



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS  
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## Submission Cover Sheet

Inquiry into the management and minimisation of bullying  
and violence in ACT schools

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# AEU ACT Branch

## Submission to the Inquiry into the management and minimisation of bullying and violence in ACT schools

### Contents

Introduction .....	2
Prevention.....	3
<b>Recommendation: Prevention</b> .....	4
Participation.....	5
<b>Recommendation: Participation</b> .....	6
Culture sensitive .....	7
<b>Recommendation: Culture sensitive</b> .....	8
Gender sensitive .....	9
<b>Recommendation: Gender sensitive</b> .....	9
Non discriminatory .....	10
<b>Recommendation: non-discrimination</b> .....	10
Systematic.....	11
<b>Recommendation: Systematic</b> .....	11

## Introduction

The proper management of bullying and violence is central to our role as educators. We have a duty to educate our young people, regardless of their background and abilities. Schools should be places of learning where all children are safe and welcome.

Education looks towards not only academic success, but the full development of the human character. This includes ensuring that our young people share our universal values of understanding, respect, tolerance and non-discrimination. Schools where bullying and violence are commonplace or tolerated are inconsistent with the goals of our education system.

As the representative of teachers and support staff in ACT Public Schools, we know that bullying and violence does not only affect students. A safe learning environment for our students requires a safe working environment for our members.

For a number of years, the AEU ACT Branch has been working with the ACT Education Directorate and relevant Ministers to address the management and minimisation of violence in ACT public schools. This work has included the development of nation-leading tools to address occupational violence in education settings, such as the ACT Education Directorate's *Occupational Violence Policy* and *Occupational Violence Management Plan*.

Fortunately, much is already known about preventing and responding to bullying and violence in service industries like education. While some excellent work has already been done, it is crucial that we embed into our system the elements of successful management of bullying and violence. To this end, we suggest that the ACT Education Directorate continues to work to build a system to address bullying and violence in a manner that is:

- Preventive;
- Participative;
- Culture sensitive;
- Gender sensitive;
- Non discriminatory; and
- Systematic.<sup>1</sup>

We have adopted these six characteristics to structure our submission. However, we wish to make clear that steps have already been taken, and continue to be taken, to encourage these characteristics in ACT public education. To this end, our submission is that the ACT Education Directorate should, through a process of continuous improvement, ensure that all components of successful bullying and violence prevention are embedded in its culture and practice.

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<sup>1</sup> International Council of Nurses, Public Services International, World Health Organisation and International Labour Organisation, *Framework guidelines for addressing workplace violence in the health sector: The training manual*, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/instructionalmaterial/wcms\\_108542.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/instructionalmaterial/wcms_108542.pdf)

## Prevention

Our primary focus should be the prevention of bullying and violence. By this, we mean taking steps that are targeted towards:

- Reducing the incidence of bullying/violence;
- Responding to bullying/violence in ways that reduce the harm caused to victims; and
- Investing in long-term rehabilitative and reintegrative practices that aim to reduce recidivism.

These preventative measures should not just focus on the perpetrators of violence. It should be acknowledged that staff, students and parents/carers have a role to play in developing a culture that prevents violence.

Key to preventing violence is the process of hazard identification and hazard control. Staff should be trained to identify and mitigate against:

- **Client factors** such as a history of violent behaviour
- **Victim factors** such as inexperience or being female
- **Interpersonal factors** such as confrontational attitudes or a history of interpersonal disputes
- **Workplace factors** such as high staff turnover, understaffing or poor organisation, long working hours, a culture of tolerance of violence, excessive time pressures, overlapping or unclear procedures or poor communication
- **Community factors** such as poverty, job insecurity, negative culture and values or structural racism

Once identified, steps must be taken to address these factors. For example, it recently became clear that there was an emerging imbalance of inexperienced staff at some ACT public schools. This is a known hazard that makes bullying and violence more likely to occur or be poorly-managed. Once identified, a preventative approach was taken to this hazard through changes to the transfer round. This is an example of good preventative action against an emerging hazard and represents the positive steps taken by ACT public schools.

Hazard control should not be confused with hazard elimination. It would be ridiculous to suggest that schools alone can eradicate poverty. However, in acknowledging the existence of these factors, we can take steps to mitigate them through additional funding or targeted programs. If students in an impoverished community are struggling to turn up prepared, it makes sense for us to find ways to provide the resources they need.

We refer to the ILO *Code of practice on workplace violence in services sectors and measures to combat this phenomenon* which recommends:

*“Violence prevention, preparedness and response arrangements should be established and maintained in all organizations. These arrangements should identify the potential for violent acts and situations at the workplace and address their prevention...”*

*A response from an organization to a violent incident should include a plan of response to the various manifestations within the organization after a violent incident, both in terms of physical outcome and psychological outcomes, as far as is reasonably practicable.”*

And further:

*“It would be useful to have management plans for handling situations of workplace violence and associated problems, and for helping individuals affected by workplace violence to deal with the after-effects of violent incidents or behaviour, both physically and emotionally; these should be made available and tested in advance”*

To this end, we refer to preventive measures already determined to be effective by the ILO, such as:

- allowing opportunities for staff, students and parents/carers to comment on the effectiveness of control measures and make suggestions;
- ensuring adequate staff levels;
- assessing service capacity and providing additional resources where they are needed;
- consulting with staff about workload, including the impact of hazard reduction measures;
- ensuring reasonable noise, lighting and temperature levels for a comfortable and productive learning environment;
- the installation of security systems in dangerous areas, after consultation with workers and their representatives; and
- access control systems for workers and/or visitors, where appropriate (identification, reception desks, gates, etc.).

Worksafe ACT also has a role to play in assisting the education sector to prevent and manage violence.

#### **Recommendation: Prevention**

ACT Schools should take a harm prevention approach to bullying and violence by:

- undertaking a program of hazard identification that identifies the factors that increase the risk of bullying and violence;
- adopting a systematic approach to preventing or eliminating hazards, including by the provision of recommended hazard control or mitigation strategies;
- developing management plans for handling situations of workplace violence and associated problems, and for helping individuals affected by workplace violence to deal with the after-effects of violent incidents or behaviour, both physically and emotionally;
- ensuring that preventative measures already known to be effective are in place at a local and system level.

Worksafe ACT should issue guidance targeted towards the identification and management of known hazards in education settings, particularly those settings where there is an elevated risk of violence. This should be done in consultation with education workers and their representatives.

## Participation

When we say that our approach must be participative, we are seeking that

- Classroom staff take a leading role in preventing bullying/violence; and
- Managers support and work with staff to prevent bullying/violence.

Research in education settings suggests that teacher empowerment is key to reducing bullying and violence. In its report *Engaging students: creating classrooms that improve learning* the Grattan Institute notes that increasing student engagement and reducing disruptive behaviour relies on empowering teachers. The report notes that this can be achieved only in the context of a consistent school-wide approach to behaviour, and is facilitated by four measures to build capacity:

- Better induction programs:  
*“New teachers need comprehensive induction programs to help them develop their practical skills and strategies.”*
- Opportunities to collaborate:
  - *“... Collaboration is especially important for developing this nuanced aspect of effective teaching... Despite this, there are still too few opportunities for teachers to observe each other and collaborate on these skills and techniques (and effective teaching more broadly). Australian teachers tend to work behind closed classroom doors; too many are left on their own to try to figure out how to teach effectively.”*
- Tools to help teachers adapt their approaches:
  - *“Tools can help teachers engage students in class and assess which strategies work best in improving behaviour and learning. Schools should provide a suite of tools and materials so new teachers don’t have to reinvent the wheel.”*
- Extra support for escalating issues:
  - *“Teachers cannot solve everything on their own. When behaviour problems become serious, and all reasonable avenues for improvement have been tried, they need to know they can call on extra support from central services in the school. And they need to be confident that in calling for help they will not be judged to have somehow failed as a classroom teacher. School leaders need to identify difficult students and classes – and stressed teachers – and provide support... For example, high rates of time-outs should trigger a non-judgemental discussion about what could be changed to improve the class.”<sup>2</sup>*

There is already progress towards some of these goals. For example, the AEU’s enterprise bargaining claim for 5 days’ induction for new staff has been received favourably by the Education Directorate.

The evidence for a participative, non-judgemental model also comes from expert sources in work safety in other industries. For example, the NSW Health policy statement *Preventing and managing violence in the NSW Health workplace – a zero tolerance approach* provides that:

*Managers must know and exercise their responsibilities in relation to preventing and managing violence, and encourage and support appropriate staff responses consistent with this document when they are confronted with violence.*

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<sup>2</sup> Goss, P and Sonnemann, J, *Engaging Students: Creating classrooms that improve learning* <https://grattan.edu.au/wp-content/uploads/2017/02/Engaging-students-creating-classrooms-that-improve-learning.pdf>

*Staff must comply with local violence prevention policies and strategies, report all violent incidents, know their options when confronted with violence, exercise them consistently and know that they will be appropriately supported in doing so.*<sup>3</sup>

There must be planning to support violence prevention, with the involvement of staff, and a mechanism for responding to violent incidents that is sufficiently clear and detailed. Staff should know their options when confronted with violence and managers should support them in using those options.

To foster a more participative approach, the ILO recommends the creation of local H&S committees and teams with a balance of management and general staff.<sup>4</sup> These teams should take a preventative approach to risk management, and be representative of the workplace in accordance with WHS laws (that is, they must include the HSRs for affected work groups). We note that recent discussions between the AEU and the ACT Education Directorate about empowering Health and Safety Representatives through the provision of quarantined time to conduct their duties, and that this proposal has been received favourably.

### Recommendation: Participation

ACT schools should continue to act to ensure that a participative approach is taken to bullying/violence. Teachers and support staff should lead the responses to violence, with support from managers and central resources. This means empowering teachers to make their own professional judgements by:

- Ensuring that there are clear, school-wide prevention policies and strategies available to staff to manage bullying/violence;
- Managers building the confidence of staff to respond by clearly communicating their support of staff decision-making within the bounds of those policies and strategies;
- Ensuring that all staff are appropriately inducted, provided with opportunities to collaborate with their colleagues and given tools to support the management of bullying/violence;
- Providing extra support for teachers confronted by serious or sustained misbehaviour in a manner that is collaborative, respectful and non-judgemental;
- Establishing workplace health and safety committees or teams with a balance of staff and managers, and an explicit requirement that these committees take a preventative approach to incidents of violence.

To continue to refine our participative approach, an audit should be undertaken to capture the existing practices of ACT Schools in relation to the points above.

Other steps that may be considered include:

- in-service training for staff in preventing and responding to bullying/violence;
- implementing case-management approaches for behaviours of concern, led by classroom staff and supported by managers and skilled practitioners;
- annual review and development of school plans to respond to bullying and violence.

<sup>3</sup> NSW Health, *Preventing and managing violence in the NSW Health workplace – a zero tolerance approach*, [https://intranet.nswlhd.health.nsw.gov.au/docs/PD2015\\_001-preventing-and-managing-violence-in-the-nsw-health-workplace-a-zero-tolerance-approach-v-001.pdf](https://intranet.nswlhd.health.nsw.gov.au/docs/PD2015_001-preventing-and-managing-violence-in-the-nsw-health-workplace-a-zero-tolerance-approach-v-001.pdf)

<sup>4</sup> International Labour Organisation, *Code of practice on workplace violence in services sectors and measures to combat this phenomenon*, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/normativeinstrument/wcms\\_107705.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107705.pdf)

## Culture sensitive

Before we can address unacceptable behaviours, we need to have a common understanding of those behaviours. ILO-recommended practice recognises that a culture of respect, raising awareness and clear policies are essential preconditions to successful intervention. This is consistent with research from education sources that:

*“Teachers are more likely to create effective classrooms when their school supports a common approach. Each school should have common expectations, a common language and a common understanding of appropriate behaviour for learning in class.”<sup>5</sup>*

In building a common understanding of and language around violence, we need to be aware of different cultural perceptions. This includes the question of school culture, the beliefs of staff and students about violence and legal/compliance cultures. We need to be clear that we will not tolerate:

- Physical violence including assault, sexual assault, smashing furniture, throwing objects, pushing, pulling, spitting, biting or scratching, striking, kicking, head-butting or otherwise inflicting injury
- Serious threats and intimidation including pestering, following, threatening families, threatening with an object, attempting to injure, attempting to strike or kick a person, discriminatory remarks or behaviour that otherwise places the health or safety of others at serious risk.

When we say these behaviours must not be tolerated we suggest the behaviours outlined above will require significant intervention. It would be reasonable to expect that action is taken to ensure that the perpetrator understands the very serious nature of their behaviour and the consequences of recidivism.

The ACT Education Directorate’s *Managing Occupational Violence Policy*,<sup>6</sup> contains clear statements that occupational violence is unacceptable and includes a suitable definition of what constitutes violent behaviour. While this is a significant first step in building a culture-sensitive approach to addressing violence, work remains to be done to ensure that this culture is manifested in strategies that are preventative and consistent across all schools.

One program that shows some promise is the trial of a positive behaviour for learning (PBL) approach. This approach seeks to embed an understanding of what is appropriate behaviour in schools, with the goal of preventing instances of inappropriate behaviour. As this approach matures, the AEU would expect to see an increased focus on ensuring:

- Consistent expectations of behaviour across all ACT public schools, including the use of common language to describe behaviours;
- Clear communication to staff of a suitable process to follow where behaviour does not meet an appropriate standard;

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<sup>5</sup> Goss, P and Sonnemann, J, *Engaging Students: Creating classrooms that improve learning*  
<https://grattan.edu.au/wp-content/uploads/2017/02/Engaging-students-creating-classrooms-that-improve-learning.pdf>

<sup>6</sup> Managing Occupational Violence Policy,  
[https://www.education.act.gov.au/\\_data/assets/pdf\\_file/0007/1087486/Managing-Occupational-Violence-Policy-20170718\\_FINAL.PDF](https://www.education.act.gov.au/_data/assets/pdf_file/0007/1087486/Managing-Occupational-Violence-Policy-20170718_FINAL.PDF)

- That school staff are empowered to make their own decisions about appropriate actions within their school's positive behaviour framework and that decisions within that framework are respected and supported by their managers and supervisors.

While each of the characteristics above exists in ACT public schools to a greater or lesser extent, work should continue towards the development of a culture sensitive approach that ensures consistent expectations across the territory.

Our culture must also be one of respect. This begins with acknowledging that schools are a space where students are required, for their own safety and that of others, to comply with the reasonable instructions of teachers and school staff. If a school's culture allows students to view compliance with instructions as optional, it will be very difficult for staff to maintain a safe environment.

#### Recommendation: Culture sensitive

An anti-bullying/violence culture should be encouraged in ACT schools by:

- Clearly identifying common expectations, a common language and a common understanding of appropriate behaviour for learning;
- Recognising the categories of behaviour that are never acceptable and which will not be tolerated in education settings;
- Clearly articulating that students, as well as parents/carers while on school grounds, are required to comply with the reasonable instructions of staff;
- Giving these common expectations a degree of enforceability through their inclusion in policy statements on bullying and violence.

## Gender sensitive

It will not be controversial to say that Australia has a problem with violence against women. According to the Australian Institute of Criminology's *National Homicide Monitoring Report* (2017), on average, one woman a week is murdered by her domestic partner. The *National Community Attitudes towards Violence against Women Survey* (NCAS), led by Australia's National Research Organisation for Women's Safety found that:

- 21% of respondents believed that "sometimes a woman can make a man so angry he hits her when he didn't mean to"
- 1/10 did not understand that "harassment by repeated emails and text messages" was violent behaviour
- 1/25 did not consider "throwing or smashing objects to frighten or threaten" to be violent

In a class of 30 students, on average 1 or more of those students will have difficulty understanding when their behaviour is violent and unacceptable, particularly when it is directed towards a woman. Education is a female-dominated profession.

In the interests of a systematic and preventative approach to managing violence, schools should work to address the attitudes of students towards gender and adopt programs targeted towards the elimination of gender-based violence.

### Recommendation: Gender sensitive

ACT schools should develop an age-appropriate curriculum program dedicated to the elimination of gender-based violence. Steps should be taken to identify students who have unacceptable attitudes towards violence against women, and targeted programs should be adopted to assist those students to understand gender-based violence.

## Non discriminatory

Work safety experts acknowledge that violence is reduced in environments that are free from discrimination based on race, sex or sexual orientation, ability or disability and other characteristics. Unfortunately, staff with are still subject to discrimination in our workplaces from colleagues and community members. This can lead to increased stress and dysphoria as the staff member does not seek adjustments when they need them. In recent cases dealt with by the AEU office:

- a staff member with autism spectrum disorder reported to the AEU that their colleagues made comments in the staff room about people with ASD being unfit to teach;
- a staff member whose co-worker who called her “stupid” in front of colleagues and implied that she had an intellectual disability because of her hearing loss.

Many of the AEU’s LGBTIQ members report that they are not comfortable being “out” at work because of the attitudes of parents and students. 1/5 people surveyed by Roy Morgan Research in 2016 described homosexuality as immoral, obscene or sinful.<sup>7</sup>

If we are to be inclusive of students with a range of backgrounds and abilities, then it is incumbent on us to ensure that they see those characteristics in the staff who work in our schools.

The characteristics of staff should also be acknowledged when designing responses to bullying/violence. For example, not all staff will be comfortable or capable of applying physical restraints, even where those restraints are part of a positive behaviour support plan. We should emphasise measures that prevent and eliminate violent behaviour and the need to apply restraint.

Finally, it is vital that we do not discriminate against students from lower-SES backgrounds, or students with a disability, by setting lower expectations for their behaviour. Research consistently shows that setting reasonable, high expectations leads to improved student outcomes. Wherever possible, we should expect good behaviour from students and teach students to use non-violent means of resolving conflict or accessing their needs.

### Recommendation: Non-discrimination

Steps should be taken to ensure that school workplaces are inclusive of all workers. This includes acknowledging that school staff will be subjected to discriminatory treatment in their workplace and taking steps to identify and manage discrimination as a work safety hazard.

Our expectations for how staff will manage violent incidents must take account of the characteristics of staff. This includes ensuring that suggested methods of resolving violent incidents are accessible.

Schools should continue to articulate a consistent, high expectation for the behaviour of students and not unreasonably lower that expectation because of a student’s characteristics.

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<sup>7</sup> Roy Morgan, “Homosexuality is immoral,” say almost 3 in 10 Coalition voters, <http://www.roymorgan.com/findings/6872-plebiscite-voters-who-say-homosexuality-is-immoral-march-2016-201606301142>

## Systematic

A systematic approach is a cycle where bullying/violence is identified, assessed, interventions applied and monitored, and practices reviewed and evaluated. Without a systematic approach, the response to bullying and violence will be piecemeal and ineffective.

A systematic approach relies on reporting but requires more than the collection and monitoring of Riskman data. Increased reporting is generally positive because it allows us to identify problems. However, if reporting is met by ineffective responses, staff will lose their patience and reporting will drop off. While responses in the ACT Education Directorate are generally appropriate, there continue to be isolated cases where a response is not satisfactory. These cases need to be addressed and managers provided with appropriate assistance to ensure that their responses are appropriate in the future.

A lack of reporting does not excuse a failure to address issues of bullying and violence. A systematic approach seeks to uncover or identify issues that may lead to bullying or violence, including where staff are failing to report or under-reporting. While some staff in industries like nursing and teaching may feel that violence is “part of the job” or only report the most serious incidents, managers have a duty to inquire about work safety matters and ensure that they are addressed.

In accordance with the ILO’s guidance, a systematic approach should include a periodic review of the effects of violence in the workplace that examines key indicia, including:

- *national and local surveys on the extent of violence in the community where the service is carried out;*
- *surveys that have been carried out in similar workplaces/types of services;*
- *absenteeism;*
- *sick leave;*
- *accident rates;*
- *personnel turnover;*
- *opinions of supervisors and managers, workers and their representatives, safety personnel, occupational health and social services personnel.*<sup>8</sup>

Finally, without a systematic approach, it will not be possible to direct the limited resources of our education system towards the places where they are needed most. It is of no value to identify that one school has a particularly high level of risk if we do not direct the resources to that school that it needs to prevent incidents.

### Recommendation: Systematic

In applying the recommendations of this paper, a systematic approach should be taken to ensure the greatest potential for success. Bullying/violence reduction should be adopted at a system level and applied systematically. The system and schools should take shared responsibility for the successful implementation of measures to address bullying/violence.

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<sup>8</sup> International Labour Organisation, *Code of practice on workplace violence in services sectors and measures to combat this phenomenon*, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/normativeinstrument/wcms\\_107705.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107705.pdf)