

WHO EDUCATES AND PROTECTS IN ORDER TO GUARANTEE THE RIGHTS OF CHILDREN AND ADOLESCENTS: SCHOOL INTERACTION AND THE PROTECTION NETWORK

QUEM EDUCA E PROTEGE PARA GARANTIA DE DIREITOS DE CRIANÇAS E ADOLESCENTES: A CONVIVÊNCIA NA ESCOLA E A REDE DE PROTEÇÃO

QUIEN EDUCA Y PROTEGE PARA GARANTIZAR LOS DERECHOS DE LA NIÑEZ Y LA ADOLESCENCIA: LA CONVIVENCIA EN LA ESCUELA Y LA RED DE SEGURIDAD

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ABSTRACT: This research is part of a set of investigations conducted during the pandemic of COVID-19 and has as its problem the following question: Is there a difference between the perception of the protection network and the adults in the school (managers and teachers) about the interventions made by the school regarding conflicts involving aggression and disobedience to the rules by adolescents? To answer this question, we have as a general objective to verify the perception of teachers, managers, and other members of the protection network about the interventions made by the school regarding conflicts that involve aggression and disobedience to rules by adolescents. As specific objectives we aimed to verify if there are differences between the perception of adults who work in schools and other members of the protection network, and to verify if there are differences between the perception of teachers and managers about these interventions made by the school. Participating in the investigation were managers, teachers, and other actors in the protection network from different agencies, such as the Guardianship Council, Public Ministry, Social Assistance, and Health. We found a difference in perception between those who work at school and those who work in other organs of the protection network in relation to referrals to coexistence problems, with the school's actions being based on punitive sanctions, reinforcing the importance of training processes with the professionals of the school institution and articulation actions among all actors of the protection network.

KEYWORDS: School. Protection network. Coexistence. Children. Adolescents.

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RESUMO: Essa pesquisa parte de um conjunto de investigações realizadas durante a pandemia da COVID-19 e tem como problema a seguinte indagação: Existe diferença entre a percepção da rede de proteção e dos adultos da escola (gestores e professores) sobre as intervenções realizadas pela escola com relação a conflitos que envolvem agressão e desobediência às regras por adolescentes? Para responder a este questionamento, temos como objetivo geral constatar a percepção de professores, gestores e demais membros da rede de proteção sobre as intervenções realizadas pela escola com relação a conflitos que envolvem agressão e desobediência às regras por adolescentes. Como objetivos específicos objetivamos verificar se existem diferenças entre a percepção dos adultos que trabalham em escolas e demais membros da rede de proteção e verificar se existem diferenças entre a percepção de professores e gestores sobre essas intervenções realizadas pela escola. Participaram da investigação gestores, professores e demais atores da rede de proteção de diferentes órgãos, como Conselho Tutelar, Ministério Público, Assistência Social e Saúde. Constatamos haver uma diferença de percepção entre aqueles que atuam na escola e os que trabalham em outros órgãos da rede de proteção em relação aos encaminhamentos aos problemas de convivência, sendo as ações da escola pautadas em sanções expiatórias de ordem punitiva, reforçando a importância de processos formativos com os profissionais da instituição escolar e ações de articulação entre todos os atores da rede de proteção.

PALAVRAS-CHAVE: Escola. Rede de proteção. Convivência. Crianças. Adolescentes.

RESUMEN: Esta investigación es parte de un conjunto de investigaciones llevadas a cabo durante la pandemia de COVID-19 y tiene como problema la siguiente pregunta: ¿Existe una diferencia entre la percepción de la red de protección y los adultos de la escuela (gerentes y maestros) sobre las intervenciones realizadas por la escuela en relación con los conflictos que involucran agresión y desobediencia a las reglas por parte de los adolescentes? Para responder a esta pregunta, nuestro objetivo general es verificar la percepción de docentes, gestores y otros miembros de la red de protección sobre las intervenciones realizadas por la escuela en relación con los conflictos que implican agresión y desobediencia a las reglas por parte de los adolescentes. Los objetivos específicos fueron verificar si existen diferencias entre la percepción de los adultos que trabajan en las escuelas y otros miembros de la red de protección y verificar si existen diferencias entre la percepción de los maestros y los gerentes sobre estas intervenciones realizadas por la escuela. En la investigación participaron directivos, docentes y otros actores de la red de protección de diferentes organismos, como el Consejo de Tutela, Ministerio Público, Asistencia Social y Salud. Encontramos que existe una diferencia de percepción entre quienes trabajan en la escuela y quienes trabajan en otros órganos de la red de protección en relación con las derivaciones a problemas de convivencia, y las acciones de la escuela se basan en sanciones punitivas expiatorias, reforzando la importancia de los procesos formativos con los profesionales de la institución escolar y las acciones de articulación entre todos los actores de la red de protección.

PALABRAS CLAVE: Escuela. Red de seguridad. Convivencia. Niños. Adolescentes.

Introduction

The problems experienced by schools involving unstructure, lack of professionals, lack of continuing education, teacher and manager turnover, difficulties in conflict resolution, time management, and student behaviors are many, since before the pandemic (ABRAMOVAY; 2015; BRASIL, 2017; CAMPOS, 2008; CARVALHO, 2019; IDEB, 2019; RUBIO *et al.*, 2019).

Some of these problems can be confused in the school environment, making their identification and respective interventions difficult. As examples of this, we observe the problems related to school "indiscipline" which, according to Garcia (2006), are characterized by transgressions to school rules, insubordination and rebellion or the incivilities, characterized by transgressions to the rules of conduct and impolite.

Research indicates that many situations understood as undisciplined are called "violent" by teachers and managers (ABRAMOVAY; 2015; PISA, 2018; VINHA *et al.*, 2017), which generates misguided referrals and expiatory sanctions to students, hindering the development of the formative function of the school that remains based on actions characterized by exacerbated control of behaviors with the sole objective of achieving good learning rates in external assessments. Even the existing relationship between school and classroom climate and school results is often used as an argument, but this association hides or contradicts the principles of school inclusion. It was also found that the subjective definition of discipline in some educators is very much associated with norms, rules or limits (CASTRO-CARRASCO *et al.*, 2019), without including as a central concept the educational purpose of discipline, that is, it is thought of as disciplinary problems and not as a discipline with a formative purpose and socio-moral development.

According to Vinha *et al.* (2017), we can divide coexistence problems at school into two categories: disruptive and violent problems. The former refer to situations that hinder or harm the academic development of students and, consequently, bother teachers in their daily school routine, such as talking while the teacher explains, walking around the room, shouting out of nowhere, sleeping during class, playing games, using cell phones, etc. On the other hand, violent problems are characterized by situations in which there is an imposition of power or use of force that generates damage to dignity and physical, psychological and moral integrity of the other, and may be actions regulated by the criminal code or not, for example: physical assault, drug trafficking, possession of weapons, sexual abuse, theft, threats and bullying (VINHA *et al.*, 2017)..

In a survey conducted by Abramovay (2016), it was found that half of the students claim to have been assaulted at school and that two out of ten students said they had seen weapons at school. We see, in these data, problems that go beyond the limits of disturbing problems, entering those said to be of a violent order (VINHA *et al.*, 2017). The results found in the School Climate survey, conducted in 2019 with managers and teachers, point out there are many more disturbing manifestations of order (indisciplines and incivilities) than those that refer to aggressiveness and violence among peers or even with teachers (TOGNETTA, 2022).

On the data pointing to disruptive order difficulties, according to Pisa data (2018), for 41% of Brazilian students, teachers have difficulty getting classroom activities started, while the average for other OECD countries is 26%. Another survey that confirms these data was conducted by TALIS (Teaching and Learning International Survey) in 2013, and in it we saw that Brazilian teachers point to spending 20% of their time trying to maintain discipline in the classroom, placing us Brazilians in the worst category in this survey, which had the participation of 34 countries (OECD, 2014).

It so happens that the pandemic context and social isolation have opened up other problems already known in our country: poverty, emotional suffering, situations of domestic violence and school dropout, generating even more anguish in education professionals when returning to face-to-face activities (LAHR ; TOGNETTA, 2021). Such concerns are not exclusive to teachers and school managers, but also involve professionals from other areas who must work directly with the school: they are the services and bodies of the so-called protection network, which make up the Rights Guarantee System (SGD in the Portuguese acronym).

Institutions that study the topic of violence against children and adolescents warned about the possible increase in violations in the period of social isolation. The Alliance for Child Protection in Humanitarian Action (2020) technical note entitled “COVID-19: Protecting Children from Violence, Abuse and Neglect in the Home”, published at the start of the lockdown, assumed that there would be an increase in 30% in cases of domestic violence involving children and adolescents in the context of the pandemic, generated, including, by the increase in poverty, problems with alcohol and drugs, stress due to lack of employment and other social situations. On the other hand, surveys involving the number of complaints about situations of violence against this public indicate a sharp drop in the pandemic period. In the state of Santa Catarina, complaints decreased by 53.3% (PLATT; GUEDERT; COELHO, 2021) and, in the state of Rio Grande do Sul, by 54% (LEVANDOWSKI *et al.*, 2021). This raises great concern for services and protection agencies, since most violations take place within the

families' homes: 62.3% of reported violations (DISQUE 100, 2019). That is, children and adolescents spent more time indoors, with more accentuated social and coexistence problems, and without access to protection services, including school, making it difficult to file complaints and seek help.

SAFERNET data regarding complaints and requests for help with mental health or well-being, such as suicidal ideation, self-mutilation and other types of emotional suffering, confirm this concern. In 2019, SAFERNET registered 2188 assistances to children and adolescents and in 2020 the record was only 401. That is, they had no one to turn to or ask for help in this period of social isolation (LAHR; TOGNETTA, 2021).

Brazil has structured legislation that, even today, is an example for other countries in terms of protecting children and adolescents. The ECA (Statute of Children and Adolescents — Law 8069/1990) (BRAZIL, 1990) enacted more than 30 years ago aims to guarantee fundamental rights and organizes the services that serve this public within a large “network” that must work in jointly, the so-called safety net. CONANDA Resolution 113/2006 (BRAZIL, 2006) organizes the System for the Guarantee of the Rights of Children and Adolescents (SGDCA) and also places the gaze and work in the hands of society in search of guaranteeing rights. Likewise, Law No. 13,431/2017 aims to strengthen the organization of the SGDCA, especially for children and adolescents who are victims or witnesses of violence (BRAZIL, 2017).

Undoubtedly, the protection of children and adolescents is the role of the whole of society and of all the institutions that serve this public, including the school. For this, there must be, more than ever, the articulation between these services and bodies so that the actions with the family, with the child and with the adolescent are joint and protect these individuals in an integral way (LAHR; TOGNETTA, 2021).).

Well, all these explanations were given in order to reach a crucial point so that the dignity of children and adolescents is guaranteed in our countries: the articulation between the services that “take care”. But, we can ask ourselves: does this articulation actually happen? Do schools and other network services understand their roles and conceive the same ways of resolving conflicts when there are problems in interpersonal relationships involving children and adolescents in our schools? It's what we come to understand better.

The present investigation

This research is part of a larger investigation entitled “A Convivência como Valor nas Escolas Públicas: Implantação de um Sistema de Apoio entre Iguais”⁴ and the question that composed our problem was: Is there a difference between the perception of the protection network and the school adults (managers and teachers) about the interventions carried out by the school institution to conflicts involving aggression and disobedience to rules by adolescents?

Methodology

The research on the theme of the relationship between the school and the protection network in which it is inserted was applied in the Regional Boards of Education (DREs) of Taquaritinga and São Paulo (East 3) and had the participation of managers, teachers and other actors. of the protection network of different bodies, such as the Guardianship Council, Public Ministry, Social Assistance and Health. For each group, an instrument was applied, with the following participants: 90 school managers, 193 teachers and 28 actors of the protection network. This research was registered with the Research Ethics Committee of the Faculty of Sciences and Letters of UNESP in Araraquara/SP under registration number CAAE: 32487220.6.0000.5400.

The present study had as general objective to verify the perceptions of the adults of the school and of the protection net about how the problems of aggression and disobedience to the rules are addressed; and, as secondary objectives, 2. Compare the perceptions of the research participants and if there is a difference between them; 3. Compare whether there is a difference between the views of managers and teachers on the interventions carried out.

For this, a closed questionnaire was used, built by GPEM (Group of Studies and Research in Moral Education) containing a session with 12 questions, and teachers and managers answered the same slogan.: “*When students bully each other, get involved in conflicts or break the rules, how often SCHOOL ADULTS do the following actions with those involved*”. And the different actors in the protection network responded to the slogan: “*What is your perception of the frequency with which schools take the attitudes below with children and*

⁴ Project financed by Fundação Itaú Social and Fundação Carlos Chagas within the scope of the Research Notice “Final Years of Elementary School: adolescence, quality and equity in public schools”.

adolescents involved in conflicts in which there is aggression or disobedience to rules? (Seek to analyze in general THE ACTIONS OF THE SCHOOLS)”.

Next, for better understanding, we present the table with the instrument items used in this investigation, as well as the response options for frequency. Underlined items are inverted items.

Chart 1 – Instrument answered by teachers, managers and actors of the protection network in the research: The school and its insertion in the network that protects.

<p>Consignment to teachers and administrators: “When students attack each other, get involved in conflicts or disobey the rules, how often SCHOOL ADULTS take the attitudes below with those involved”</p> <p>Consigns to actors in the protection network: “What is your perception of the frequency with which schools take the attitudes below with children and adolescents involved in conflicts in which there is aggression or disobedience to the rules? (Seek to analyze in general THE ACTIONS OF THE SCHOOLS)”.</p>	Never	Rarely	Usually	Always
1. Inform the family and/or guardian of what happened, asking them to solve the problem (through entry or exit, by phone, through tickets, portal or electronic notifications)				
2. Prevent students from participating in activities they enjoy (recreation, physical education, party, excursion, etc.)				
3. Take no action				
4. Give oral warning				
5. Give written warning				
6. Listen to those involved and invite them to make amends for their mistakes				
7. Punish or scold the whole group and not just those involved				
8. Only punish students who are already “known” for inappropriate behavior				
9. Suspend				
10. School transfers				
11. Make a police report or call the police				
12. Forward the problem to the Guardianship Council				

Source: Devised by the authors

Results and discussion

We will begin our analysis with a data that has caught our attention: the degree of the respondents to our survey. Below we highlight in full the table with the data of this profile item.

Table 1 – Last degree of respondents

Your last degree:	Protection network	Teachers	Managers
Doctorate degree	6,90%	0%	0%
High school	0%	3,11%	3,33%
Specialization / Postgraduate Lato Sensu	55,17%	50,78%	54,44%
University graduate	31,03%	41,97%	32,22%
Master's degree	3,45%	3,11%	5,56%
Others:	3,45%	1,04%	4,44%
Grand total	100,00%	100,00%	100,00%

Source: Devised by the authors

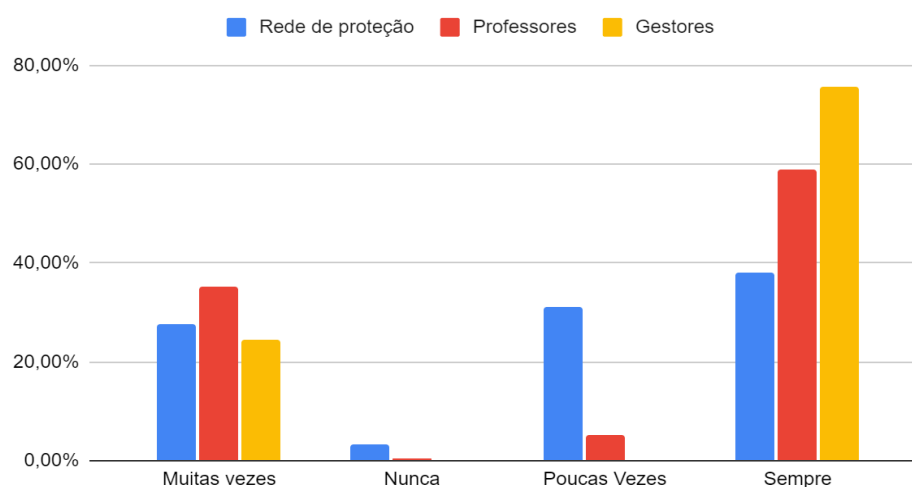
It is observed, therefore, that the vast majority of respondents have specialization or lato sensu postgraduate studies.

As we can see in the table, respondents who work in the protection network have more training at the postgraduate level, doctorate: 6.09% against 0% of teachers and managers and specialization/postgraduate lato sensu: 55, 17% of the actors in the protection network, against 50.78% and 54.44% of teachers and managers, respectively.

Let's move on to the results of the items on the performance and forms of intervention to the problems of coexistence in the perception of the participants. The results that showed statistically significant differences ($p < 0.05$) were referrals that involve the alternatives "invite those involved to repair their mistakes", "transfer from school" and "refer to the Guardianship Council".

As for listening and inviting those involved to repair errors, the data we found are shown in the figure below.:

Figure 1 – Listen to those involved and invite them to make amends for their mistakes⁵



Source: Research report “A Convivência como Valor nas Escolas Públicas: Implantação de um Sistema de Apoio entre Iguais”

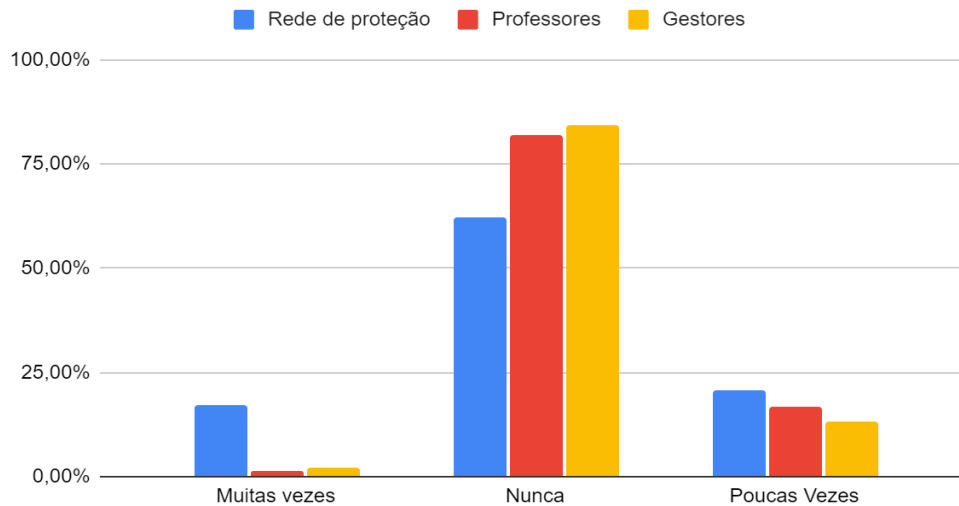
It is observed that the actors of the protection network perceive that listening to students and inviting them to repair their mistakes is something that is rarely done at school, while teachers and administrators claim that they carry out this procedure whenever or most of the time when school problems occur. indiscipline or fights between students. The differences were significant in the comparisons between the three participating groups, p-value <0.01 for: managers and teachers, managers and protection network and managers + teachers and network. And p-value 0.01 in the comparison of responses between teachers and the network.

That is, for managers, listening to those involved and inviting them to repair their mistake is a constant action in the school, reaching 100% of the answers in “always” or “often”. As for the teachers, this form of resolution is not used in all situations, so that 5.24% of them understand that it is performed “few times” or “never”. While the actors in the safety net understand that in 32.14% of the time this action rarely happens.

With the help of the following figure, let us now see how our respondents perceive compulsory transfer actions at school.

⁵ Rede de proteção = Protection network; Professores = Teachers; Gestores = Managers; Muitas vezes = Usually; Nunca = Never; Poucas vezes = Rarely; Sempre = Always

Figure 2 – School transfers⁶



Source: Research report “A Convivência como Valor nas Escolas Públicas: implantação de um Sistema de Apoio entre Iguais”.

In relation to compulsory transfers, it is observed that the actors of the protection network indicate the occurrence of this practice: 17.24% indicate that this occurs “many times” and 20.69% “few times”. Different from the response of managers and teachers who, adding the responses for “few times” and “never” reach the percentage of 97.78% for managers and 98.43% for teachers. The differences were significant in the comparison between managers and protection network (p-value 0.01), teachers and network (p-value <0.01) and managers + teachers and network (p-value <0.01).

This difference raises concern about the right to education guaranteed by law to all children and adolescents. The differences in the perceptions pointed out may be related to guidelines received by teachers and managers by the state management that the transfer action is not adequate, despite being authorized through an indication published by the São Paulo State Education Council on the School Regulations and the “transfer for disciplinary reasons as an educational measure of an exceptional nature” (SÃO PAULO, CEE, Indication 175/2019) and in the guidelines of the booklet entitled General Rules of School Conduct, prepared by the former SPEC⁷ (SÃO PAULO, 2009). These guidelines emphasize that the transfer can only happen in exceptional situations when there are risks to the physical, psychological or moral integrity of the student, or of another person, and the student, their guardians and a lawyer must

⁶ translator's note: see footnote 5

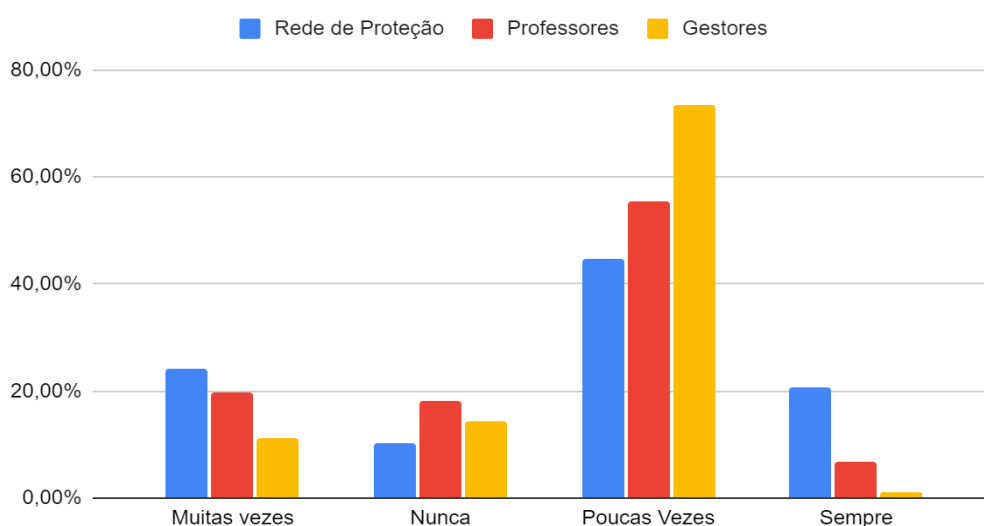
⁷ School Protection System.

also participate in the entire process. However, this is not the procedure observed by the other actors in the protection network, who directly serve children and adolescents with violated rights, and indicate the occurrence of this referral frequently.

Recent research warns about the divergence of guidelines on the subject and the scarcity of investigations on compulsory transfers (MORRONE, 2019a; MORRONE, 2019b; STELKO-PEREIRA; PADOVANI, 2008; SILVEIRA, 2014), but indicate that adolescents who go through this procedure are more likely to evade the school institution (BRANDÃO; ROSENBERG, 2000) and that such referrals can happen because the school does not differentiate indiscipline problems with acts considered infractions (SILVEIRA, 2014).

Another way of solving problems as an alternative presented to the respondents was to refer the problem to the Guardianship Council. For this item, with the help of Figure 3, we have the following results:

Figure 3 – Refer the problem to the Guardianship Council⁸



Source: Research report on: Relatório de pesquisa “A Convivência como Valor nas Escolas Públicas: implantação de um Sistema de Apoio entre Iguais”.

Again, it is observed that the responses of the safety net differ from the responses of school professionals. The differences were significant in the comparisons between managers and network actors (p-value <0.01), teachers and network actors (p-value 0.02) and managers + teachers and protection network (p-value <0, 01). In this case, a difference between the responses of teachers and managers was also evident (p-value 0.01). Managers claim that they

⁸ translator's note: see footnote 5

rarely refer problems related to discipline and conflicts to the Guardianship Council: 87.78% of responses for “rarely” and “never”, whereas teachers say that this happens “often” or “always” in 26, 7% of the time and the network actors ensure that the referral to the Guardianship Council is a constant action of the school in 46.43% of the situations. This data corroborates the studies already carried out that many of the problems of coexistence are referred to the Guardianship Council aiming at a punishment or the outsourcing of the problem, which occurs due to the lack of knowledge of the school professionals about the attributions of that body that aims to protect of children and adolescents, and not their punishment (FERNANDES; ARAGÃO, 2011; FERREIRA, 2015; SCHEINVAR, 2012).

Thus, it is common to hear from these professionals that the school is distant from students and protection agencies, evading its protective function and giving greater emphasis to the academic function. Discussions held in training groups of the Protection Network also made this hypothesis explicit.⁹ In the research carried out by Lahr (2022), school managers reported referring several problems to the Guardianship Council because they identified that this is the body responsible for making referrals to other services in the protection network, even ignoring the role of other services and institutions. When referring to the “protection network”, the participants of the school institution constantly referred exclusively to the Council.

In conclusion, the data presented indicate that there is a difference in perception between those who work at the school and those who work in other organs of the protection network in relation to referrals to problems of coexistence. Services that accompany children and adolescents with violations of rights in general seek contact and reference from the school to assist in the progress of the case and to get to know the adolescent's perspective in the school coexistence space and perceive punitive actions towards the accompanied students. On the other hand, teachers and managers claim that such referrals are not carried out so often, despite citing their occurrence.

⁹ In the master's thesis "Territórios vulneráveis: os problemas de convivência na escola e a rede de proteção" Group interviews were conducted to better understand these different perceptions and the paths thought by the network services in a qualitative way.

Final remarks

From the research developed on the perception of actors in the protection network and professionals working in schools regarding coexistence problems and their referrals, there is a need for continued training and systematic professional reflection processes for educators and managers on the roles of these different agencies, the services they provide for children, adolescents and families, and the necessary referrals for each type of coexistence problem. There is little knowledge about what to do in situations that involve indiscipline, incivility and behavior problems of students in general, generating inadequate referrals, of punitive order and unmet expectations, especially for school managers, as in the case of the feeling that there will be accountability of adolescents by the Guardianship Council, when such action does not match the attributions of this body.

Another important recommendation for the work in schools is the contact between the institution and the other services of the protection network that operate in the territory. By getting closer to the other public policies existing in the same place, the school can strengthen itself as an institution and have greater support for those situations that, in fact, require joint work with the network. To this end, it is possible to hold periodic meetings organized by the school itself or by other services, telephone contacts and participation in discussion forums in the municipality, such as the Councils for the Rights of Children and Adolescents. It is understood that the daily demands of the school institution, the lack of time and the overlapping of projects hinder this contact and the search for other services; however, it can be assumed that working together with the protection network would favor problem solving and more effective referrals by the school. But this is not the case and we hope that this work helps to show the causes and the influencing factors of this situation.

When considering school as a place of human formation, with the function of ensuring the respect and dignity of children and adolescents inside or outside the educational institution (JARES, 2008; TOGNETTA; VINHA, 2007; TOGNETTA, VINHA, 2012), it is a *sine qua non* condition that educators know and participate in these councils, and our experience has shown us that many educators do not even know of the existence of these spaces.

As for the actions or policies aimed at public management, it is necessary that there is a convergence and joint action of these different sectors. This means that there must be an alignment among the different public policies with the effective participation and performance of the Education Policy in the attendance and elaboration of municipal flows. In terms of the

State or country, it is observed that public policies still act separately, "in boxes" and by projects, with no connection between them.

It is also necessary that public policies can be developed including the knowledge of professionals and that they are derived from their experience (HERRERA; CASTRO-CARRASCO, 2021), which can be favored by the participation of these professionals in Councils of Rights with deliberative character. It is likely that there is a disregard of the knowledge of professionals working in this network, and it is possible that many of the omissions, outsourcing processes, and non-action or bad referrals, are related to public policies that do not consider their experiences or the professional theories they have developed, which is an important aspect to consider in continuing education processes aimed at them (CUADRA; CASTRO-CARRASCO; JULIÁ, 2018).

All of the above makes it difficult for the professionals who deal directly with the service users and with the highly complex demands that were intensified during the pandemic period. In post-pandemic times, more than ever, this protection network needs to work!

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