



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON EDUCATION AND COMMUNITY INCLUSION
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Submission Cover Sheet

Inquiry into the Future of School Infrastructure in the ACT

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SUBMISSION TO THE FUTURE OF SCHOOL INFRASTRUCTURE INQUIRY

March 2023

ROLE OF THE CHILDREN AND YOUNG PEOPLE COMMISSIONER (CYPC)

The Children and Young People Commissioner (CYPC) is one of eight independent statutory roles that together make up the ACT Human Rights Commission. Together these roles promote the human rights and welfare of all people living in the ACT and have legislative responsibility for protecting some of Canberra's most vulnerable citizens.

The role of CYPC includes:

- promoting the rights of children and young people,
- consulting and talking with children and young people and promoting their participation in decision-making,
- ensuring that stakeholders listen to and seriously consider the views of children and young people, and
- providing advice to government and community agencies about how to improve services for children and young people.

The CYPC is also the ACT Public Advocate.

INTRODUCTION

The right to education is enshrined by the United Nations Convention on the Rights of the Child Articles 28 and 29, which require all appropriate measures to be taken to ensure education:

- is accessible to every child
- supports the development of the child's full mental and physical abilities
- develops a respect for human rights and freedoms
- fosters the connection to the child's culture, language, and values, and
- develops a respect for the environment.

School infrastructure plays a role in realising children and young people's rights to education and contributes to other important rights, such as article 19, protection from all forms of violence, and article 23, support for children with disabilities.

ACT Education is obligated to provide inclusive education under the reasonable adjustment expectations of the *Discrimination Act 1991* (ACT), as outlined in section 4(d)(iii). Further, as a Public Authority, ACT Education has a positive obligation to implement section 27A of the *Human Rights Act 2004*, which states that "every child has the right to have access to free, school education appropriate to his or her needs."

Due to the far-reaching impact of education, it is essential that plans for the future of school infrastructure in the ACT are viewed through the broad lens of the best interests of the child. This can only be determined by properly consulting children and young people themselves.

Although I have not conducted a full consultation to prepare this submission, I had the opportunity to speak to a small group of Year 12 students and have reflected their input in this submission. My submission also draws on conversations I have had with LGBTIQ+ young people and a brief consultation I conducted last year about wellbeing, as well as reports informed by children and young people from other entities, including the ACT Education Directorate and Mission Australia.

The overarching theme of all three of my direct engagements with children and young people is the need to *feel safe* at school.

INPUT FROM CHILDREN AND YOUNG PEOPLE

I note your call for submissions specifically invited children and young people to contribute, and that you are open to a range of submission types to support their engagement. I was extraordinarily pleased to see your consideration of and openness to doing so and I commend you for including this in your plans. Unfortunately, however, it is unlikely to reach children and young people, or be sufficiently child and youth friendly, to gain the level of engagement that would usefully inform your inquiry.

To effectively engage children and young people, it is necessary to go to places in which they feel comfortable and to use child and youth friendly methods to both promote the inquiry and to hear from them directly. This is additional to accepting a range of submission types as you have indicated you will do for this Inquiry.

The ACT Government has a limited range of child and youth friendly avenues to facilitate their engagement in matters of policy that affect them. It is crucial this is addressed through solutions that are designed with input from children and young people themselves, and properly promoted in ways that will be noticed by children and young people.

That said, I would like to acknowledge your inclusion of children and young people in this call for submissions as a positive step in the right direction.

I have tried to reflect the views of children and young people in this submission by using previous engagements that touched on areas relevant to your inquiry, such as our [*Listening to children and accepting how they feel*](#) report and conversations I had with a group of Year 12 students as part of a visit to their college. However, as I did not conduct a formal consultation focused on the areas of your inquiry, I have only responded to those areas of the terms of reference that correspond with issues raised by children and young people themselves.

INFRASTRUCTURE IS IMPORTANT, BUT ONLY PART OF THE PICTURE

I understand that the focus of this Inquiry is infrastructure, and I recognise the role it can play on students' wellbeing, engagement, and attendance. However, infrastructure is only part of the picture and therefore must be considered alongside other critical aspects of the school environment, such as connection to their peers and teachers. Connection supports children and young people to feel safe at school. Without feeling safe, academic engagement is compromised, if not, impossible. Feeling safe can be supported by physical infrastructure but also requires appropriate policies, training, and school cultures.

To illustrate this point, I am reminded of conversations that took place during a student forum that launched the [*Writing Themselves In 4*](#) report in 2021. In exploring the findings, LGBTIQ+ students were asked to discuss ways to improve their feeling of safety, and that of their peers, at school. The need for gender inclusive toilets was raised more than one.

Having sufficient toilets to enable some to be gender neutral should be included in infrastructure planning. The safety and privacy aspects of where those toilets are located is also linked to building design. However, the culture of the school also plays a role in ensuring these toilets are *experienced* as safe by the children and young people accessing them.

During the forum, students acknowledged that some schools had allocated specific toilets as gender neutral, which was appreciated. However, in a few examples, those toilets were only accessible by requesting a key from the front office. This process effectively forced some students to 'out' themselves to front office staff, in a public space. That is to say that while the infrastructure of specifically allocated toilets was in place, the procedures and cultures of the schools in supporting access to them was not adequate. This resulted in the physical space not feeling safe.

This illustration highlights the need for a holistic approach to student wellbeing; one that links infrastructure, school cultures, policies, procedures and staff capabilities to achieve schools that *are* accessible, respectful and supportive of all students, and that *feel* that way. Children and young people's definitions of safe and healthy schools must be considered by the Committee and are likely to be different to those of adults.

ACCESS TO SAFE AND HEALTHY SCHOOLS

“Disability access – one elevator per school is not a fair way for people who have a disability to access their education – either longer spaces between classes or more lifts.”

“Have more accessible ways around schools for people who have disabilities and ways for them to evacuate safely and more easily during an emergency.”

Accessibility of learning spaces was a key theme for the Year 12 students I spoke to. They noted concerns about the insufficient number of elevators available for students using mobility aides, the time and distance between classes for them to move around the school, and the need to ensure that evacuation procedures take their mobility requirements into account.

These views are similar to those documented by the Strengthening Inclusive Education in ACT Public Schools community consultation. The 2022 [A Community Conversation Summary](#) report highlights infrastructure as being a key component of creating inclusive and accessible schools and summarises what parents, teachers and students said about their experiences and ways to improve.

During the consultation, 133 school staff, 46 students and 277 parents/carers answered a survey that included questions about the physical environment of ACT schools. The consultation that included this survey aimed to prioritise the views of students with disabilities and their families, with a focus on their perspectives about how to improve inclusion. Infrastructure concerns and solutions were highlighted and included a wide range of aspects of the physical learning environment such as lighting, outdoor spaces, toilets, design and planning, fencing, common spaces, and classroom layout, to name just a few.

It provides a very good overview of the wide range of challenges and possibilities from the perspective of individuals who live with disabilities and those who work with them in a school environment. I recommend that the concerns and ideas captured by this report be considered in your Inquiry.

“A safe school looks like one that is supportive in the way it actively supports students who don’t feel safe.”

Truly inclusive building design can only be achieved when students living with disabilities, their parents/carers, and their advocates, are involved in the design of new and retrofitted buildings and other infrastructure. I note your Committee’s previous inquiry into management of school infrastructure in 2021 received a [submission from Advocacy for Inclusion](#) that recommended all ACT schools have the highest attainable standards for accessibility, and I would support a continued focus on this recommendation, as well as a concerted effort to seek input from those students directly impacted.

Neurodiverse students can also be greatly impacted by the physical environment. Children I have spoken to noted issues with overcrowded classrooms that require too much physical contact with their peers when seated ‘on the mat’ or at desks; toilets being unbearably smelly or not private enough; not enough natural light; and too much noise. All of these issues faced by neurodiverse children and young people can be lessened by inclusive building design.

Again, during your previous inquiry Advocacy for Inclusion recommended using “...*Universal Design Principles to provide appropriate sensory environments and design which enhance wellbeing.*” These principles would include “...sensory ‘quiet’ spaces, and increasing natural lights, surfaces and colours.”

These recommendations and principles are supported by the children and young people I have spoken to, as you can see by the quotes throughout this report.

WELLBEING

MENTAL HEALTH

“A safe school looks like one that actively supports students who do not feel safe at school or out of school due to issues at home or otherwise. For example, a safer or more secure way for students to report incidents that happen on and off school grounds.”

In [Mission Australia’s 2022 Youth Survey](#), 35.5% of Canberra students said there were barriers to achieving their study goals. One of the top three barriers to academic success was insufficient mental health support. In the same report, 23.6% of respondents had experienced high psychological distress. Students in the survey suggested a solution to this distress is to have more and/or different supports available through their schools to help them manage, as well as having more emphasis on mental health and wellbeing in school.

“Easier access to general support networks: Psychologists, youth workers, legal aid.”

Students I spoke to also noted the need to increase the accessibility of mental health services by having them co-located within schools. It was also suggested this should be expanded to include other community services, such as legal aid. This co-location requires physical infrastructure that enables access and privacy.

The Year 12 students were clear that infrastructure can play a role in supporting mental health at school. Spaces created for students to look after their mental health were suggested. Separate, sensory-friendly spaces (that are not used for learning activities) were suggested so that students can freely utilise these to destress and take a break.

“More learning support rooms for students who get overwhelmed/over stimulated with school life.”

It was emphasised that the library did not fill this need, but that spaces need to be specifically designated for de-stressing or relaxing. The young people also said there needed to be more learning support rooms, such as Aboriginal and Torres Strait Islander students learning centres, for example.

CONNECTING WITH ANIMALS AND NATURE

During our wellbeing consultation last year, I heard from hundreds of primary school children. One of the strong themes that emerged was about the important role their relationship with animals plays in their mental health. They provide a sense of calm and significant emotional support to children.

“I would like there to be more social emotional dogs at school for people who need them.”

Even young primary school children recognise the need for a different approach to their mental health and make some strong arguments for allowing more contact with animals within a school environment. The reasons for controlling pets entering school premises are well understood, but many had ideas about ways to accommodate therapy animals with specific emotional support roles.

According to a study profiled on [Frontiers in Veterinary Science](#), therapy dogs are increasingly used in Australian schools to address stress and anxiety, facilitate learning, and promote wellbeing. This same study notes the growing evidence that therapy dogs can support engagement in learning and positive attitudes to the classroom, as well as decreasing task avoidance and aggression.

The study goes on to explain factors that support successful implementation of a therapy dog program, which include planning of indoor and outdoor dog-specific and dog-friendly spaces in the school.

Children’s identification of the benefits of animals to alleviate stress is linked to their identification of their need to be out in nature, both as a learning tool and for their mental health.

“I think it would be better for children’s wellbeing if we get to go outside more and we aren’t stuck in classrooms.”

Ensuring schools have outdoor learning spaces that allow for a range of class activities, would enable more learning to take place outside. Children often also raise issues about their play spaces being encroached on by expanding the schools’ building footprint, for example by installing demountables.

The need to ensure existing classrooms are not overcrowded is reinforced by children’s own points about wanting sufficient space to learn in. However, classroom infrastructure must be able to respond to fluctuating numbers of students without jeopardising the very important role that outside learning and play has.

As Nature Play Learning points out:

“Since the 1980s the average time spent outside has changed from an average of 4-6 hours per day to 45-90 minutes per day. Teachers and occupational therapists are seeing a massive increase in sensory and motor issues in children such as decreased attention span, stamina and strength and increased fidgeting, aggression, anxiety, susceptibility to colds. Children in general have worse posture, are more frail, have greater trouble reading and fall down more. They also have more trouble regulating their emotions.”

TRAVELLING TO AND FROM SCHOOL

“I want to know when my sister is my age she’s safe to walk and ride to school.”

Feeling safe moving to and from school came up among the Year 12 students I spoke to, as well as among the young children I spoke to last year.

Work done by the [National Ride2School](#) campaign demonstrates the need for safer, active trips to school. Active trips to school are when students walk, scoot, or ride their bikes to school instead of taking a vehicle. This is shown to be beneficial to children because it increases their physical activity for the day and also leads to children arriving at school more focused and ready to learn.

There are obvious risks to children if we increase the numbers of students making active trips to school without accompanying road safety measures. According to the [AAMI crash index](#), over a quarter of all road incidents in Australia occur in the afternoon, around school pick up time. Although important, school zone speed limits are not enough to address this. Effective traffic management and decongestion is also key.

As the [Bicycle Network states in its submission](#) to the National Road Safety Strategy 2021-2030, proper infrastructure that separates vulnerable road users (such as bike riders and pedestrians) from vehicles is essential. Evidence-based safety measures that ensure children and their parents *are* safe, and *feel* safe, making active trips to and from school must be included in future school infrastructure.

CROSS-CULTURAL IMPACT

As you are already aware, the CYPC conducted a consultation in 2022 on [children and young people’s experiences of racism in the ACT](#). It was clear that they experience significant racism throughout the community, including at school and when on their way to and from school. While we did not explicitly explore the role of infrastructure, it was clear that spaces that lack skilled, adult supervision can result in increases of incidences of racism, and this included online environments and less visible spaces in the playground.

However, even with active supervision by teachers, racism can go unnoticed, unchallenged, or even tacitly encouraged by school staff who lack the training and skill to navigate racism. This is another example of where school culture and school infrastructure need to be connected.

It is also clear through these experiences that children and young people need to be actively and consistently consulted when community spaces are being designed and utilised.

CONCLUDING COMMENTS

School infrastructure plays an important role in facilitating the safety, engagement, inclusion, and wellbeing of students. There is a wealth of information in the ACT about how to ensure current and future infrastructure caters to the changing needs of our students from these perspectives.

Having said that, this information must be viewed in line with the best interests of the child principle and informed by direct engagement of children and young people themselves.

If you would like to speak further about any of the points raised in this submission, please contact my Senior Advisor, Amalia Fawcett [REDACTED]

Yours sincerely,

[REDACTED]

Children and Young People Commissioner
ACT Human Rights Commission