touch practices in the primary school for which she is responsible. This is a model of the way that a professional practice can be introduced without obvious rationale or advocate. No-touch policies are without authors, driven by the suspicion of all parties - particularly the desire of each to show that they are in the clear.

During the research I was involved in it became apparent that many guidelines and policies were statements of the obvious. They emphasised the nature of the 'don't's', which were redundant as advice and instruction (eg, not employing known abusers, not touching pupils in an indecent way, etc), which only a pervert would need to be told, and they would probably ignore in any case. Yet the fact that they were part of general policy meant that these things were at the back of everybody's mind.

Making an issue out of touching tends to sexualise previously forms of innocent activity. There is a focus on what not to do ('don't pick up a child' for example) rather than what to do, (such as 'make sure every child is happy and taken care of and included in any fun'), which is likely to have unintended consequences. Providing a parallel example, the journalist Victoria Coren recently suggested that the banning of chastity rings (a current trend among teenagers who wish to publicly declare their intention not to have sex before marriage) serves to make what we don't do much more interesting than what we do do⁶. She suggests this will inevitably lead to a contrary swing, where the ring will encourage the opposite scenario, the wearing of promiscuity rings among teenagers.

Once touching becomes fraught, and putting sun-cream on a child is now forbidden, this has the effect that a previously innocent act becomes overwritten with sexual innuendo. The way that the media joins in this game, and plays both ends of the moral panic off against each other, is also worthy of note here. The dreadful dangers of child abuse are pointed out, and illustrated with some real but rare incident that can be represented as an imminent general threat. At the same time, though, the press condemns the excessive response to the panic as 'PC gone mad!'. The media therefore adopts a condemnatory tone while simultaneously

elaborating a pornographic account. Each version of events feeds off the other, and of course both *sell*.

What now for child professionals?

Any attempt to legislate for what will or will not count as 'appropriate' touching will be counterproductive: it undercuts the interpretive procedures that children and adults use to 'read off' morals and intentions from others. Whatever problems we think we have now are likely to escalate and not reduce as a result of defensive practice. Once we have policies on what is appropriate touch, we become less and less skilled in trusting our own judgements, and more likely to cast aspersions on innocent actions.

Doing nothing about the current panic on touching isn't an option. Professional (and all other) activity should be based on a more sophisticated judgement of motive and context, guided partly by good sense. Yet motive and context are precisely what are missed out of most policy and guidelines.

When child professionals are accused of abuse, their cases tend to be dealt with in terms of 'did it happen?', or what can be 'measured' by CCTV. This is perhaps more the trade of prosecution lawyers: 'did it happen? say "yes" or "no"', compared with defence lawyers who prepare the case for motive: 'What distinguishes kiddie porn from Christmas snapshots? The mind of the beholder'⁷.

So we need to adopt a more 'inside-out' ethical way of thinking for ourselves, which is based more on context and on motive – especially knowledge of our own motives and those of fellow professionals. 'Outside-in' approaches to professional behaviour operate through identifying *a priori* what will count as appropriate physical responses in any given situation. Over-scripted professional protocols inevitably lead to a kind of defensive reaction, whereby relationships, trust, responsibility, and individual judgement are all overridden by defensive prescription and proscription.

We must recognise that any system that prioritises bureaucratic constraint over free action introduces (through the ratchet effect referred to above), a kind of creeping totalitarianism. This panic will only subside when individuals decide they will treat children (and each other) in the first instance as fellow human beings rather than as potential threats. There may be risks in such an approach, but they are the risks of being human.

The current trend may not change overnight but if all those who claim that no touching practices are bad for children behaved in accordance with such a belief it would make it far more difficult for others to refuse to touch those in their care. We could take a lead from this early years' teacher: 'I refuse to let the ugly spectre of fingerpointing to be a chokechain. I smile and I wink at my children. I hug and tickle my children.... Being confident and secure that my actions and intentions are rooted in caring and nurturing I shall continue to be this way'.⁸

Finally, we need to become more adept defence lawyers when considering both our own actions and the behaviour of others, and remember that the odds on vindication are favourable. Most false accusations of child abuse result from deliberate attempts to harm a professional via reporting fabricated episodes of abusive touch (and fabrications will not be stopped by closing the literal and proverbial odd door), and only rarely from instances of misinterpreted care-giving. Practitioners should not resort to guidelines and defensive practices, or regard themselves as powerless ('shame that society is coming round to this'), but should instead very firmly point out the contradictions, paradoxes, and unethical practices when challenging those who seek to introduce them.

No-touch policies provide a licence for abandoning civil and caring interaction between adults and the children in their care; children whose developmental needs are supposed to be paramount, but which are ignored and damaged by much current practice. To continue accepting the damaging trend of recent years is to allow practice to be dictated by the lowest common denominator.

In summary, we need a different kind of professionalism, including a return to notions of professional trust and agency, and a reassertion of individual responsibility and integrity. This means a more ethical practice: that encourages professionals to not slavishly follow no-touch guidelines, but to put touch back into its proper context (ie, relationships), and take account of trust and friendships.

Endnotes

[1] Piper, H., Stronach, I. and MacLure, M. (2006) *Touchlines: The Problematics of Touching between Children and Professionals* ESRC funded project RES-000-22-0815. Also see Piper, H. and Stronach, I. (2008 forthcoming) *Don't Touch! The educational story of a panic*, London, Routledge

[2] Lindon, J. (2004) 'Is it alright to cuddle? Supporting young development and good practice in child protection', *Early years' Educator*, 6: 1, 1-7

[3] Tobin, J. (1997) *Making a place for pleasure in early childhood education*, New Haven and London: Yale University Press: 7

[4] Guardian, 5 June 2004

[5] Goldacre, B. (2006) 'Bad science: It's not so easy to predict murder – do the maths', *The Guardian*, 9 December 2006

[6] Coren, V. (2007) Be a jewel personality, *The Observer* 22 July 2007

[7] Mohr, R.D. (2004) 'The

Pedophilia of Everyday Life', in *Curiouser: On the Queerness of Children*, S. Bruhm and N. Hurley, (eds) Minneapolis: University of Minnesota Press: 17-30

[8] Female early years' teacher quoted in Johnson, R.T. (2000) *Hands Off! The disappearance of Touch in the Care of Children*, NY: Peter Lang Publishing: 52