

Estimation of Abuse by Teachers in Special Needs Schools in Japan

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Abstract: Children with disabilities are at high risk of being abused at school by their teachers. Based on legislation in Japan, the authors assessed the implementation of measures to prevent abuse and reasonable accommodations (arrangements) available at special needs schools in Japan. Government data has concentrated only on physical maltreatment by teachers; thus, we also collected grievances from parents to estimate the prevalence rate of abuse at special education settings. Of the 1,077 schools that were sent questionnaires, 333 completed them. Educational programmes for staff were the most common measure employed to prevent abuse. Various forms of support, including communication with internet-communication technology, were provided in relation to reasonable accommodations. After the implementation of the abuse prevention act for persons with disabilities, 14 (4.20%) schools reported grievances from parents claiming that their child had been bullied by teachers. Because Japan does not have educational inspection systems, such as the United Kingdom and the Netherlands, we assumed the incidence rate. Provided that all the grievances were related to abuse, the incidence rate was 0.02–0.05% (95% CI).

Keywords: Abuse, children with disabilities, school, special education.

INTRODUCTION

Research has revealed that children with disabilities are at a high risk of suffering abuse outside their home, such as at school [1]. The immense gap of authority between teachers and children [2-4] with special needs makes the difference between instruction and maltreatment vague [5], making it difficult to determine the cause of bullying. In such contexts, maltreatment may be triggered by chance.

The school inspection system has been implemented in some countries. In England, the Office for Standards in Education, Children's Services and Skills (OFSTED) are authorised to inspect schools if parents have grievances. Registered special educational needs appeals have increased every year. In 2018, there were 6,023 registered Special Educational Needs and Disability Tribunal appeals, including complaints about care plans [6]. There were 124–176 reported cases per year in the Netherlands from FY 2013 to 2018 that were identified and investigated in secondary special needs schools. This amounted to a ratio of 0.18-0.26% to the total number of pupils [7-9]. In FY 2018, of the 124 cases, 47 were physical abuse, a ratio of 0.07% to the number of pupils.

Since Japan does not have such an inspection system for schools, maltreatment by teachers has not been defined in Japan [10]. By comparing the definition of other abuse acts with related concepts, bullying may correspond to a wide range of abuse, encompassing physical abuse and neglect, verbal abuse, and psychological abuse. Those who engage in physical and sexual abuse that are deemed harmful may be prosecuted for violating the law.

The results of a questionnaire [11] revealed that 23.8% of 932 adults with intellectual disabilities suffered physical abuse from teachers. Besides, 57.8% of 888 parents remembered scars and/or bruises on their children's bodies when they returned home from school. However, their responses were a mere recollection of memories. Thus, statistical data of incidents such as prevalence rate per year or school has yet to be determined [5, 10]. Rather, in a report, the Ministry of Education and Technology (MEXT) confirmed 6,721 incidents of bullying by teachers at 4,152 schools, both public and private, in 2012. Of these, 47 cases were reported in 38 special need schools [12]. The occurrence rate of abuse incidents was 10.83% and 3.59% for all types of schools and special needs schools, respectively. While there were 14,208 (0.1%) children who suffered bullying in all schools, 85 (0.07%) of those in special needs schools had been bullied; this was the second largest next to 0.16% at junior and senior high schools. The 2018 MEXT's report [12] revealed that there were 20 (0.02%)

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cases of bullying reported by special needs schools, a ratio of 1.67% to the total number of schools.

The discrimination and abuse of individuals with disabilities are closely related. Abuse is an extreme type of discrimination. To some extent, perpetrators of abuse discriminate against victimised individuals. The United Nations Convention on the Rights of Persons with Disabilities requested ratified countries to provide reasonable accommodations (arrangements) because such arrangements were expected to prevent and reconcile discrimination. In Japan, the Law to Remove Discrimination against Persons with Disabilities (Discrimination Act for Persons with Disabilities; Act No. 65 of 2013) was enacted in 2013 and adopted in 2016 as a consequence of ratifying the Convention in 2007.

Whereas the Law Pertaining to Abuse Prevention of Persons with Disabilities and Supports of Their Guardians (Abuse Prevention Act for Persons with Disabilities; Act No. 79 of 2013), which was enacted on 1 October 2012 did not define abuse or maltreatment at schools, article 29 of the Act requested the head teachers of schools to endeavour to prevent the maltreatment of children with disabilities. It recommended that efforts include the following: learning programmes for teachers on disabilities and individuals with disabilities; counselling for maltreated children with disabilities and measures for the prevention of the maltreatment of children with disabilities who attend schools.

These efforts were referred to as indirect preventive measures.

The MEXT launched a request (ministerial document number: 24-primary-special-10, dated 10 July 2012) [13] to all stakeholders to implement the measures in accordance with the Act.

However, the survey the MEXT [12] conducted only deals with bullying and did not distinguish between cases in special needs classrooms in regular schools. Furthermore, areas such as sexual harassment at schools, which have attracted attention through news reports in recent years in Japan [2], have yet to be investigated. In addition, the Abuse Prevention Act for Persons with Disabilities does not define the abuse of children with disabilities who attend schools. Furthermore, it is not easy to clarify the occurrence of related cases other than bullying.

Therefore, the present study's purpose was to assess the implementation of both indirect preventive

measures of the Abuse Act and reasonable arrangements related to the Convention at all special needs schools. A further purpose of the study was to collect grievances from parents to estimate the abuse in special education settings.

METHODS

The subjects included 1,077 domestic special needs schools, including brunch schools or rooms in medical facilities. The distribution of the schools is displayed in Table 1.

We mailed a questionnaire to the head teachers of each school. In an attached letter, the schools were assured of anonymity and the freedom to reply. In a second attached letter, the information collected was explained to parents and their children. The name of the prefecture where the school was located, type of school, number of children and implementation of indirect preventive measures as well as reasonable accommodations and parents' grievances were requested in the questionnaire. The anonymity of the information was assured. Returning the questionnaire meant to consent to the survey.

The 12 questions on indirect preventive measures are listed in Table 2, and the items on reasonable accommodations are displayed in Table 3. The items of reasonable accommodations were retrieved with the consensus of individuals with disabilities in a previous study. The respondents were requested to tick one of the following boxes when assessing an item: already implemented, not implemented and under consideration, which included anything planned. The respondents were requested to leave all the boxes blank and move to the next question if they were unable to answer a question. Because schools would be unlikely to disclose dishonourable information, even in an anonymous questionnaire, we requested information on parents' grievances rather than confirmed incidents. Grievances during each fiscal year of 2012 (second half, from 1 October 2012), 2013 and 2014 were counted.

The answers were mailed back to the author during November 2015.

To estimate the occurrence rate of abuses nationwide, we hypothetically took all reported grievances in our sample as abuses. Of course, not all of such cases included maltreatment by teachers. However, underestimation would miss undisclosed

cases at respondents and cases at schools silent to our questionnaire. The confidence interval (95%) of the estimated population proportion (p) was calculated with the rate (\hat{p}) obtained from respondents (n : total number of children from respondent schools).

$$\hat{p} - 1.96 \times \sqrt{\frac{\hat{p}(1-\hat{p})}{n}} \leq p \leq \hat{p} + 1.96 \times \sqrt{\frac{\hat{p}(1-\hat{p})}{n}}$$

This research was approved by the ethical examination board of the National Centre of Neurology and Psychiatry (ID: A2015-072). The study protocol met the national ethical guidelines for medical studies.

RESULTS

We received 333 replies from 328 schools (response rate: 30.92%). Schools in all 47 prefectures replied.

The type of schools is displayed in Table 1. The results revealed that there were 208 schools for intellectual disabilities, 86 for physical (motor) disabilities, 37 for hearing disabilities, 37 for health impaired (feebleness) and 26 for visual disabilities. The composition concurs with that of all schools in Japan. Furthermore, there were 64 kindergartens, 281 elementary schools, 274 junior high schools and 277 senior high schools. The percentage of kindergartens in the sample was fewer than that in Japan. On average, there were 111.9 children at each of the 333 schools. The results further revealed that 49 (14.71%) of the schools did not provide any of the indirect preventive measures listed in the questionnaire (Table 2). The most common preventive measure comprised educational programmes, and 177 schools (53.15%) provided these. This was followed by a consultation office, with 160 schools (48.05%) providing such. In addition, 159 (47.75%) schools had established an intra-school board to ensure the prevention of abuse.

However, only 19 schools (5.71%) had a manual for interventions.

In relation to reasonable accommodations (Table 3), 136 (40.84%) schools provided some support, including assistance with internet-communication technology such as tablets in 15 schools and elevators in 12 schools.

The results revealed that 14 (4.20%) schools reported two grievances from parents claiming their child had been bullied by their teachers between 1 October 2012 and 31 March 2013, 11 during the rest of 2013 and 13 in 2014 (Table 4).

Of the 14 schools who had received grievances, 10 did not record any related incidents. Two and four grievance cases were recorded in another two schools. In Japan, special needs schools were reformed and united in 2007 as a result of the implementation of the Law for Partial Revision of the School Education Law, which was enacted in June 2006 [14]. Thus, we were unable to identify the type of disabilities by the name of the school. Therefore, it was difficult to determine the actual number of children with disabilities. Furthermore, no grievances were recorded in 206 schools, and 94 schools stated they had no information in this regard.

If we assume that all the cases noted by the parents were cases of abuse, of the 36,916 students, there were 13 cases of abuse (0.04% if we replace the number of cases with the number of students). Our survey estimated that the overall ratio of abuse for all special needs schools was 0.02–0.05% (95% CI).

The results showed that 10 schools had implemented measures in those cases: six employed counselling and four used mediation. The results further found that none of the cases left the school or resorted to a petition.

Table 1: Number of Schools that Responded and Number of Schools Nationwide by Type of Disability

| Type of school | Blind | Deaf | Intellectual | Physical | Health impaired | Total |
|--|----------------------|-----------------------|-------------------------|-----------------------|----------------------|----------------------------|
| Number of replies | 26 (26) (9.3%) | 37 (31) (11.1%) | 208 (162) (58.1%) | 86 (38) (13.6%) | 37 (22) (7.9%) | 333 (279) (100.0%) |
| Number of schools (Source: Published data from the MEXT (FY2014)) | (65) (7.4%) | (88) (10.2%) | (514) (59.8%) | (130) (15.1%) | (63) (7.3%) | 1,096 (860) (100.0%) |

Note: The number in the first line indicates the number of schools and the number in parentheses indicates the number of schools for a single type of disability and its ratio. Educational system in Japan is elaborated in the MEXT website [14, 15].

Table 2: Number of Schools that Implemented Indirect Preventive Measures

| Implemented measures | | Implemented (n=333) | Not implemented | Unknown | No Answer |
|---|----------------------------|---------------------|-----------------|---------|-----------|
| 1. Staff participated in training conducted by the local government. | | 79 (23.7%) | 162 | 30 | 62 |
| 2. Staff who received training provided by the local government provided training to other staff. | | 39 (11.7%) | 201 | 13 | 80 |
| 3. Education of faculty and staff was conducted. | | 177 (53.2%) | 91 | 2 | 63 |
| 4. The faculty and staff were made informed of the consultation service. | | 160 (48.0%) | 92 | 9 | 72 |
| Methods (available) | public relations magazines | 77 (23.1%) | 6 | 0 | 250 |
| | brochures | 83 (24.9%) | 6 | 0 | 244 |
| | websites | 14 (4.2%) | 15 | 0 | 304 |
| | others | 48 (14.4%) | 8 | 0 | 277 |
| 5. Availability of specialised staff. | | 42 (12.6%) | 203 | 22 | 66 |
| 6. Parents' education was conducted. | | 74 (22.2%) | 187 | 9 | 63 |
| 7. Counselling, coaching and advice for parents. | | 71 (21.3%) | 161 | 33 | 68 |
| 8. Parents were informed of the consultation service. | | 105 (31.5%) | 155 | 21 | 61 |
| Methods | public relations magazines | 52 (15.6%) | 9 | 0 | 272 |
| | brochures | 57 (17.1%) | 5 | 0 | 271 |
| | websites | 4 (1.2%) | 11 | 0 | 318 |
| | others | 20 (6.0%) | 2 | 0 | 311 |
| 9. Education to community persons was conducted. | | 15 (4.5%) | 248 | 11 | 59 |
| 10. Response manual was prepared. | | 19 (5.7%) | 244 | 9 | 61 |
| 11. A network for consultation within the school was established. | | 159 (47.7%) | 111 | 4 | 59 |
| Members | headteachers | 147 (44.1%) | 2 | 0 | 184 |
| | coordinators | 116 (34.8%) | 2 | 0 | 215 |
| | consultant physicians | 28 (8.4%) | 12 | 0 | 293 |
| | nurses | 15 (4.5%) | 13 | 0 | 305 |
| | officers | 6 (1.8%) | 13 | 0 | 314 |
| | others | 89 (26.7%) | 3 | 0 | 241 |
| 12. Participation in local consultation networks. | | 84 (25.2%) | 172 | 12 | 65 |

Note: Article 30 of the Act suggests measures 1-7 and 9, and Article 6 suggests 7-12.

Table 3: Number of Schools that Implemented Reasonable Accommodations

| Implemented reasonable accommodations | Implemented (n=333) | Not implemented | Unknown | No Answer |
|---|---------------------|-----------------|---------|-----------|
| 1. Provide staff who can speak sign language (i.e., hand sign). | 89 (26.7%) | 113 | 4 | 127 |
| 2. Prepare a notebook for written communication. | 84 (25.2%) | 108 | 4 | 137 |
| 3. Read and vocalise the document aloud. | 97 (29.1%) | 93 | 2 | 141 |
| 4. Prepare documents with a large font. | 67 (20.1%) | 117 | 2 | 147 |
| 5. Assistance for individuals with visual disabilities in daily life. | 105 (31.5%) | 88 | 5 | 135 |
| 6. Informed consent from parents. | 117 (35.1%) | 85 | 8 | 123 |
| 7. Others | 34 (10.2%) | 31 | 2 | 266 |
| 8. Other considerations outside of communication. | 136 (40.8%) | 52 | 13 | 132 |

Note: The options in Table 3 were determined through interviews with each disability organisation.

Table 4: Classification of the Causes, the Involvement of Parents, Measures and Outcomes in 14 Schools

| | Total | Fact-checking. | | Involvement of parents with disabilities in grievances, including suspected cases. | | Solutions such as measures implemented. | | | Outcome | | |
|-----------------------|-------|----------------|----|--|---------------|---|-----------|--------|-------------------------|----------------|--------|
| | | Yes | No | Yes | Other factors | Consultations | Mediation | Others | Continued consultations | Reconciliation | Others |
| FY 2012 (From 1 Oct.) | 2 | 0 | 2 | 2 | 2 | 1 | 0 | 0 | 0 | 0 | 0 |
| 2013 | 11 | 11 | 0 | 2 | 3 | 7 | 4 | 0 | 4 | 10 | 0 |
| 2014 | 13 | 13 | 0 | 4 | 2 | 6 | 0 | 1 | 1 | 3 | 0 |

DISCUSSION

We employed a questionnaire to collect reports from schools. The survey was conducted anonymously. A broader range of maltreatment was considered than that of the MEXT survey. Furthermore, incidents of maltreatment were substituted by several grievances from parents.

Approximately 20% of the schools surveyed were indifferent to the measures requested in the Act.

While approximately 20% of schools had already participated in educational programmes provided by the local government, only 10% of the schools implemented an intra-school programme for teachers. It is imperative that knowledge of abuse is shared among teachers. Only a few schools reported grievances from parents. Therefore, our results did not contradict those of the ministerial report. It is noteworthy that parental claims may include misunderstandings. Mediation took place in all the cases, and in each case, the matter was reconciled. The special need schools in Japan worked honestly and were courteous to both the children and their parents.

However, we cannot preclude the possibility that the schools that did not reply, which constituted approximately 69% of the total, may have had grievances about maltreatment. Parents are able to claim grievances, which include potential maltreatment by teachers, provided there are official school inspectors. Further research that encourages all schools to participate is imperative. To perform statistical analyses, case records must be documented.

Reasonable accommodations were provided in approximately 20 to 30% of respondents before enacting the Discrimination Act. Reasonable accommodations at schools are decided by means of a request from each child with disabilities and the schools' capability. Although it was not easy to judge our result as relevant without any comparable data in Japan, teachers at the schools responded properly to requests from children. In 14 schools received grievances, some of the indirect preventive measures and reasonable accommodations seemed to be more equipped than in other schools. Ten schools conducted staff education, and 11 schools prepared other considerations outside of communication. In such schools, parents likely consulted with teachers. Proposed solutions [16] included mandatory positive interventions, legislation implementation, increased collaboration between parents and schools, and training of all staff at the schools [16, 17]. Any incident where a decision is made to physically intervene must be recorded and monitored [18]. Therefore, after the enactment of the Act, whether requests have been accommodated should be monitored.

The Centre for Effective Dispute Resolution in England provides a dedicated OFSTED third-party coordination service for appeals against OFSTED decisions. Furthermore, the Teaching Regulation Agency was established to deal with complaints about the inappropriate behaviour of teaching staff [19]. However, we were unable to obtain any statistical data on the inappropriate behaviour of teachers and staff in special needs education. A literature review [1, 4, 20-22] revealed that most of the literature examined sexual abuse. Furthermore, while most cases were mainly between students [20], including residential

school cases [23], other types of abuse remained unaddressed. Whereas children with disabilities are thought to experience violence first from their parents, next from their peers, and then from teachers [24], we have little data on violence from teachers and other authority figures [25]. The results of reviews of inappropriate behaviour by individual teachers and staff in the United Kingdom are announced by the Teachers' Regulation Authority. However, it is not possible to confirm the type of inappropriate behaviour without looking at individual reports because there does not appear to be any statistical data published for each type of inappropriate behaviour.

Although sexual abuse of students by teachers and staff has been discussed in the United States, there do not seem to be any statistical data published on cases in special needs education. According to data from the Ministry of Education, about 400 teachers and staff in all schools are prosecuted for inappropriate sexual behaviour every year. In addition, a total of 2,570 people were disbarred or sanctioned between 2001 and 2005 [26].

The overall trend in the Netherlands [4, 21] is that although half of the sexual abuse cases reported are committed by teachers and staff, other types of abuse inflicted by the same actors are not reported. An official from the Ministry of Education, Culture and Science noted that the data would not be made public [27].

For example, according to the data published from the Ministry of Health, Labour and Welfare (MHLW) [28], out of 2,605 consulted cases as abuse occurred at welfare facilities for adults with disabilities in FY 2017, 592 were judged as abuse; which means that 22.7% of the claims were abuse. About half (51.7%) of the 777 abused persons were physically abused, so if we assume that all corporal punishment cases are physical abuse, we can see the overall number of abuses at schools as twice the number of cases of corporal punishment. Prevalence of maltreated children in the Netherlands was estimated at 30 cases per 1,000 children [29]. Although the number of consultations with parents was not the same as that of abuse cases, we deduced from the number of consultation cases in Japan that the overall incidence of abuse was lower than in the Netherlands. Beyond the differences in educational and legal systems between the countries and the inconsistency of statistical methods, we believe that a network of experts is imperative to conduct global research on abuse in special needs education.

Since it is presumed that there are cases that have not been revealed in Japan, where there is no public inspection system, the authors believe that a third-party organisation that can consult with parents by referring to inspection systems globally is crucial. In conclusion, special needs schools in Japan have worked well to ensure regulatory compliance. To prevent maltreatment at schools, it is important to share the philosophy underlying the Acts.

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