MANAGEMENT AND MINIMISATION OF BULLYING AND VIOLENCE IN ACT SCHOOLS

STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS

SEPTEMBER 2019

REPORT 6

THE COMMITTEE

CURRENT MEMBERSHIP

Mr Michael Pettersson MLA	Chair
Mrs Elizabeth Kikkert MLA	Deputy Chair
Mr Mark Parton MLA	Member (from 30 April 2019)
Ms Elizabeth Lee MLA	Member (from 01 November 2018 to 30 April 2019)

PAST MEMBERSHIP

Ms Tara Cheyne MLA	Member (from 23 August 2018 to 20 September 2018)
Mr Chris Steel MLA	Member (from 13 December 2016 to 23 August 2018)
Mr Andrew Wall MLA	Member (from 13 December 2016 to 01 November 2018)

SECRETARIAT

Ms Kate Harkins	Committee Secretary
Dr Frieda Scott	Senior Research Officer
Mrs Michelle Atkins	Administration Officer
Ms Lydia Chung	Administration Officer

CONTACT INFORMATION

Telephone	02 6205 0435
Post	GPO Box 1020, CANBERRA ACT 2601
Email	committees@parliament.act.gov.au
Website	www.parliament.act.gov.au

RESOLUTION OF APPOINTMENT

On 13 December 2016, the ACT Legislative Assembly agreed by resolution to establish legislative and general purpose standing committees to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committees to be of concern to the community, including:

A Standing Committee on Education, Employment and Youth Affairs (the Committee) to examine matters related to early childhood education and care, primary, secondary, post-secondary and tertiary education, non-government education; industrial relations and work safety; and youth services.

The Legislative Assembly agreed that each committee shall have power to consider and make use of the evidence and records of the relevant standing committees appointed during the previous Assembly.

TERMS OF REFERENCE

The Standing Committee on Education, Employment and Youth Affairs shall consider the following matters:

1. The management and minimisation of bullying and violence in government and non-government schools be referred to the Standing Committee on Education, Employment and Youth Affairs for inquiry and report;

2. In conducting its inquiry, the Committee have regard to:
    a. the societal context of bullying and violence as a whole-community issue;
    b. the Government's existing work on responding to students with complex needs and challenging behaviours, and management of occupational violence;
    c. the report of the School Education Advisory Committee established by the Minister for Education and Early Childhood Development to look at safe and supportive schools; and
    d. the petition about "violence in ACT schools" received by the Assembly on 21 March 2019;
    e. the potential negative consequences for individual children, their families, staff and schools of being identified in evidence or during hearings and the public attention that could arise from that would likely exacerbate already difficult circumstances;

3. To the extent that evidence or documents related to this inquiry would allow for individual people or schools party to bullying or violence to be identified the Committee take evidence in camera and hold documents on a confidential basis; and

4. The Committee report to the Assembly by 24 October 2019.

ACRONYMS

Assembly	ACT Legislative Assembly
ACTCOSS	ACT Council of Social Services
ACTCPCA	ACT Council of Parents and Citizens Association
ACTPA	ACT Principals Association
AEU	Australian Education Union – ACT/NEW Branch
COAG	Council of Australian Governments
Committee	Standing Committee on Education, Employment and Youth Affairs
The Framework	National Safe Schools Framework
HRC	ACT Human Rights Commission
LDD	Lewis Deep Democracy
LSU	Learning Support Unit
LSUA	Learning Support Unit (Autism)
Minister	Minister for Education and Early Childhood Development
NSET	Network Student Engagement Teams
PBL	Positive Behaviours for Learning approach
PEA	Priority Enrolment Area
Schools for All report	Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour
SEL	Social Emotional Learning
SSSC	Safe and Supportive Schools Working Group
SSSP	Safe and Supportive Schools policy
The Strategy	Future of Education Strategy

TABLE OF CONTENTS

RECOMMENDATIONS

RECOMMENDATION 1

2.89   The Committee recommends that the ACT Government partner with community agencies to provide independent support and guidance to students and their families when preparing for a formal restorative conference following incidents of bullying or violence.

RECOMMENDATION 2

2.90   The Committee recommends that the ACT Government publish a timetable for Positive Behaviour Learning implementation in all ACT schools before 28 November 2019.

RECOMMENDATION 3

2.91   The Committee recommends that the ACT Government endorse a small range of Social Emotional Learning programs to operate in conjunction with Positive Behaviour Learning that support schools respond to childhood trauma, behaviour management and violence in schools. Following this endorsement activity, all ACT public schools are required to implement Directorate nominated programs.

RECOMMENDATION 4

2.92   The Committee recommends that the ACT Government employ fulltime social workers and youth workers in every ACT school.

RECOMMENDATION 5

2.93   The Committee recommends that the ACT Government continue to recruit additional school psychologists and provide psychological support services outside school hours and in school holidays.

RECOMMENDATION 6

2.94   The Committee recommends that the ACT Government provide exceptions to the Priority Enrolment Area policy for students who have been subject to bullying or violence.

RECOMMENDATION 7

3.34   The Committee recommends that the ACT Government investigate the increased use of support workers to provide structured play options at breaks for students with complex needs and challenging behaviours.

RECOMMENDATION 8

3.35   The Committee recommends that the ACT Government ensure there is a requirement to involve Network Student Engagement Teams when bullying or violence involves children with complex needs.

RECOMMENDATION 9

3.36   The Committee recommends that the ACT Government provide exceptions to Priority Enrolment Area policy in order to ensure a child can enrol at a learning support unit relevant to the students need.

RECOMMENDATION 10

3.37   The Committee recommends that the ACT Government ensure all schools have a sensory space available for children with complex needs, distinct to a breakout area for all students.

RECOMMENDATION 11

3.38   The Committee recommends that the ACT Government expand the current flexible offsite education program and ensure availability on the northside.

RECOMMENDATION 12

4.11   The Committee recommends that the ACT Government investigate mechanisms that ensure Personal Protections Orders are drafted in a way that can be enforced within educational settings.

RECOMMENDATION 13

4.12   The Committee recommends that the ACT Government develop tools schools can use to draft enforcement plans for any Personal Protection Orders that apply within educational settings.

RECOMMENDATION 14

4.13   The Committee recommends that the ACT Government consider amending the ACT Crimes Act 1900 to include a section clarifying that intimidating, harassing or violent behaviours on school grounds are subject to legal enforcement.

RECOMMENDATION 15

6.33   The Committee recommends that the ACT Government publish the updated Suspension Guidelines as a matter of priority and review its operation after 2 years.

RECOMMENDATION 16

6.49   The Committee recommends that the ACT Government ensure all written communication tools that explain complaint options, including the referral of concerns to the ACT Human Rights Commissioner, is easy to understand and clearly outlines the internal and external complaint avenues available to students or parents. Any posters should be large and placed in a prominent part of the school entrance.

RECOMMENDATION 17

6.50   The Committee recommends that the ACT Government review existing internal and external complaints handling processes for all incidents of bullying and violence in schools to ensure there are appropriate avenues for parents and students to escalate concerns and have external consideration of matters if required.

RECOMMENDATION 18

7.18   The Committee recommends that the ACT Government introduce a parent self-reporting portal for incidents relating to bullying, violence and occupational violence.

RECOMMENDATION 19

7.19   The Committee recommends that the ACT Government introduce a student self-reporting portal for incidents relating to bullying, violence and occupational violence.

RECOMMENDATION 20

7.20   The Committee recommends that the ACT Government provide increased support to principals to ensure consistency in reporting of bullying and violence.

RECOMMENDATION 21

7.27   The Committee recommends that the ACT Government make the rollout of the new data collection and reporting program a priority; and publish a project timeline before 28 November 2019.

RECOMMENDATION 22

7.41   The Committee recommends that the ACT Government ensure all teachers and teaching support staff, receive specialist training in childhood anxiety and trauma in order to correctly identify and support students.

RECOMMENDATION 23

7.42   The Committee recommends that the ACT Government ensure all teachers and teaching support staff can receive training in personal protection strategies if requested.

FINDINGS

FINDING 1

1.27   Schools experience the same challenges as other parts of society in relation to bullying and violence. Measures to eliminate violence outside school environments may contribute to the elimination of bullying and violence within schools. This requires an ongoing public commitment to changes in attitudes and beliefs associated with violence.

FINDING 2

2.4   Bullying is different to school-based violence. The relationship between the two concepts can be complicated. As violence can be an outcome or component of bullying, addressing bullying early may prevent violent incidents in schools.

FINDING 3

2.28   Although not frequent, incidents of bullying, cyber bullying and violence in ACT schools are concerning. Some of these incidences are not responded to adequately due to poor practice concerning communication, reporting and data collection factors.

FINDING 4

2.60   Although there are a wide range of anti-bullying programs operating in Australian schools, information about the effectiveness of those programs is limited.

FINDING 5

2.87   There is no systematic process undertaken by school leaders to determine what social emotional learning programs operate within individual schools (other than Positive Behaviour Learning). School leaders are using their informal networks to learn about various programs available rather than a central point of reference within the Education Directorate.

FINDING 6

2.88   The five year school review is the only formal process providing oversight to the Education Directorate in relation to social emotional learning programs implemented by a school principal. More frequent assessment is required.

FINDING 7

6.20   ACT Education Directorate policies, and associated procedure documents, need to be detailed and specific to ensure students and families understand what steps should be taken by the school and Education Directorate following an incident.

FINDING 8

6.21   Principals exercise significant autonomy when responding to bullying or violent incidents in ACT government schools. As a result, there are inconsistencies in how schools respond to incidents.

FINDING 9

6.32   **In-school suspension is an effective means of behavioural management and underutilised in ACT government schools.**

1   INTRODUCTION

1.1   This Inquiry was referred to the Committee on 4 April 2019 following ongoing debate in the ACT Legislative Assembly (the Assembly) on matters regarding the safety of students and teachers in ACT schools.[1] When referring the Inquiry to the Committee, the Minister for Education and Early Childhood Development said:

> There has been a lot of talk in this place and in our community about the issues of bullying and violence in schools and more generally in our community over the past month or two. As I have made clear, both in the Assembly and in the media, every student and school worker is entitled to be safe, and the government's commitment to safe and supportive schools is unambiguous. There is no place for bullying or violence in our schools.[2]

1.2   And

> It is clear that the community want an appropriate forum to bring forward individual matters outside of government as we evaluate the management of this issue.[3]

1.3   The report contains references to evidence collected in submissions, *in-camera* hearings and school visits. The Committee has altered all references to avoid identifying individuals, schools or employees in accordance with the terms of the referral. The Committee has not verified the accuracy of any reports or statements made by participants and has included them to illustrate the views of primary stakeholders.

1.4   The Committee note that this report, and its recommendations largely relate to government schools. Whilst the Committee sincerely appreciate the participation of peak bodies representing independent schools, the Committee did not receive any submissions from parents or students with experience of non-government schools. As a result, the Committee is not well placed to make recommendations for Catholic or Independent schools.

1.5   The Report makes 9 findings and 23 recommendations.

---

[1] Bullying and violence in schools (including occupational violence) were discussed in the ACT Legislative Assembly on 24 October 2018, 13 February 2019, 14 February 2019, 15 February 2019, 20 February 2019, and 3 April 2019. Transcripts are available at https://www.parliament.act.gov.au/hansard.

[2] Ms Berry MLA, *Hansard*, 4 April 2019, p. 1344, Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190404a.pdf.

[3] Ms Berry MLA, *Hansard*, 4 April 2019, p. 1347, Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190404a.pdf.

CONDUCT OF THE INQUIRY

ASSEMBLY REFERRAL

1.6   At a private meeting on 9 April 2019, the Committee examined the referral made by the Assembly on 4 April 2019. The Committee noted that the referral included an obligation to take all evidence that could identify any person or school associated with bullying *in-camera* in order to prevent "the potential negative consequences … that would likely exacerbate already difficult circumstances."[4] The Committee has acted in accordance with the restrictive referral, and made all efforts necessary to maintain the confidentiality of individuals and schools who participated in the Inquiry.

1.7   The Committee note that the restrictive nature of the referral has created difficulties for the public to follow the progression of the Inquiry with all hearings held *in-camera* in order to prevent any witness breaching the referral unintentionally. This has been commented on negatively by the media who referenced "secret hearings" and quoted a member of the Assembly saying that the Inquiry was "locked down."[5]

1.8   The Committee note that it has undertaken sensitive inquiries previously and always balanced the need to protect vulnerable witnesses against the need for transparency. The Committee would encourage the Assembly to be conscious of including limiting provisions in future referrals to ensure that the activities of a committee are not impeded.

SUBMISSIONS

1.9   The Committee advertised for submissions to the Inquiry on 9 April 2019, closing on 16 May 2019. The Committee received 27 submissions. This includes 2 late submissions which were accepted by the Committee in July and August 2019. A list of submissions received is at Appendix B.

HEARINGS

1.10   The Committee held *in-camera* hearings over May, June and July, receiving evidence from a range of witnesses including parents, peak bodies, law enforcement and the ACT Government. The Committee heard from 8 organisations and 6 individuals. In order to uphold the limited

---

[4] Ms Berry MLA, *Hansard*, 4 April 2019, p. 1344, Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190404a.pdf.
[5] Groch and Lawson, 'Something is wrong': Inquiry hears harrowing school violence stories, *The Canberra Times*, 14 June 2019. Available at https://www.canberratimes.com.au/story/6215582/something-is-wrong-inquiry-hears-harrowing-school-violence-stories/?cs=14225 1/8.

referral and maintain the privacy of parents, students, teachers and schools the Committee did not agree to publish transcripts from any of the public hearings.

SCHOOL VISITS

1.11 The Committee visited 6 government schools in the ACT to meet with school leaders and understand what approaches have been implemented to address violence in schools. Schools visited ranged in relation to geographical location and included primary schools, mixed campuses, a high school and one college. The Committee also visited one off-campus learning facility. Some schools visited had a separate Learning Support Unit (LSU), or a Learning Support Unit (Autism) (LSUA), whilst others had an integrated learning approach for all students.

1.12 The Committee appreciate the Education Directorates support in arranging these visits. The Committee note that the Minister ensured there were Directorate officials present at these visits.

1.13 The Committee also visited 3 schools in another Australian jurisdiction.

EXTERNAL ENGAGEMENT

1.14 The Committee wrote to New South Wales, Victoria, South Australia and Queensland to seek advice on policy and program approaches taken in those jurisdictions. The Committee sincerely appreciates the contribution of these jurisdictions. One jurisdiction nominated three schools that were implementing innovative approaches to bullying and school violence. The Committee visited these schools in August.

1.15 The Committee notes the work of the School Education Advisory Committee which is ongoing.[6] The Committee has not consulted with the Advisory Committee as part of this Inquiry.

BACKGROUND

1.16 The government told the Committee that there are 88 ACT government schools with more than 49,000 students, supported by around 7,000 staff.[7]

---

[6] See https://www.education.act.gov.au/about-us/minister/school-education-advisory-committees for more details.
[7] Submission 9.

1.17   Increasing levels of bullying and violence within schools has been raised consistently by the community since 2017.[8] The community considers this issue very important as reflected in the two petitions recently tabled in the Assembly, which together received 604 signatures.[9] The Committee note that the government response to these petitions is available.[10]

1.18   This community concern is reflected nationally. A 2018 Relationships Australia survey revealed that almost all respondents considered bullying in schools a big problem and that all types of bullying (physical; verbal; social or electronic) caused harm to children.[11]

1.19   Peak bodies, including the ACT Principal's Association (ACTPA) highlighted that whilst violence in schools occurs and needs to be addressed, most students do not experience violence. They state:

> The overall satisfaction of parents and carers with the education provided at ACT public schools, has maintained a mid-eighty percent ranking from 2013 to 2017, with 2017 being at 85%.[12]

1.20   The Directorate has shared similar messages to staff. ACTPA told the Committee that the ACT Director General of Education sent the following message to all Education Directorate staff in March 2019:

> ACT public schools are safe places dedicated to learning with more than 49,000 students and nearly 4,000 teachers attending ACT public schools every day, mostly without incident. We are proud to welcome every child at our schools, regardless of background or circumstance - including those with complex needs and/or challenging behaviours. However, schools are a reflection of the larger community. Complex and challenging behaviours are present in all aspects of society.[13]

SOCIETAL CONTEXT

1.21   The ACT Government told the Committee that "issues of bullying and violence from the broader community are transposed into schools."[14]

---

[8] Submission 2.

[9] Violence in schools—petitions 5-19 and 8-19 lodged by Ms Lee on 21 March 2019. Petition 8-19 is available at https://epetitions.act.gov.au/PaperPetition.aspx?PetId=107&lIndex=-1, and 5-19 is available at https://epetitions.act.gov.au/ClosedEPetition.aspx?PetId=104&lIndex=-1.

[10] Available at https://epetitions.act.gov.au/Responses/Petition%20Response%205-19%20and%208-19.pdf.

[11] The survey questioned 1,200 people. Available at https://www.relationships.org.au/what-we-do/research/online-survey/march-2018-bullying-in-schools

[12] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018; quoted in Submission 8.

[13] A Message from the Director General, Natalie Howson, *EDU Alerts*, dated 19 March 2019; quoted in Submission 8.

[14] Submission 9.

1.22 The Public Advocate and Children and Young People Commissioner for the ACT shared a similar view with the Committee:

> It is important to state up-front that bullying and occupational violence in schools is not an issue that centres exclusively on interactions between students and students, or students and teachers. It is also an issue that exists in respect of interactions between parents/carers and teachers, or parents/carers and the school more broadly. Further, schools and school communities (which include students, teachers, parents/carers, friends, support services, operational support staff, etc) do not exist in isolation meaning that bullying and occupational violence needs to be understood as a community issue.[15]

1.23 ACTPA identify that to be effective, any response to violence in schools has to be cognisant of the broader society in which we live and work:

> Students in our schools represent the range of our society's character, behaviour, values and priorities; if we are genuinely interested in addressing issues of bullying, violence and other forms of unacceptable behaviour it will continue to require a collective responsibility from the community, schools and system.[16]

1.24 This view is strongly highlighted by evidence presented by Menslink:

> Of the 220 referrals made on our website so far this year by parents, agencies or young men themselves, 61% experienced violence, aggression or abuse at home, compared with 21% at school and 23% elsewhere.
>
> There are overlaps with some young men experiencing violence in multiple locations and we have not separated out victims and perpetrators. However the fact remains, amongst our client base at least, violence outside schools is experienced at nearly four times the rate experienced within the school environment; unfortunately with the most likely place for it to occur being their own home.[17]

COMMITTEE COMMENT

1.25 The Committee agree that behaviours in schools reflect broader social norms and acknowledge that they play a vital role in teaching and modelling respectful behaviour. Discussions concerning violence in schools cannot be fulsome without a broader perspective taken.

1.26 The Committee note that the Government of South Australia has recently made their Bullying Prevention strategy a state government response, rather than one that is the sole responsibility of the Education Department, in reflection of this. fh

---

[15] Submission 11.
[16] Submission 8.
[17] Submission 15.

Finding 1

1.27   **Schools experience the same challenges as other parts of society in relation to bullying and violence. Measures to eliminate violence outside school environments may contribute to the elimination of bullying and violence within schools. This requires an ongoing public commitment to changes in attitudes and beliefs associated with violence.**

2 BULLYING AND VIOLENCE

DEFINING BULLYING AND VIOLENCE

2.1   The definition of bullying has changed over time as bullying is contextual and keeps evolving.[18] Acknowledging this, the Committee notes that a common understanding of the concept is needed to inform policy and school responses. For this report, the Committee used the definition as stated on the 'Bullying. No Way!' website for Australian schools. Managed by the Safe and Supportive School Communities (SSSC) Working Group which has representatives from all states and territories, including the Catholic and independent schooling sectors, the 'Bullying. No Way!' website defines bullying as:

> …an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.
>
> Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).
>
> Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.[19]

2.2   There is a difference between bullying and violence. Bullying involves a misuse of power in a relationship and it is ongoing and repeated. Violence does not have these characteristics. Violence is defined by the SSSC Working Group as:

> Violence is the intentional use of physical force or power, threatened or actual, against another person(s) that results in psychological harm, injury or in some cases death. It may involve provoked or unprovoked acts and can be a single incident, a random act or can occur over time.
>
> Violence can be thought of in three basic categories:
>
> - self-directed violence (e.g. self abuse and suicide)
> - collective violence (e.g. social and political violence including war and terrorism).

---

[18] For a discussion of bullying definitions, see for example Department of Education and Training. (2015). *A review of literature (2010-2014) on student bullying by Australia's Safe and Supportive School Communities Working Group*, pp. 8-17.

[19] Bullying. No Way!, *Definition of bullying*, available at https://bullyingnoway.gov.au/WhatIsBullying/DefinitionOfBullying.

> ▪ interpersonal violence (e.g. family and intimate partner violence, community violence involving an acquaintance or stranger).
>
> Examples of violence a teacher may observe include: throwing items, pushing, grabbing, kicking, biting, hitting with fists, using a sharp instrument, hitting with an object, pulling hair.[20]

2.3　The relationships between bullying and violence, together with the concepts of harassment and discrimination, can be complicated. As explained by the SSSC Working Group:

> Bullying is an ongoing and repeated misuse of power in relationships. This misuse of power can involve harassment, discrimination or violence, each of which can also occur outside of bullying. Single incidents or random inappropriate actions are not bullying.
>
> It is important to remember that bullying and violence are not the same issue. Violence is often an outcome and is certainly an arm of bullying. If bullying can be addressed in its earlier stages then many instances of violence could be prevented.
>
> It is important that bullying and violence are treated as separate issues with their own responses, but both issues are as important as each other and both can have a devastating effect on young people.[21]

Finding 2

2.4　**Bullying is different to school-based violence. The relationship between the two concepts can be complicated. As violence can be an outcome or component of bullying, addressing bullying early may prevent violent incidents in schools.**

---

[20] Bullying. No Way!, *Definition of bullying*, available at: https://bullyingnoway.gov.au/WhatIsBullying/DefinitionOfBullying/Pages/Harassment.aspx [accessed on 18 July 2019]. This definition and typology of violence appears to be in line with the World Health Organisation (WHO)'s concepts introduced in its 2002 World Report on Violence and Health. The report can be found on https://www.who.int/violence_injury_prevention/violence/world_report/en/ [accessed on 18 July 2019].

[21] https://bullyingnoway.gov.au/WhatIsBullying/DefinitionOfBullying/Pages/Harassment.aspx [accessed on 18 July 2019].

NATURE OF BULLYING

2.5   *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools* is an Australian evidence-based report published in 2016. [22] Researchers examined the prevalence and effectiveness of anti-bullying policies being used in Australian government schools in six state and territory educational jurisdictions. It considers perceptions and experiences of a range of stakeholders, including schools, teachers, parents and educational administrators. Data in the report is based on answers to online questionnaires which were answered by schools, students in Years 5 to 10, teachers and parents. In addition, interviews were conducted by telephone with regional administrators and educational leaders. The Committee has used the findings of this report consistently throughout this chapter.

2.6   Researchers asked students what type of bullying they experienced at school. Students identified the spreading of malicious rumours 'to make other kids not like me' as the most commonly perceived forms of bullying at schools. Around 30 percent of students surveyed reported that the spreading of malicious rumours happened quite often or very often at their school.[23] Other forms of bullying reported as happening quite or very often included:

- being made fun of or teased in a mean and hurtful way (26.3%);
- being ignored or not allowed to join in (19.5%);
- being hit or pushed around (14.9%);
- being made to feel at risk of being hurt (12.2%);
- cruel things said online (12.2%);
- harassing of students because of their race (10.5%);
- harassing texts or emails (8.9%); and
- sexual harassment (3.8%).

2.7   Eighty percent of students reported that bullying occurred often in the playground, followed by cyber bullying. Almost 20 percent saw bullying occurring frequently in the classroom, and 22 percent reported bullying to and from school. Notably in areas where students may be expected to be safe, for example in the library or resource centre, 6 percent of students indicated that bullying often took place.[24]

---

[22] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia. Available at https://www.unisa.edu.au/siteassets/episerver-6-files/global/eass/eds/184856-anti-bullying-report-final-3large.pdf.

[23] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. 10.

[24] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. 11.
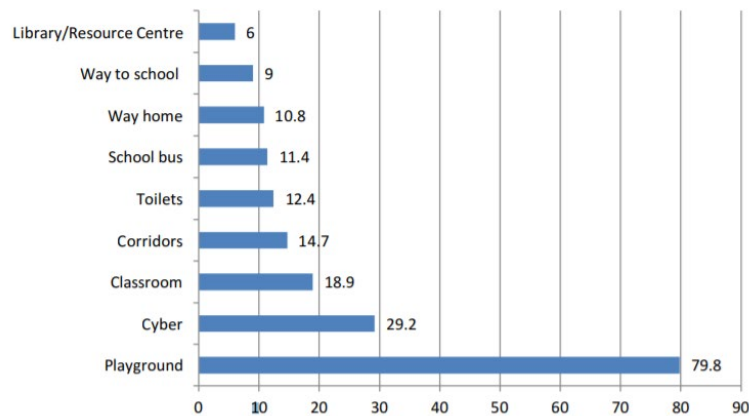
Graph 1: Survey results for locations of bullying (Rigby and Johnson; 2016).

2.8   One Australian-based report also found that there are increased rates of bullying for students who are members of the lesbian, gay, bisexual, transgender and intersex community, culturally and linguistically diverse, have a disability, or are Indigenous.[25]

SCOPE OF BULLYING

2.9   The Committee notes that the Education Directorate does not maintain data on the rate of bullying in ACT schools. As such, it is difficult for the Committee to know how many incidents, and what type of incidents, are taking place. The ACT Parents and Citizens Association (ACTCPCA) told the Committee that the rate of bullying has become a concern to the majority of ACT students with 86 percent of students agreeing that they are worried about the incidences of bullying.[26]

2.10   The ACT Government submission suggested a relatively low occurrence of bullying and violence in ACT public schools, with 2018 data showing that '245 students or 0.83% of the total referrals received by school psychologists across these schools were in relation to bullying.'[27] The Minister also told the Assembly that reported incidents of schools in lockdown (which often follow incidents of violence) are low, with '12 lockdowns reported in 11 schools between 1 July 2018 and 14 February 2019.'[28]

---

[25] Price Waterhouse Coopers (2018), *The economic cost of bullying in Australian schools*, pp. 8-10. https://www.ncab.org.au/media/2505/amf-report-280218-final.pdf.

[26] https://www.actparents.org.au/index.php/news1/item/412-equipping-teens-to-overcome-bullying

[27] Submission 9.

[28] Ms Berry MLA, *Hansard*, 4 April 2019, p. 1503. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190404a.pdf.

2.11   Suspension data from 2015 to 2018 shows that suspension rates remain low at close to 1.5 percent of primary school students, 5 percent of high school students and under 1 percent for college students.[29] The Committee notes that lockdowns and suspensions can be actioned for a variety of reasons and not always linked to occasions of bullying.

2.12   ACTCPA and the ACT Branch of the Australian Education Union (AEU) also believe that the rate of bullying and violence in schools is low.[30]

2.13   In Australia it has been reported that approximately one child in four is being bullied over a period of several weeks.[31] Rigby and Johnston found:

> [A]pproximately 15 percent of students reported being bullied, most commonly in verbal and covert ways. Disabled students reported being victimised more often than able-bodied students. In general, the sample of Indigenous students was not bullied more than others, but there was evidence of them being more often racially harassed.[32]

2.14   The Independent Education Union Australia NSW/ACT Branch (IEU) cites research from the 2015 *Report on The Second Australian Child and Adolescent Survey of Mental Health and Wellbeing*[33] which found that almost 35 percent of 12-17 year olds had experienced bullying in the previous 12 months and 12.7 percent of students acknowledged that they had bullied others.[34]

2.15   Research by Due et al[35] examined bullying in 35 countries and found that bullying is prevalent in schools in every country he considered. He estimates that 10 percent of school children aged 11 to 15 years old were being bullied two or three times a month.

2.16   The Committee notes that these figures must be considered with caution. As described by 'Bullying No Way!':

---

[29] ACT Education Directorate, *Suspension Data and Reducing Suspension*, available at: https://www.education.act.gov.au/__data/assets/word_doc/0004/1136398/Suspension-Data-and-Reducing-Suspension.docx

[30] Submissions 16 and 23.

[31] Cross, D., Monks, H., Hall, M., Shaw, T., Pintabona, Y., Erceg, E., Hamilton, G., Roberts, C., Waters, S. and Lester, L. (2011) Three-year results of the Friendly Schools whole-of-school intervention on children's bullying behaviour. British *Educational Research Journal*, 37(1), 105–129.

[32] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. xi.

[33] Lawrence D, Johnson S, Hafekost J, Boterhoven De Haan K, Sawyer M, Ainley J, Zubrick SR (2015) *The Mental Health of Children and Adolescents. Report on the second Australian Child and Adolescent Survey of Mental Health and Wellbeing*. Department of Health, Canberra; quoted in submission 3.

[34] Lawrence D, Johnson S, Hafekost J, Boterhoven De Haan K, Sawyer M, Ainley J, Zubrick SR (2015) *The Mental Health of Children and Adolescents. Report on the second Australian Child and Adolescent Survey of Mental Health and Wellbeing*. Department of Health, Canberra; pp. 12 – 13.

[35] Due, P., Merlo, J., Harel-Fisch, Y., Damsgaard, M. T., Holstein, B. E., Hetland, J., Currie, C., Gabhainn, S. N., de Matos, M. and Gaspar, L. (2009). Socioeconomic inequality in exposure to bullying during adolescence: A comparative, cross-sectional, multilevel study in 35 countries. *American Journal of Public Health*, 99, 907–914.

Use caution with facts and figures. Bullying is a challenging area to research.

Because of this, every fact or figure about student bullying, in person and/or online, must be used with caution.

For example, a prevalence figure from a single study cannot necessarily be applied to the broader community. Most prevalence figures are estimates based on a wide range of prevalence figures identified across a number of different studies. The original studies have important differences in research design and methodology, including varied reporting and data collection tools, varied student population characteristics, and differing forms of bullying being investigated.

The prevalence figures reported for bullying are a 'best estimate' based on a range of research studies.

An additional caution is that bullying prevalence can potentially be over-estimated if students use the term 'bullying' to include behaviours that are not actually bullying, and can potentially be under-estimated if students are reluctant to report to others. We know that both of these issues commonly happen.[36]

CYBER BULLYING

2.17 As media and technology become integral parts of students' life today, cyber bullying has increasingly become an issue of concern. A recent survey of Australian parents of children aged 12-18 found that these parents rank cyber bulling at the top of their list of concerns for their children; more than drugs, alcohol and smoking.[37]

2.18 A literature review prepared by the SSSC Working Group for the Council of Australian Governments (COAG) Education Council and published on the 'Bullying No Way!' website highlights that "Australian research suggests that up to one in four students has experienced some level of bullying face-to-face and one in five has experienced bullying online."[38]

2.19 According to a 2014 study, an estimated 20 percent of young Australians aged 8-17 are cyberbullied within a 12 month period.[39] The study explained:

---

[36] Bully. No Way!, *Use Caution with facts and figures*, available at
https://bullyingnoway.gov.au/WhatIsBullying/FactsAndFigures.

[37] ReachOut.com, *Parents rank social media and technology worse than drugs, alcohol, smoking,* 11 March 2018, available at: https://about.au.reachout.com/mrparentssocialmedia/.

[38] Bully. No Way!, *FAQs: What is the prevalence of bullying?*, available at
https://bullyingnoway.gov.au/WhatIsBullying/FactsAndFigures/Pages/FAQs-Prevalence.aspx.

[39] Department of Communication (2014), *Research on youth exposure to, and management of, cyber-bullying incidents in Australia: Synthesis report*, p. 2. Available at https://www.communications.gov.au/publications/research-youth-exposure-and-management-cyber-bullying-incidents-australia-synthesis-report-june-2014.

> The estimated number of children and young people aged 8–17 who have been victims of cyberbullying in Australia is around 463,000, of whom around 365,000 are in the peak age group of 10–15 years old. The estimate could range from 100,000 less to around 200,000 more, depending on the definition of cyberbullying and other assumptions made when extrapolating from survey samples.
>
> Most victims are cyberbullied once or twice in a twelve month period, with much lower numbers being bullied on a regular basis.[40]

2.20   The Australian Government has implemented a range of initiatives to understand and address cyber bullying among students for over a decade. Early initiatives, for example, were in 2008 and 2009 when it commissioned two major research projects looking at covert bullying, including cyber bullying.

2.21   The first project, *Behind the Scenes: Insights into the Human Dimension of Covert Bullying,* looked at real life experiences of individuals (victim/perpetrator/bystander/teacher/parent) exposed to covert bullying. Conducted by University of South Australia and Flinders University, the project investigated the nature and impacts of these types of bullying.[41] The study "calls attention to the need to provide additional support and services for all: the students, their families and those vulnerable to manipulation, such as those with disability"[42]. It also highlights the importance of establishing and maintaining good relationships at all levels: home, school and community.[43]

2.22   The second project, *Australian Covert Bullying Prevalence Study* was conducted by Edith Cowan University. In addition to providing information about the nature, prevalence and impact of covert bullying, the report recommended actions for the Australian Government, state and territory education authorities and schools, to address covert and cyberbullying in Australian schools.[44]

---

[40] Department of Communication (2014), *Research on youth exposure to, and management of, cyber-bullying incidents in Australia: Synthesis report*, p. 2. Available at https://www.communications.gov.au/publications/research-youth-exposure-and-management-cyber-bullying-incidents-australia-synthesis-report-june-2014

[41] Spears, Slee, Owens, Johnson; Behind the scenes and screens: Insights into the human dimension of covert and cyberbullying, *Journal of Psychology* 217 (4), 189-196. Available at: https://docs.education.gov.au/system/files/doc/other/behind_the_scenes_-_insights_into_the_human_dimension_of_covert_bullying_-_final_short_report.pdf.

[42] Spears, Slee, Owens, Johnson; Behind the scenes and screens: Insights into the human dimension of covert and cyberbullying, *Journal of Psychology* 217 (4), 189-196, p. 26.

[43] Spears, Slee, Owens, Johnson; Behind the scenes and screens: Insights into the human dimension of covert and cyberbullying, *Journal of Psychology* 217 (4), 189-196, p. 27.

[44] Cross, D., Shaw, T., Hearn, L., Epstein, M., Monks, H., Lester, L., & Thomas, L. 2009. *Australian Covert Bullying Prevalence Study*. Child Health Promotion Research Centre, Edith Cowan University, Perth. Available at https://docs.education.gov.au/system/files/doc/other/australian_covert_bullying_prevalence_study_executive_summary.pdf.

2.23   Among the recommendations for schools were the provision of support and quality professional learning for teachers to address covert bullying and for schools to have a clear policy and guidelines in regard to the issue of covert bullying.[45]

2.24   Recent initiatives at the national level include the creation of the Office of eSafety Commissioner. Established in 2015, the Commissioner is 'responsible for the online safety of all Australians.'[46] The Commission's work on cyberbullying includes providing information about addressing cyberbullying[47]and handling cyberbullying complaints.[48] On its website, the Office refers people to the Kids Helpline, a 'free, private and confidential 24/7 phone and online counselling service for Australian kids and young people (aged 5-25).'[49]

2.25   The Student Wellbeing Hub[50], is an interactive online resource for educators, parents and students as part of the National Wellbeing Framework. Discussion about Australian Government Policy Responses later in this chapter will look at this further.

2.26   The Committee heard many examples of cyber bullying and understood how the effects of cyber bullying can be different to bullying experienced in other forms. A case study submitted by ACTCPCA reported that as the result of an attack posted online a child has withdrawn from friendships, developed mental health concerns and is now home-schooled:

> The impact of this incident and the school processes … will have far reaching and serious impacts on our child's future pathways, success and mental health. The impact on our child's educational future is the most serious outcome on this incident as they are now no longer interested in learning and are suspected to be suffering from depression.[51]

2.27   In another submission, parents told the Committee that because the attack on their child was recorded and posted online, they have had to repeatedly go through anxiety as the video resurfaces occasionally.[52]

---

[45] Cross, D., Shaw, T., Hearn, L., Epstein, M., Monks, H., Lester, L., & Thomas, L. 2009. *Australian Covert Bullying Prevalence Study,* Child Health Promotion Research Centre, Edith Cowan University, Perth. Available at: https://docs.education.gov.au/system/files/doc/other/australian_covert_bullying_prevalence_study_executive_summary.pdf, p. xxxii.

[46] Australian Government, *eSafety Commissioner*, available at https://www.esafety.gov.au/about-the-office/role-of-the-office.

[47] Australian Government, *Cyberbullying*, available at https://www.esafety.gov.au/esafety-information/esafety-issues/cyberbullying.

[48] Australian Government, *Complaint Resolution Process*, available at https://www.esafety.gov.au/complaints-and-reporting/cyberbullying-complaints/complaint-resolution-process.

[49] Kids Helpline, *About Us*, available at https://kidshelpline.com.au/about/about-khl.

[50] Australian Government Department of Education, *Student Wellbeing Hub*, available at https://studentwellbeinghub.edu.au/.

[51] Submission 23 – Case Studies.

[52] Submission 13.

Finding 3

2.28 **Although not frequent, incidents of bullying, cyber bullying and violence in ACT schools are concerning. Some of these incidences are not responded to adequately due to poor practice concerning communication, reporting and data collection factors.**

PERSONAL COST OF BULLYING

2.29 The ACT Government submission acknowledges the effects that being subject to bullying can have on a student:

> The government take this matter very seriously because bullying and violence can have immediate and long term negative impacts on all parties involved. Bullying and violence can create anxiety, fear and distress and have lasting impact on a person's psychological and physical health. For students, this can impede their full participation in school life, learning and enjoyment of school.[53]

2.30 The Committee heard distressing stories from parents who were concerned about the long-term effects that bullying had on their children. Submission 5 highlights how bullying can significantly impact a young child's mental health:

> He was coming home from school having angry outbursts and telling us it was ok, because he would chop his head off and kill himself. On one occasion he took a bread knife out of the draw holding it to his throat as he said it. I spoke to the Deputy Principal about what was happening and he commented "well we all know he won't achieve anything with a butter knife". I could not believe the flippant response and I approached one of the school psychologists about the issue. He advised me to see a private psychologist.[54]

2.31 The Committee heard from parents that children feel scared to go to school for significant periods after occasions of bullying, and often feel that school leaders are unable to act in order to protect them.[55] One family had to make the difficult decision to move their child interstate to live with a family member for the fear of their safety.[56]

2.32 The Committee also heard evidence regarding the impacts of two years of bullying to an individual twenty years later:

> My maths skills have been weak which has impacted my teaching degree
>
> My confidence levels in myself suffered since high school.

---

[53] Submission 9.
[54] Submission 5.
[55] Submissions 10 and12.
[56] Submission 13.

> My confidence levels in meeting and making new friends has been impacted.
>
> I did not go to my year 10 high school reunion due to fear of bullying happening again.
>
> I still question what policies and procedures were taking place back in the early 2000s to prevent bullying?
>
> I had a very supportive family and I was okay at the end but the scars are still present.[57]

2.33   Several submissions highlighted the injustice felt by students who thought that there were little to no consequences to the perpetrators.[58] The Committee also received submissions which outlined the frustrations some families had in seeking accountability.

> We have previously written to the Directorate to advise them of the ongoing harassment our daughter was receiving and they ignored our email, the abuse my daughter received was not just the assault at the start of last year it was all year! She would be verbally abused, told to kill herself, kicked in the back, chairs kicked out from under her, a rubbish bin tipped on her head!!!!!! Basically, her life was hell, it was relentless. The teachers were not able to stop any of it nor were they able to minimise the abuse from happening. We wrote to the directorate and requested compensation for medical expenses and were advised that the school nor the teachers were at fault so therefore they are not liable.[59]

2.34   The Committee heard that the Education Directorate provided limited support to parents who sought advice on appropriate responses to bullying in local priority area enrolment schools:

> I spoke to the acting principal and deputy principal on an ongoing basis. After every incident I contacted the [Education Directorate] liaison unit to ask for assistance and advice on how to move forward with the situation. While they provided a great listening post, they were not able to provide any concrete assistance with the management of either the school or help me or my son move forward.[60]

2.35   The Committee notes that the evidence provided through submissions and hearings, aligns with research that shows bullying can cause psychological harm through the loss of self-esteem and persistent feelings of anxiety and depression.[61] In addition, studies have shown that peer victimisation is significantly related to poor academic performance.[62]

---

[57] Submission 21.

[58] Submissions 10, 12, 13, 21, and 23.

[59] Submission 13.

[60] Submission 1.

[61] Olweus, D. (1993). *Bullying at school*. Cambridge, MA: Blackwell., Forero, R., McLellan, L., Rissel, C. and Bauman, A. (1999). Bullying behaviour and psychosocial health among school students in New South Wales, Australia: Cross-sectional survey. *British Medical Journal*, 319(7206), 344–348, Rigby, K. (2003). Consequences of bullying in schools. *Canadian Journal of Psychiatry*, 48(9), 583–590, Sourander A. M. D. (2005). Childhood predictors of psychiatric disorders among boys: A prospective community-based follow-up study from age 8 years to early adulthood. *Journal of the American Academy of Child and Adolescent Psychiatry*, 44(8), 756–767.

[62] Juvonen, J., Wang, Y. and Espinoza, G. (2011). Bullying experiences and compromised academic performance across middle school grades. *Journal of Early Adolescence*, 31, 152–173.

2.36 The effect that bullying has to other members of the family was also highlighted:

> I think it is important to acknowledge that these issues are not only affecting students, other members of families are also affected. My own mental health has been affected and I have taken stress leave from work. As our child is not able to attend school, I have taken extended leave to provide support and home education. This has the potential to seriously affect our family finances.
>
> Our other child is already suffering from mental health issues and as a result of seeing their sibling suffer has had an increase in their symptoms.
>
> Following this incident, we have also footed a large medical bill as family members seek support from doctors and other professionals. These bills are unlikely to be short-term, we could be paying them for years.
>
> The ongoing health concerns and education potential for our child has suffered, this is likely to affect their quality of life in the future.
>
> I have always been a huge supporter of public education and I feel like our family has been failed by the education system in Canberra.[63]

2.37 As told by a submitter:

> The assault affected me significantly. I suffer from PTSD from work where there is a lot of assault, riots and abuse. Seeing my daughter attacked the way she was, was a trigger for me in my recovery. Even now the thought of what happened and seeing the video when it was posted gives me increased anxiety. We raised our concerns regarding the ongoing harassment and bullying to the school and little could be done. It took almost a year for the situation to be resolved in the courts and when it was, we weren't advised until earlier this year. The entire process has been traumatic for myself and my other child who attends that school.[64]

SOCIAL AND ECONOMIC COSTS OF BULLYING

2.38 The Committee note that in addition to personal and social ramifications, there is a considerable economic cost to bullying. The IEU told the Committee:

> Economic and social costs associated with bullying and violence in schools are likely incalculable and one report estimates the direct and indirect costs associated with bullying among a single cohort of Australian students over 13 years of schooling at $525m.[65]

---

[63] Submission 23 – Case Studies.
[64] Submission 13.
[65] Submission 3.

2.39   The report referenced was produced in 2018, PwC Australia. It concluded that the total estimated costs of bullying would be $2.3 billion for each school year group.[66] The report states:

> After school completion, the consequences of bullying continue and are estimated to cost $1.8 billion for each single cohort of students over a period of 20 years. This is driven by impacts to productivity, chronic health issues, and impacts on family and the community from continued bullying behaviour that can extend to violence.[67]

2.40   The Committee heard that families also had experienced financial burdens from the costs associated with medical treatments, new uniforms and increased public transport needs.[68]

AUSTRALIAN GOVERNMENT POLICY RESPONSES

2.41   Over the last two decades, many initiatives at the national level have been aimed at the minimisation and management of bullying and violence in schools.

2.42   In 2003, the National Safe Schools Framework (the Framework) was established. The Framework aimed "to assist all school communities in building safe and supportive schools where bullying, harassment and violence are minimised and students receive support on issues related to child abuse and neglect".[69] For fourteen years, the Framework provided schools with a set of guiding principles and related key elements/approaches that can be put in place to effectively provide a safe and supportive learning environment.[70]

2.43   Since its launch, the Framework has undergone reviews and revisions in response to the changing nature of Australian society. A review released and endorsed in 2011, included responses to "the newly emerging challenges for school communities in relation to online safety, cyberbullying and issues related to violence and anti-social behaviours."[71]

2.44   Following a 2017 review, the Framework was relaunched as the Australian Student Wellbeing Framework.[72]

---

[66] PwC Australia (2018), *The economic cost of bullying in Australian schools*, p. i. https://www.ncab.org.au/media/2505/amf-report-280218-final.pdf.

[67] PwC Australia (2018), The economic cost of bullying in Australian schools, p. i. https://www.ncab.org.au/media/2505/amf-report-280218-final.pdf.

[68] Submission 12 and Submission 23 – Case Studies.

[69] Student Learning and Support Services Taskforce, *The National Safe Schools Framework*, p. 4. http://www.curriculum.edu.au/verve/_resources/natsafeschools_file.pdf.

[70] Student Learning and Support Services Taskforce, *The National Safe Schools Framework*, p. 4. http://www.curriculum.edu.au/verve/_resources/natsafeschools_file.pdf.

[71] Student Wellbeing Hub, *Summary Report of the Framework Review*, p. 5. Available at https://studentwellbeinghub.edu.au/parents/resources/summary-report-of-the-framework-review/.

[72] Australian Government, *The Australian Student Wellbeing Framework*, available at: https://www.education.gov.au/national-safe-schools-framework-0.

2.45   To support the implementation of the Framework, the Student Wellbeing Hub was created in 2013. Previously called the Safe Schools Hub, it provides age-appropriate information and resources targeted specifically to educators, parents and students to support student wellbeing and safety. The educator area contains free, self-paced and certificated professional learning courses on a range of key topics for schools. The parent area contains advice, information and guides to support them navigate their children's journey through school. Students can access games, quizzes and information about issues most important to them.[73]

2.46   Other national initiatives include the SSSC Working Group. As discussed in the introduction of this report, the SSSC includes representatives from the Commonwealth and all states and territories, as well as national Catholic and independent schooling representatives. It aims to 'work together to help schools to create learning environments where every student and school community member is safe, supported, respected and valued'.[74] The SSSC Working Group manages the 'Bullying. No Way!' website – an information source for parents, teachers and students – and National Day of Action Against Bullying and Violence.

2.47   The Committee notes that ACT schools participate in the National Day of Action Against Bullying and Violence which is held on the third Friday of March each year. In 2020 it will celebrate its 10th anniversary as Australia's key anti-bullying event for schools.[75]

2.48   The ACT also participates in the COAG Bullying and Cyberbullying Senior Officials Working Group to enhance community responses to student bullying, including cyberbullying; and the National Respectful Relationships Education Expert Group.[76]

2.49   Overarching policy responses include the National Plan to Reduce Violence against Women and their Children; National Framework for Protecting Australian Children (2009-2020) and the Beyondblue Mental Health in Education Initiative.[77]

---

[73] Student Wellbeing Hub, *About us*, available at https://studentwellbeinghub.edu.au/about-us/.
[74] Bully. No Way!, *About us*, available at https://bullyingnoway.gov.au/SiteInformation/Pages/About-us.aspx.
[75] Bully. No Way!, *Save the date! NDA 2020*, available at https://bullyingnoway.gov.au/nationalday.
[76] Submission 9, pp. 13-14.
[77] Australian Government, *Review and Update of the National Safe Schools Framework Summary Report*, p. 37. Available at https://studentwellbeinghub.edu.au/educators/resources/summary-report-of-the-framework-review/.

EFFECTIVENESS OF POLICY RESPONSES TO BULLYING

2.50 Australian researchers found that all the schools surveyed as part of *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools* report had a written anti-bullying policy, but only 47 percent of students indicated that they were aware of its existence.[78] Researchers concluded that in Australia:

> Little is known about what schools are doing, both proactively and reactively, in addressing school bullying. Nor is it known what elements in anti-bullying programs are making significant contributions towards reducing bullying.[79]

2.51 Most students reported that teacher-led instruction and activities on bullying took place at their school, more commonly in primary schools. Whilst students generally recognised the value of this work, they indicated different priorities about what is most useful in stopping bullying.[80]

2.52 The Committee sought evidence regarding effective strategies for the prevention of bullying. It found that research is lacking and that few programs are evaluated by schools.

2.53 There is some evidence that anti-bullying strategies based upon the Friendly Schools Whole of School Intervention Program can significantly reduce bullying, but it is not known how widely the program is being implemented and which of the many elements in the program are contributing to its success. Similarly, it is evident that the Method of Shared Concern can be used to resolve some cases of bullying, but it is not known how widely this and other alternative reactive strategies are being used in Australian schools and with what success. [81]

2.54 The most reliable data the Committee found suggested that school-based bullying is reduced by 20 percent with the use of well-designed anti-bullying programs. [82] As noted by Healy:

> Schools are under great pressure to visibly take action against bullying. However, caution is needed, especially in high schools, because many programs that sound like a good idea can make bullying worse. Schools should stick with what they know works and only adopt new programs that have been adequately evaluated.[83]

---

[78] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. xi.

[79] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. 1.

[80] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. xi.

[81] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. 1.

[82] Ttofi and Farrington, 2011 quoted in Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. 1.

[83] Healy, K., *Not every school's anti-bullying program works – some may actually make bullying worse*, 20 May 2019, available at: http://theconversation.com/not-every-schools-anti-bullying-program-works-some-may-actually-make-bullying-worse-116163.

2.55   The Committee received submissions which put forward suggested best practice approaches to address bullying and violence at schools. Submission 11 proposed seven principles of an evidence-based best practice approach to bullying and occupational violence for consideration:

- Whole of community approach – including restorative practice, school policy and practice frameworks, family-partnerships and the involvement of children and young people.

- Early intervention and prevention

- Strengths-based, trauma-informed and therapeutic relational responses

- Inclusion

- Child/Youth-Led and Focused

- Continuous Improvement

- Evidence-Based Decision-Making Accountability.[84]

2.56   In line with the proposed whole-of-community approach above, Submission 14 put forward recommendations based on the ecological model to understand and minimise aggression in schools:

- Implement Multi-Tiered Systems of Support for behaviour and learning – including Positive Behaviours for Learning (PBL) and Response to Intervention (RTI)

- Implement explicit social, emotional and cognitive skills programs

- Train school leaders to understand how to improve and measure school climate and school identification.[85]

2.57   The Association of Independent Schools of the ACT told the Committee the core elements of Independent schools which lead to minimising bullying and violence including: the provision of sound pastoral care, clear statements describing high expectation of students within the context of the culture and ethos of a school, relevant professional training and resources for staff and ensuring good communication between all school stakeholders.[86]

2.58   The Committee was also told about Lewis Deep Democracy (LDD) which has been applied in schools in South Africa since 2003, several European countries, and some schools in Australia, to manage and minimise violence and conflict with positive results:

> The power of LDD is that it provides tools that enable children and young people to be actively involved in dealing with issues that affect them. This differentiates it from other programs in that it allows and encourages all voices to be heard and respected,

---

[84] Submission 11.
[85] Submission 14.
[86] Submission 17.

> sensitivity to other points of view, the development of a sense of responsibility and accountability and ultimately, resolution of the tension that arises through conflict and bullying.[87]

2.59   The Committee notes that it did not receive evidence that LDD was being implemented in any school in the ACT.

Finding 4

2.60   **Although there are a wide range of anti-bullying programs operating in Australian schools, information about the effectiveness of those programs is limited.**

RESPONSES TO OCCASIONS OF BULLYING

2.61   The Committee heard that schools engage a varied a range of responses to occasions of bullying or violence. This largely reflected the need for different responses depending on the nature of the incident. One approach regularly used was restorative practice. From evidence given by families, the Committee understands that schools engage in this in various ways, some more formal than others. A common theme heard by the Committee was that children are not offered support to prepare for a conference. One submission provided a view on this:

> The intervention policies in place in many ACT schools are referenced using restorative justice practices. Our experience of these is that they are enormous consumers of resources particularly teacher time and training capital.[88]

2.62   As noted earlier in this chapter, many families who made submissions to the Inquiry found that the schools' responses to their children's incidents were frustrating, inadequate and disappointing. As a result, the majority of these families moved their children to other schools, and two families chose to move their children to schools outside of the ACT.

2.63   Families identified the problem as a lack of leadership in schools. They were disappointed by their interactions with school principals. Over half of these families felt that the principals were hardly present at schools. One family found the principal to be intimidating and combative.

2.64   The Committee heard about a of lack of clarity and inconsistency in policy implementation. Families identified that problems they encountered could be avoided if their children's schools had a consistent approach, support and clarity.

---

[87] Submission 18.
[88] Submission 3.

2.65   The Committee understands that families are frustrated as they felt that schools were not able to effectively deal with bullying and violence. There seemed to be no serious consequences for the perpetrators. As one Submitter said:

> Policies are useless until they are consistently applied, with clear action plans and effective sanctions to deter the students who are assaulting other children.[89]

2.66   The Committee heard from parents how their children's schools have inadequate support such as school psychologists, trauma specialists, youth workers, as well as sensory areas. The IEU submission also highlights this:

> We consider that education, awareness and constant exposure to best practice in respectful behaviour is key to prevention. This exposure requires planning, resourcing and reiteration. Further we consider that further resourcing in specialist areas such as school counsellors, psychologists and therapists would further assist prevention.[90]

2.67   In this respect, the Committee heard how supportive leadership and the use of a trauma specialist, youth worker, access to outdoor learning and sensory areas dramatically improved one child's behaviour.[91]

PROGRAM RESPONSES WITHIN ACT SCHOOLS

2.68   The ACT Government informed the Committee that it has endorsed several Social Emotional Learning (SEL) approaches, as informed by the Collaborative for Academic, Social and Emotional Learning approach, including the following:

- Friendly Schools Plus
- PATHS - Promoting Alternative Thinking Strategies Program
- MindUP - Mindfulness program
- Second Step
- Bounce Back
- You Can Do It!
- SenseAbility
- Everyone Everyday Program
- KidsMatter
- MindMatters

---

[89] Submission 2.
[90] Submission 3.
[91] Submission 7.

2.69 The Committee was fortunate enough to visit several ACT schools. Whilst all had peer reviewed programs operating within the school, some programs were based on trauma response models, others on positive psychology, and others on those programs outlined above.

2.70 When the Committee asked school leaders about how they chose to operate a program, it was largely on word of mouth testimony from other teachers who found it helpful. The Committee did not hear that the Education Directorate offers specific guidance in relation to this aspect of school operation.

2.71 The Committee also asked if the Education Directorate endorses SEL programs once they are chosen by a school. In response, the Committee heard that the Education Directorate views the school review process as a way of endorsing SEL choices.

2.72 Following visits and discussions with school leaders, it became clear that the Education Directorate is not endorsing or sponsoring a particular SEL response or framework, allowing each school to determine their own way forward.

2.73 In addition to policy frameworks, schools also told the Committee about effective practical measures taken, including shifting break times and facilitating structured activities during breaks. Some schools also ensured that learning support staff are present at break times to support all students.

2.74 The Committee heard evidence that apart from the Positive Behaviours for Learning approach, which is discussed in the section below, there is no consistent SEL program approach to wellbeing in schools.

POSITIVE BEHAVIOUR FOR LEARNING

2.75 The Positive Behaviours for Learning (PBL) approach supports schools to implement the Safe and Supportive Schools Policy. It is an international evidence-based approach for creating safe and supportive school environments.[92]

2.76 PBL is a whole school culture changing approach to creating a positive behaviour environment through:

- leadership and school-wide support
- common language, vision and experience
- clearly defined set of expected behaviours (expectations and rules)

---

[92] A summary of research evidence for PBL is available from the United States Office for Special Education Programs Technical Assistance Center on Positive Behavioural Interventions and Supports, available at https://www.pbis.org/research.

- procedures for teaching and practising expected behaviours

- continuum of procedures for acknowledging expected behaviours

- continuum of procedures for responding to problem behaviours

- procedures for record keeping and decision making and ongoing monitoring of data. [93]

2.77   The Minister has told the Assembly that:

> PBL is an internationally-adopted, evidence-based whole school approach to improve learning, behaviour and social outcomes for all students. PBL facilitates students, teachers and school communities to identify the positive behaviours and values that are expected in their school. The values and expectations are taught, reinforced and celebrated both within and outside a classroom setting. The PBL approach involves the school community working together with students, families and staff all empowered to participate in decision-making. It also involves developing school-wide consistent procedures to address negative behaviours. [94]

2.78   Well EDvantage in its submission to the Committee supports the adoption of PBL.

> Any interventions with the student and or family will be long term and positive changes are slow in coming. However, schools can take on a trauma informed or trauma aware approach to be sensitive to the needs of these students and reduce negative behaviours. The implementation of PBL in ACT Public Schools has integrated an understanding of trauma into their training with schools.[95]

2.79   The AEU stated "one program that shows some promise is the trial of PBL". They highlight that it empowers school staff 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.[96]

2.80   The ACT Government has determined that all ACT government schools will adopt this approach. The Directorate is part way through the implementation of PBL in ACT government schools. [97] The Committee was fortunate enough to visit schools well developed in PBL and those commencing work on their strategies.

---

[93] *Education (Safe and Supportive Schools Advisory Committee) Determination 2019,* available at: https://www.education.act.gov.au/__data/assets/word_doc/0005/1333904/Terms-of-reference-Safe-and-Supportive-Schools-Advisory-Committee.docx.

[94] Ms Berry MLA, *Hansard,* 3 April 2019, p. 1225. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190403a.pdf.

[95] Submission 14.

[96] Submission 16.

[97] *Education (Safe and Supportive Schools Advisory Committee) Determination 2019,* available at: https://www.education.act.gov.au/__data/assets/word_doc/0005/1333904/Terms-of-reference-Safe-and-Supportive-Schools-Advisory-Committee.docx.

COMMITTEE COMMENT

2.81 The Committee acknowledges that every single teacher and staff member met on site visits showed their commitment to the eradication of bullying and violence in their schools. The Committee acknowledge that there is a significant amount of work being undertaken in this regard.

2.82 The Committee notes that bullying is different to violence, and the relationship between the two concepts can be complicated. Work undertaken to prevent bullying, may assist in also preventing violence.

2.83 The Committee notes that there are a range of support services, including information portals, available to students and parents online. The Committee did not hear evidence of schools referring students and parents to a range of these options.

2.84 It became clear to the Committee that the introduction of PBL has not resulted in a systematic review of existing support programs. The Committee is not confident that schools have been given the tools to consider how existing programs will interact with the PBL measures introduced.

2.85 The Committee is also not confident that the five year school review process is an adequate or complete way of ensuring that schools SEL programs best met their current behavioural or trauma needs.

2.86 The Committee is of the firm view that the Education Directorate needs to take a proactive approach and formally endorse a small suite of program options (be that trauma based, focus on positive psychology or social education practice) and then shape training offerings around that endorsement. This would provide numerous benefits including schools understanding what options are available, and the confidence that if a school wanted to change their approach to respond to emerging student cohort needs, there is the central support in place to assist school leadership.

Finding 5

2.87 **There is no systematic process undertaken by school leaders to determine what social emotional learning programs operate within individual schools (other than Positive Behaviour Learning). School leaders are using their informal networks to learn about various programs available rather than a central point of reference within the Education Directorate.**

Finding 6

2.88   **The five year school review is the only formal process providing oversight to the Education Directorate in relation to social emotional learning programs implemented by a school principal. More frequent assessment is required.**

Recommendation 1

2.89   **The Committee recommends that the ACT Government partner with community agencies to provide independent support and guidance to students and their families when preparing for a formal restorative conference following incidents of bullying or violence.**

Recommendation 2

2.90   **The Committee recommends that the ACT Government publish a timetable for Positive Behaviour Learning implementation in all ACT schools before 28 November 2019.**

Recommendation 3

2.91   **The Committee recommends that the ACT Government endorse a small range of Social Emotional Learning programs to operate in conjunction with Positive Behaviour Learning that support schools respond to childhood trauma, behaviour management and violence in schools. Following this endorsement activity, all ACT public schools are required to implement Directorate nominated programs.**

Recommendation 4

2.92   **The Committee recommends that the ACT Government employ fulltime social workers and youth workers in every ACT school.**

Recommendation 5

2.93   **The Committee recommends that the ACT Government continue to recruit additional school psychologists and provide psychological support services outside school hours and in school holidays.**

Recommendation 6

2.94   **The Committee recommends that the ACT Government provide exceptions to the Priority Enrolment Area policy for students who have been subject to bullying or violence.**

3 STUDENTS WITH COMPLEX NEEDS AND CHALLENGING BEHAVIOURS

3.1 The Committee heard evidence that children with complex needs and challenging behaviours appear to be overrepresented in occasions of violence and occupational violence within ACT schools. The Committee notes that there have been numerous reviews examining best practice for education-based responses to this cohort of students, and that violence continues despite the best efforts of parents, teachers, support staff, school leaders and policy makers.

3.2 The ACT Government submission provides:

> Every young person has a place in government school education and the ACT Government is investing in strengthening the capability of every government school to respond to the diversity of individual student needs and behaviours that are seen in the community. In doing so, government school teachers are supported to develop capable, mature and resilient adults who understand the value of learning, live productively in society, and think, create and work in an increasingly digital environment.[98]

3.3 The Committee understands that the government has established an Occupational Violence and Complex Case Management team to address this. The Committee notes that the ACT Government submission was the only evidence received in relation to this team. The submission states:

> This team was established in late 2018, bringing together health and safety expertise with allied health practitioners skilled in managing complex behaviour in schools to further the work of implementing the Directorate's Occupational Violence Policy and Management Plan.

> The team's role is to minimise harm to staff and others within the Directorate that may arise from behaviours exhibited by students, parents or carers and other members of the community. Work undertaken by the team is focussed on the school environment. Responding to occupational violence, while directed at managing risks to staff safety, also addresses issues contributing to student safety.

> The team supports staff safety by:

> - analysing data to identify where staff may be at risk of harm due to the behaviour of students or parents/carers;

> - making recommendations about effective student behaviour management in circumstances where a risk to staff health and safety has been identified;

---

[98] Submission 9.

- reviewing incident reports;

- facilitating the development, and regular review, of school-based risk management plans where the level of risk of harm to a worker resulting from behaviour of a student or other non-staff school community member has been assessed at a high level; and

- providing advice to schools on actions that should be taken to mitigate against risk of injury.[99]

3.4 The Committee has drawn heavily on the findings in the *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*,[100] (Schools for All report) and adopted the terminology used in that report.

SCHOOLS FOR ALL

3.5 In May 2015, the then ACT Minister for Education and Training, Ms Joy Burch MLA, established an Expert Panel to review policy and practice in all ACT schools regarding students with complex needs and challenging behaviour. The final Schools for All report included 50 recommendations. All recommendations were accepted by the ACT Government.[101] The Minister for Education and Early Childhood Development provided quarterly updates on implementation progress to the Assembly between 2016 and 2018.[102] An evaluation of the Schools for All project is due later this year and will be made publicly available when complete.

3.6 The Committee has identified key parts of the Schools for All report that align with evidence heard as part of this Inquiry. Each is briefly discussed below. The Committee note that many findings are also relevant to policy considerations discussed in chapter 6.

3.7 The Expert Panel undertook extensive consultation with stakeholders and noted student views of violence in schools:

---

[99] Submission 9, p. 26.

[100] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra].

[101] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 11.

[102] ACT Education Directorate, *Schools for All*, at https://www.education.act.gov.au/support-for-our-students/students-with-complex-needs-and-challenging-behaviours/Schools-for-All-Project.

Students reported being affected by a range of disruptive behaviours at school and some mentioned occurrences of physical violence or other potentially dangerous or distressing situations.[103]

3.8   In relation to teachers, the Expert Panel highlighted:

Teachers and school leaders … noted instances of violent and destructive behaviour and concerns about their own ability to respond effectively to protect student safety.[104]

3.9   The Committee notes that both student and teacher perspectives highlighted above reflect evidence collected in this Inquiry. No evidence received by the Committee suggested that these issues have reduced in number or severity since 2015. Submission 5 highlights this:

I spoke with a teacher only last week who shook their head and agreed the students with severe behavior issues are causing a great deal of stress and taking up a lot of time and resources. Staff feel "hamstrung" because they can only do so much. Our Deputy Principal agreed when I shared this conversation with them. They are also frustrated. Behaviour is taking up so much time and energy students are not able to focus on learning.[105]

3.10   In relation to numbers of students with complex needs and challenging behaviours, the Expert Panel noted:

ACT school leaders believe that the proportion of students with complex needs and challenging behaviour is increasing, and this observation appears to be supported by other evidence.[106]

3.11   The Committee did not hear evidence on the number of children presenting to schools with complex needs but heard that there is growing pressure on schools to find additional teaching and support resources to meet the needs of students with complex needs and their families.

3.12   The Schools for All report also noted that there is no one experience common to students, parents or teachers across the ACT:

---

[103] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 12.

[104] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 12.

[105] Submission 5.

[106] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 11.

> Parents and students reported a range of experiences within mainstream settings, with some parents/carers commenting on the very positive and inclusive culture in their schools, and the range of supports provided, while other parents/carers and students reported very difficult experiences. A small number of students appear to be caught in a cycle of suspensions, transfers between schools and reduced school hours, where mainstream schools are not adequately meeting their behavioural support needs.[107]

3.13   This finding is reflected in many of the testimonies heard by the Committee. Submission 7 is an example where one mainstream school could not adapt to the needs of a student with challenging behaviours and the student was caught in a cycle as described above. When the parent moved suburbs, and as a result changed schools, the new school partnered with the family to establish protocols that were adapted for that individual student need. This approach resulted in no incidents of violence occurring at the new school. The submission states:

> Due to a range of strategies - ranging from a specially recruited youth worker being available, modified learning, having a sensory space he can go to, actively building trust with teaching staff, structured play at times, and training staff to be aware of autism and his triggers there has not been one violent incident with students or staff, no suspensions, no calls to immediately collect him from school, no suggested or enforced part-day attendance. My son is learning, wants to go to school, has friends and no longer wants to commit self-harm.[108]

3.14   ACTPA also told the Committee about how individual schools are adapting to meet the needs of their students. Their submission included the following example:

> In addition to system-wide proactive programs to prevent bullying and violence many schools have developed bespoke programs to assist students with building successful relationships and emotional wellbeing. For example, one primary school has dedicated two teachers to work, full time, on a proactive program each day in which a series of innovative measures enable children to address concerns and work through issues related to learning and wellbeing. The program includes a full time 'Friendship Hub' where children are supported, counselled, taken through restorative practices and shown how to positively resolve issues with others. It also incorporates a creative play area where emotions can be worked through and cooperative play skills can be developed. The Well Being team also works very closely and positively with parents. Programs such as this are instrumental in teaching constructive behaviour and

---

107 Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 15.
108 Submission 7.

promoting a positive school and community culture that minimises bullying and violence.[109]

3.15 The Committee note that the Expert Panel recommended the use of KidsMatter (for primary schools) and MindMatters (for high schools) as valuable resources for building positive cultures.[110] Whilst the Minister informed the Committee of these programs,[111] the Committee did not visit any school which highlighted either of these programs as making a significant difference to student behaviour. Nor did they hear any evidence in relation to the general operation of these programs.

3.16 The Expert Panel also found that the use of suspension is generally not a long-term solution for students with complex needs and challenging behaviours and may increase risks of disengagement and other difficulties. The Expert Panel recommended that schools provide alternative options to out of school suspensions wherever appropriate and possible, including in-school suspensions with temporary additional staffing for support.[112]

3.17 The Committee heard a significant amount of evidence that in-school suspensions are occasionally facilitated, out of school suspensions are more regularly occurring. The Committee agree with the Expert Panel finding and have made a similar recommendation in Chapter 6.

3.18 The ACT Government submission informed the Committee that:

> Work undertaken by the Directorate through the Schools for All program has strengthened schools' capacity to support students with complex needs and challenging behaviours across four areas - improving student outcomes, building capability, being informed and collaboration. This program of work provided extensive opportunities for school leaders, teachers and learning support assistants to develop their skills and knowledge through participation in relevant and evidence-based professional learning.

3.19 The ACT Government also informed the Committee that Schools for All aligns strongly with PBL and the Future of Education Strategy:

> Aligning with Schools for All, empowering school staff to know that they are valued and have the support to respond to individual student need continues to be a key focus of

---

[109] Submission 8.

[110] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 15.

[111] Submission 9.

[112] Shaddock, A. J. & Packer, S., & Roy, A, 2015, *Schools for all children & young people: report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, [Canberra], p. 18.

the Directorate under the Future of Education Strategy. Schools for All has continued to deliver tangible outcomes and improvements within ACT schools. Notably, this includes a shift in schools' understanding and management of student behaviour in a way that supports positive academic and behavioural outcomes for students as a growing number of schools have commenced implementation of the Positive Behaviour for Learning framework. Outcomes of the Schools for All program are being measured through a robust evaluation framework. A final evaluation report will be prepared at the end of 2019 and made publicly available.[113]

WELLBEING SUPPORTS

3.20   There are several supports available to students and their families provided by the Education Directorate. Supports can be arranged at the local school level based on families collaborating with school leaders to access school-based autonomous programs such as a mentor program; or an Education Directorate funded support such as access to a school psychologist. If those supports are not appropriate or fail to change behaviour, the school can seek additional guidance and support from the multidisciplinary Network Student Engagement Team (NSET).

3.21   NSET is an interdisciplinary team of professionals with a diverse skill set who are working collaboratively to build capacity within students, schools, and the community. They endeavour to increase engagement and improve student outcomes.[114] The work of NSET aims to complement other supports available to schools. The Committee understands that there is a NSET Principal who manages the 4 Network Student Engagement Teams. In each region, the NSET team should comprise a Deputy Principal, Hearing and Vision Support teachers, Inclusion Officers, Occupational Therapists, a Physiotherapist, speech Language Pathologists, Senior Psychologists, Social Workers and Allied Health Assistants, and Support at Preschool (SAP) Teachers. [115]

3.22   NSET aims to assist schools to build capability and capacity to ensure students at risk of disengaging with education have appropriate adjustments made to assist them to access learning and where necessary have appropriate referrals made for additional external support (in consultation with parents/carers). This may include whole school, class and targeted programs, including coaching and mentoring of teachers, co-designing individualised student responses; case co-ordination support; professional learning; and reviewing funding for students with a disability.[116]

---

[113] Submission 9.

[114] ACT Education Directorate, *Support Services in Schools,* available at https://www.education.act.gov.au/support-for-our-students/student-health-and-wellbeing/support-services-in-schools. Accessed on 16 August 2019.

[115] ACT Education Directorate, *Support Services in Schools*, available at https://www.education.act.gov.au/support-for-our-students/student-health-and-wellbeing/support-services-in-schools. Accessed on 16 August 2019.

[116] ACT Education Directorate website, *Support Services in Schools*, available at https://www.education.act.gov.au/support-for-our-students/student-health-and-wellbeing/support-services-in-schools. Accessed on 16 August 2019.

ALTERNATIVE AND FLEXIBLE LEARNING MODELS

3.23   The Committee heard many students with complex needs have greatly benefited from specialised teaching within Learning Support Units (LSU), a Learning Support Unit Autism (LSUA) or the assistance of the Learning Support Assistant in mainstream classes and playgrounds. The Committee received evidence that responding to complex needs can be more individualised in a LSU or LSUA due to smaller class sizes and additional staffing resources. Examples included the use of animals and outside space in teaching.

3.24   The Committee understands that there are no minimum qualifications or training requirements for support staff in LSUs or LSUAs. The Committee also understands that educators are not required to have specialised training to teach within such settings.

3.25   Sensory spaces were also discussed at school visits. The Committee understands that one recommendation in Schools for All was that each school have a withdrawal space, but that there is no requirement each LSU or LSUA to have its own withdrawal space. The ACT Government submission notes:

> The ACT Government has committed $5.6 million over the forward estimates to support the enhancement and development of sensory spaces in schools where staff are able to support students with complex needs and behaviours of concern. Students and staff at 53 schools have benefitted from this investment through improvements to physical environments and infrastructure that have created safe and inclusive spaces that support student engagement and learning.[117]

3.26   The Committee notes that there are a range of learning models outside school environments available to students who are at risk of disengaging with school, these include distance learning and home education models. The Committee heard evidence that parents can feel pressure to home school children with complex needs or challenging behaviours.[118]

3.27   There are also a range of off-campus learning units including schools at the Murrumbidgee Education and Training Centre, the Canberra Hospital and the Cottage. The ACT Government submission provides:

> The Directorate has developed and implemented a coherent approach to alternative education programs, with all ACT public high schools now implementing the Continuum of Education model - an evidence-based framework that supports engagement of all students and enables every high school to respond flexibility to meet the diversity of need within their school community. [119]

---

[117] Submission 9, p. 10.
[118] *In-camera* hearing testimony.
[119] Submission 9, p. 10.

3.28   The Committee notes that there is currently only one off-campus learning space operating for students without identified health needs, or in youth detention. The Committee understands that it is currently at capacity with 10 students attending. The Committee understands that there are referrals of students made, and assessed as suitable, although not successful due to a lack of space available in the program.

COMMITTEE COMMENT

3.29   The Committee acknowledge that the ACT Government have made a concerted effort to implement the recommendations of Schools for All report and are pursuing the roll-out of PBL to ensure the safety of all people in ACT schools. The Committee is concerned that current responses are not delivering the responses anticipated as the incidents of violence continue to grow.

3.30   The Committee strongly supports the expansion of flexible learning models and considers it a risk to have students with complex needs and at risk of disengagement unable to access tailored support due to a lack of capacity.

3.31   It is concerning that evidence shows parents of children with complex needs and challenging behaviours feel that the Education Directorate and school leaders consider them as part of the problem when they seek additional information and support. The Committee strongly believes that there should never be pressure placed on parents or carers to facilitate home education or distance education. The Committee would encourage the Directorate to start collecting data on the number of students who have engaged with NSET and then commence home or distance education.

3.32   The Committee also agrees that there is a role for NSET to be automatically engaged in incidents of bullying or violence that include a child with complex needs or challenging behaviour. Additional support will enable all parties to identify and respond to the risk of future violence.

3.33   Whilst the Committee appreciates that the Schools for All report did not recommend compulsory minimum standards for training in relation to learning support staff due to the impact this may have had on the staffing profile, the Committee is strongly of the view that minimum training levels are required to keep other students and learning support staff safe. A recommendation acknowledging this is found in chapter 7.

Recommendation 7

3.34   **The Committee recommends that the ACT Government investigate the increased use of support workers to provide structured play options at breaks for students with complex needs and challenging behaviours.**

Recommendation 8

3.35   **The Committee recommends that the ACT Government ensure there is a requirement to involve Network Student Engagement Teams when bullying or violence involves children with complex needs.**

Recommendation 9

3.36   **The Committee recommends that the ACT Government provide exceptions to Priority Enrolment Area policy in order to ensure a child can enrol at a learning support unit relevant to the students need.**

Recommendation 10

3.37   **The Committee recommends that the ACT Government ensure all schools have a sensory space available for children with complex needs, distinct to a breakout area for all students.**

Recommendation 11

3.38   **The Committee recommends that the ACT Government expand the current flexible offsite education program and ensure availability on the northside.**

4 JUSTICE SYSTEM RESPONSES

INTERACTION BETWEEN SCHOOLS, THE EDUCATION DIRECTORATE AND ACT POLICING

4.1 The Committee understands that some families seek the assistance of police after incidents of violence or bullying in schools.[120] The Committee heard evidence that families can seek a Personal Protection Order (PPO) to prohibit one student from being within a certain distance of another student; or prohibit certain communication between students.

4.2 The ACT Police website states:

> A protection order is an order of the court setting conditions that a person must abide by. These conditions can prevent the person from contacting or approaching, causing or threatening to cause personal injury, and prohibits them from being harassing, intimidating or behaving in an offensive manner towards you.
>
> You can apply for a protection order by lodging an application at the ACT Magistrates Court, or with the help of the free Legal Aid service at the court, or with your own solicitor. This is separate to any police investigation. Details of the harassment, abuse or violence must be provided to the Court so a decision can be made on the matter.[121]

4.3 The Committee understands that in addition to the application being a stressful process that potentially exacerbates bullying and violence, schools may find it difficult to enforce any PPO orders. As noted in one submission:

> We took out a PPO however these are really ineffective at school as the teachers can not enforce them when the people involved attend the same school.[122]

4.4 The Committee sought information on how often ACT Policing attend schools in relation to bullying or violent incidents. ACT Policing was unable to provide this information as it would require a manual review of all requests. The Committee understands that police attend schools occasionally in relation incidents of violence, although heard no evidence in relation to occasions of bullying. The Committee also notes that ACT Policing runs a number of educational programs onsite at schools.

---

[120] Including submissions 12 and 13.
[121] ACT Policing, *Protection Orders*, available at https://police.act.gov.au/safety-and-security/family-violence/protection-orders.
[122] Submission 13.

RELEVANT LEGISLATION

4.5   The Committee heard that the ACT has no specific legislation prohibiting violence or bullying on school grounds, although other States do. The Committee note that there is a general power in section 147(2) of the ACT *Education Act 2004* which provides that a "person commits an offence if the person behaves in an offensive or disorderly way on school premises." The Committee is unaware of this section being engaged to respond to bullying or violence.

4.6   The Committee also understands that there are no guidelines for the general public on what sorts of incidents should be reported to ACT Policing. The Committee is unaware of any guidance being provided to teachers or principals.

4.7   The Committee considered section 60E of the NSW *Crimes Act 1900* as an example of legislation that can provide recourse for acts of violence and bullying involving students, teachers or parents. The section is in full below:

> **Assaults etc at schools**
>
> (1) A person who assaults, stalks, harasses or intimidates any school student or member of staff of a school while the student or member of staff is attending a school, although no actual bodily harm is occasioned, is liable to imprisonment for 5 years.
>
> (2) A person who assaults a school student or member of staff of a school while the student or member of staff is attending a school and by the assault occasions actual bodily harm, is liable to imprisonment for 7 years.
>
> (3) A person who by any means:
>
>> (a) wounds or causes grievous bodily harm to a school student or member of staff of a school while the student or member of staff is attending a school, and
>>
>> (b) is reckless as to causing actual bodily harm to that student or member of staff or any other person,
>
> (4) A person who enters school premises with intent to commit an offence under another provision of this section is liable to imprisonment for 5 years.
>
> (5) Nothing in subsection (1) applies to any reasonable disciplinary action taken by a member of staff of a school against a school student.

4.8   The Committee notes that this legislation was introduced in 2002 following consultation with the Minister for Police and criminal law experts from the Attorney General's Department, following a Community, Parents and Police Forum which was convened in 2011 to canvass

concerns about how violence sometimes spills into schools.[123] The bill had the support of all political parties at the time of introduction.

COMMITTEE COMMENT

4.9   The Committee does not agree that an act of violence against a student or teacher on school grounds should be treated differently to an act of violence that occurs in a public space. Students, teachers and parents who act inappropriately on school grounds should be subject to the same laws as they are held to outside school grounds, and those laws should be enforced in the same way. The Committee believes that the justice process can take place independently of Education Directorate policy-based responses.

4.10   The Committee believes that the ACT Government can provide greater assistance to families and teachers who seek PPOs. Assistance should focus on ensuring that orders sought are drafted in a way that allows for schools to put management plans into place that enable all parties to continue engaging with the school.

Recommendation 12

4.11   **The Committee recommends that the ACT Government investigate mechanisms that ensure Personal Protections Orders are drafted in a way that can be enforced within educational settings.**

Recommendation 13

4.12   **The Committee recommends that the ACT Government develop tools schools can use to draft enforcement plans for any Personal Protection Orders that apply within educational settings.**

---

[123] Mr Watkins, (Minister for Education and Training) second reading, *Hansard*, 31 October 2002, NSW Legislative Assembly. Available at: https://www.parliament.nsw.gov.au/bill/files/1859/A13502.PDF.

Recommendation 14

4.13   **The Committee recommends that the ACT Government consider amending the ACT Crimes Act 1900 to include a section clarifying that intimidating, harassing or violent behaviours on school grounds are subject to legal enforcement.**

5 OCCUPATIONAL VIOLENCE IN SCHOOLS

5.1   Unacceptably high rates of occupational violence in schools has been subject to several independent reviews and ongoing discussion in the Assembly.[124] This chapter provides a brief overview of developments since the Caple Review in 2017. The Committee notes that it did not receive any submissions from educators in respect to a personal experience of occupational violence.

5.2   The ACT Government defines occupational violence as including:

> Personal intimidation, verbal abuse, physical assault, threatening behaviour, abuse through technology (text, emails, and phone calls), making vexatious complaints, and making derogatory, slanderous or threatening statements to or about another person. Occupational violence is not limited to incidents which occur within a workplace. It can also include violence that occurs away from work but is a result of work. For example, a social worker who receives a threatening telephone call from a client at his or her home is a victim of workplace violence.

> Violence between co-workers is not classified as occupational violence.[125]

5.3   The ACT Government told the Committee:

> The Directorate has undertaken substantial work over the past two years to develop a systemic approach to work health and safety that supports the prevention of physical and psychological injury to school staff arising from incidents of occupational violence within ACT schools. This work is ongoing and includes detailed guidance to schools on relevant policies and procedures such as the Occupational Violence Policy and Management Plan, professional development for staff on appropriate responses to occupational violence and promotion of a safety and reporting culture. This approach is being undertaken in parallel with Schools for All.[126]

---

[124] For examples within the past 15 months see *Hansard* on 15 August 2018, 23 October 2018, 28 November 2018, 13 February 2019, 14 February 2019, 21 March 2019, 5 June 2019 and 6 June 2019. All available at http://www.hansard.act.gov.au/hansard/2019/links/download.htm.

[125] Mr Barr, *Hansard* 6 June 2019, p. 2337; Answer to questions on notice 2448-2485. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190606a.pdf.

[126] Submission 9, p. 7.

SCOPE OF OCCUPATIONAL VIOLENCE IN ACT SCHOOLS

5.4   The Education Directorate's *Annual Report 2017-18* states:

> During the 2017-18 reporting period, 3,139 worker work health and safety incident reports were received including 38 reports for other parties. Reporting numbers increased from 2,242 in the previous year and this is reflective of increased workforce education on the importance of reporting and the provision of an online reporting tool, RiskMan. This increase in reporting has not seen a significant increase in lost time injuries. In addition to worker incidents, there were 1,660 student accident and incident reports for the reporting period.[127]

5.5   The Directorate also reports on performance against the Australian Work Health and Safety Strategy 2012-22 targets. The Directorate reflected on Target 1 - A reduction of at least 30 percent in the incidence rate of claims resulting in one or more weeks off work:

> The Directorate has been performing above expectations since the introduction of the performance targets. In this reporting period, the Directorate experienced a significant decrease in the number of claims for musculoskeletal disorders however an increase in psychological injury and secondary psychological injury has seen a sustained number of new five-day claims.[128]

5.6   The Chief Minister, in response to a Question on Notice, provided updated details to the Assembly on reports of occupational violence for the ACT Government on 4 June 2019.[129] This data shows that between 1 July 2018 and 10 April 2019, the Education Directorate had 1612 reports made for incidents of occupational violence with physical injury arising, 198 incidents with psychological injury arising and 339 incidents with no injury arising. This is a total of 2149 incidents.[130]

5.7   The data shows that the total number of incidents reported for all employees of the ACT Government was 3200. This means that the Education Directorate is responsible for over 67 percent of total occupational violence incidents reported.

---

[127] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 116.

[128] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 118.

[129] Mr Barr, *Hansard* 6 June 2019, p. 2337; Answer to questions on notice 2448-2485. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190606a.pdf.

[130] Mr Barr, *Hansard* 6 June 2019, p. 2337; Answer to questions on notice 2448-2485. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190606a.pdf.

5.8   The data also shows that in addition to these occupational violence incidents, 14 reports of bullying and harassment resulting in psychological harm were reported, and 36 occasions of mental stress (separate to other incidents) were reported.

5.9   External data sources also show a significant increase in occasions of occupational violence in the ACT. In February 2019, the Australian Catholic University released *The Australian Principal Occupational Health, Safety and Wellbeing Survey.*[131] It collected data from more than 120 school leaders from Canberra's 150 schools.[132] Nationally, the report found that 45 percent of school principals were threatened with violence in 2018, compared with 38 percent in 2011. In relation to ACT specific data, it found that 51 percent of ACT school leaders reported a physical attack in 2018 and close to two thirds said they had been threatened with violence. That compared to 38 percent or one in three principals attacked nationally and 45 percent suffering threats.[133]

5.10   Media coverage of the report highlighted that although the number of principals reporting violence in the ACT has climbed by 74 percent since the survey began in 2011, it has only risen by 5 percent since the Education Directorate began rolling out occupational violence reforms in 2016.[134]

5.11   The IEU submission also referenced the La Trobe University *Teacher Targeted Bullying and Harassment by Students and Parents* 2018 survey[135] which reported that 71.4% of respondents had experienced bullying in the previous 12 months.[136]

5.12   The ACT Government told the Committee that reported occasions of violence are increasing due to a focus on reporting. In response to a question in the Assembly, the Minister told members:

> The evidence we have is that there is now a culture of reporting within Education that did not exist before. The high incidence of reporting, which has resulted from a number of incidents occurring, has also shown us that whilst there is a high number of reports, which is good because then we know what is going on and we can work with the schools to resolve those issues, there is also not a high number of work days lost as a result of injuries within schools. That is also good information to have, because it

---

[131] Available at https://www.healthandwellbeing.org/assets/reports/AU/2018_AU_Final_Report.pdf.

[132] Groch, S., 'Out of Control': Half of Canberra principals attacked on the job, *Canberra Times*, February 27 2019, https://www.canberratimes.com.au/story/5993665/out-of-control-half-of-canberra-principals-attacked-on-the-job/

[133] Groch, S., 'Out of Control': Half of Canberra principals attacked on the job, *Canberra Times*, February 27 2019, https://www.canberratimes.com.au/story/5993665/out-of-control-half-of-canberra-principals-attacked-on-the-job/

[134] Groch, S., 'Out of Control': Half of Canberra principals attacked on the job, *Canberra Times*, February 27 2019, https://www.canberratimes.com.au/story/5993665/out-of-control-half-of-canberra-principals-attacked-on-the-job/

[135] Teacher Targeted Bullying and Harassment by Students and Parents; Report from an Australian Exploratory Study was published in 2019 by Latrobe University: VIC, Australia. Available at: final_ttbh_report_april_20_2019.pdf.

[136] Submission 3.

shows that we are addressing issues and providing supports to teachers and staff within school communities to ensure that they can continue at work.[137]

5.13 The ACT Government submission notes that while an increase in reporting culture has seen an increase in the number of incidents logged, there has not been a subsequent increase in lost days of work:

> Reports of incidents of occupational violence rose from 480 in 2013-14 to 2,431 in 2017-18. While the Directorate continues to see an increase in these reports (some reports may be duplicate reporting of incidents) occupational violence related claims accepted and lost time injuries (1 day or more) have not seen a corresponding increase. In 2013-14 less than five claims were accepted and in 2017-18 five claims were lodged.[138]

5.14 There is not widespread agreement that a reporting culture is fully entrenched. The IEU stated that their experience is that much of the poor behaviour by parents and students goes unreported by teachers and school leaders due to apprehension that they will be blamed for poor management or leadership. This fear is evidence based and the IEU is aware of cases where employers have accused teachers of causing or escalating issues.[139]

THE CAPLE REVIEW

5.15 The Caple Review, commissioned by the Education Directorate in December 2016, assessed if the systems utilised by the Education Directorate mitigated the risks of physical and psychological injury to school staff arising from incidents of occupational violence within ACT schools. The review, completed in April 2017, identified that there was no systematic approach to address the risks of occupational violence in the ACT primary, secondary or specialist schools.[140]

5.16 This review made 4 recommendations:

- further professional development for staff working with students with complex needs;
- work health and safety risk assessment processes and a student case management approach;
- improving data capture for occupational violence incidents; and;

---

[137] Ms Berry MLA, *Hansard*, 5 June 2019, p. 2115. Available at http://www.hansard.act.gov.au/hansard/2019/pdfs/20190605a.pdf.
[138] Submission 9, p. 24.
[139] Submission 3.
[140] David Caple, *Independent Assessment – Occupational Violence Final Report*, 7 April 2017 available at https://www.education.act.gov.au/__data/assets/pdf_file/0005/1288526/Caple-Review.pdf.

■ developing closer working relationships with pre-service universities to ensure new educators have experience and knowledge to teach students with complex needs.[141]

5.17 All the recommendations of the review, as above, were accepted by the Education Directorate in April 2017. The government submission states that all recommendations from this review are well advanced in their implementation.[142]

WORKSAFE ACT ENFORCEABLE UNDERTAKING

5.18 On 15 October 2018, WorkSafe ACT announced that it had undertaken a two year investigation into occupational violence in ACT public schools. The ACT Government media release states:

> Following an investigation by WorkSafe ACT, it is alleged that between 2016 and 2018 the Education Directorate did not comply with its health and safety duty as it did not do all that was reasonably practicable to ensure the health and safety of its staff.
>
> As a result, staff were exposed to the risk of injury, and were injured in three schools as outlined in the undertaking. WorkSafe ACT has not named these schools to respect the privacy of the individuals involved in these incidents.
>
> The issues of alleged non-compliance related to:
>
> ■ applying inconsistent or inadequate controls to workplace hazards associated with student behaviours
>
> ■ failing to adequately adjust controls following incidents or changes in circumstances
>
> ■ failing to provide adequate training to staff in the application of controls identified.[143]

5.19 An enforceable undertaking is a legally binding agreement which must be complied with or further regulatory action will be considered. The undertaking includes commitments to improvements for employees, industry and the community with timelines and reporting requirements that have to be met.

---

[141] David Caple, *Independent Assessment – Occupational Violence Final Report*, 7 April 2017 available at https://www.education.act.gov.au/__data/assets/pdf_file/0005/1288526/Caple-Review.pdf.

[142] Submission 9, p. 27.

[143] ACT Government, *Action taken against Education Directorate to support improvement in occupational violence prevention and management*, available at https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/access-canberra/2018/action-taken-against-education-directorate-to-support-improvement-in-occupational-violence-prevention-and-management. Accessed on 20 August 2019.

5.20   The Enforceable Undertaking, dated 28 September 2018, details three examples of occupational violence that were not responded to adequately and outlines actions that the Education Directorate must now complete.[144] They include the following:

- full implementation of the Occupational Violence Policy and Management Plan;

- hosting a forum on work health and safety and occupational violence in education settings; and

- supporting the ACT Council of Parents and Citizens Associations to deliver three workshops with a focus on supporting the safety of staff, students and families and meeting the diverse range of student academic and wellbeing needs.[145]

5.21   The ACT Government submission states:

> The government initiated a system-wide review of the Directorate's occupational violence approach, leading to improvements in organisational culture, specific training, and a recalibration of risk management. The Directorate's work was recognised and built upon through an enforceable undertaking agreed with the WorkSafe ACT. The undertaking details the significant work that preceded it and strategies agreed as part of it.[146]

RESPONSES TO OCCUPATIONAL VIOLENCE

5.22   The ACT Government submission informed the Committee that a significant body of work has been undertaken in response to occasions of occupational violence. It states:

> In August 2016 the Education Directorate commenced work to identify and treat risks associated with occupational violence in ACT government schools. The program of work included a joint Australian Education Union/Education Directorate working group, formed on 30 August 2016, to progress a program of agreed work. Products from this collaboration include an Occupational Violence Management Policy and Plan, support documents and products for use in schools and classrooms throughout the ACT government school system.[147]

---

[144] The Enforceable Undertaking Proposal is available at https://www.education.act.gov.au/__data/assets/pdf_file/0010/1263367/Australian-Capital-Territory-Education-Directorate.pdf.

[145] The Enforceable Undertaking Proposal is available at https://www.education.act.gov.au/__data/assets/pdf_file/0010/1263367/Australian-Capital-Territory-Education-Directorate.pdf.

[146] Submission 9, p. 25.

[147] Submission 9, pp. 25-26.

5.23   The Managing Occupational Violence Policy and associated Plan were published in July 2017.[148] The policy "commits the ACT Education Directorate, through all levels of the organisation, to protect staff in the course of their work from exposure to occupational violence risk and to clearly demonstrate that occupational violence is unacceptable."[149] A range of tools and were developed to enhance the management of Occupational Violence, they include: posters and email banners, risk assessment tools and a renewed intranet page on Occupational Violence Management.[150] The Directorate also formed the Occupational Violence Steering Committee to govern the implementation of the safe work initiatives outlined in the Directorate's Occupational Violence Safe Work Plan.[151]

5.24   In addition to specific occupational violence policy, general work, health and safety policies apply to school environments. The Minister told the Committee:

> A suite of health, safety and wellbeing procedures has been developed as part of the Health Safety and Wellbeing Safety Management System Framework. The framework and procedures align with the ACT Public Sector's commitment to the health and safety of its workers and other persons outlined in the ACT Public Sector Work Health and Safety Policy Statement. Additionally, the Education Directorate Safety and Wellbeing Statement specifies the core principles to guide the conduct of school leaders in ensuring everyone has a safe, healthy and supportive work environment.[152]

5.25   In respect to bullying that occurs in the workplace, the Committee was referred to the Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012 which provides guidance for organisations in the ACT on preventing and responding to bullying at work. The Directorate said that the Code includes:

> [M]easures to develop systems that will prevent bullying, respond to reports of bullying and effectively meet legal responsibilities set out in the *Work Health and Safety Act 2011*. In complying with this legislation, the Education Directorate seeks to prevent bullying in the workplace long before it becomes a risk to health and safety of staff.[153]

---

[148] ACT Education Directorate, *Managing Occupational Violence Policy* available at: https://www.education.act.gov.au/__data/assets/pdf_file/0007/1087486/Managing-Occupational-Violence-Policy-20170718_FINAL.PDF.

[149] ACT Education Directorate, *Managing Occupational Violence Policy,* paragraph 1.2; available at: https://www.education.act.gov.au/__data/assets/pdf_file/0007/1087486/Managing-Occupational-Violence-Policy-20170718_FINAL.PDF.

[150] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 115.

[151] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 17.

[152] Submission 9, p. 26.

[153] Submission 9, p. 9.

5.26   The Committee heard from a number of parents that they feel teachers need clear powers enabling them to respond to violence against them and other students. This was also raised by the IEU who refer to research identifying the lack of certainty frontline school staff have regarding their legal powers and protections.[154] Their submission states:

> Of particular concern to our Union is the increasing fear our members feel towards their own career safety if they intervene in violent situations. One particular case (in NSW) merits mention. In this instance a school Principal and Assistant Principal intervened to restrain a violent student and were both physically injured in the process.

> Following the intervention, the parent of the restrained student made a complaint (to the Office of the Children's Guardian) of physical abuse against those involved which triggered an investigation overseen by the NSW Ombudsman.[155]

5.27   The IEUA highlights the need for immediacy in responses to adequately support staff:

> Immediate and appropriate workplace level and system support must be readily available. It is often the case that "intervention teams', counselling and other assistances are available only during school hours or office hours or there are significant delays in dealing with incidents because reporting mechanisms are onerous.[156]

5.28   The IEU also supports adopting formal risk assessments at all schools across a variety of factors. They state:

> Our experience is that there continues to be occasions where risk assessments are either incomplete or ignored. … It is imperative that all staff likely to be exposed to known violent offenders be aware of the circumstances and the risk management plan. It is insufficient for only the daily classroom teacher to be alerted as other staff will likely be exposed on bus lines, playground supervision and at other times.[157]

5.29   The Committee note that the Education Directorate *Annual Report 2017-18* states that as of September 2018, 48 schools have participated in occupational violence training. The remaining schools will complete training by the end of 2018.[158]

---

[154] Van der Weegen, *Defining Reasonable Force in the modern school environment,* in Submission 3. Available at: http://classic.austlii.edu.au/au/journals/IntJlLawEdu/2013/6.pdf.

[155] Submission 3.

[156] Submission 3.

[157] Submission 3.

[158] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 115.

COMMITTEE COMMENT

5.30 The Committee acknowledge that internal and external data sources consistently show increasing rates of occupational violence occurring in ACT schools.

5.31 The Committee notes the work being undertaken by the government to address the ongoing needs of teaching professionals in ACT public schools. The Committee agrees that improvements to reporting culture and data collection tools will enable a clear evidence base for future reform to be determined. Additionally, the focus on behaviour management of students with complex needs and challenging behaviour will need to be maintained.

5.32 The Committee notes that no evidence was heard in relation to systematic measures being undertaken to educate parents on behaving appropriately in school environments. This is an area for future consideration as data shows parents are responsible for significant occasions of occupational violence. The Committee understands that the Directorate has a guide to managing unreasonable or aggressive parent behaviour, that provides an outline of steps available to teaching staff. The Committee notes that this was not presented to the Committee for consideration.

6 POLICY RESPONSES

ACT GOVERNMENT POLICIES

6.1 The ACT Government has a range of policies operating across the public school system designed to address the underlying causes of bullying and violence in schools. In addition, there are policies and procedures that govern responses to occasions of bullying and violence. This chapter will discuss five main strategy and policies that are related to the management and minimisation of bullying and violence in schools, with reference to the *Education Act 2004*.

6.2 ACTPA told the Committee that there are many strategies, procedures, policies, referrals and tools available to ACT schools and principals to respond to and counter instances of negative behaviours when they do arise. In its submission ACTPA listed ten of such procedures, policies and tools.[159]

FUTURE OF EDUCATION STRATEGY

6.3 Launched in 2018, the Future of Education Strategy (the Strategy) outlines the plan for education in the ACT for the next ten years. Based on consultation with 5,000 people including 2,400 students over a year and a half, the strategy is based on four foundations:

- Place students at the centre of their learning
- Empower teachers, school leaders and other professionals to meet the learning needs of all students
- Build strong communities for learning
- Strengthen systems to focus on equity with quality.[160]

6.4 The Strategy has four principles for implementing the strategy; they include equity, student agency, access and inclusion.[161] It also is accompanied by an implementation plan which provides further details.[162] The ACT Government submission provides:

---

[159] Submission 8.

[160] ACT Education Directorate (2018), *The Future of Education: an ACT education strategy for the next ten years*, pp. 2-3. https://www.education.act.gov.au/our-priorities/files/future-of-education/resources-documents-lister/strategy-documents/the-future-of-education-an-act-education-strategy-for-the-next-ten-years

[161] ACT Education Directorate (2018), *The Future of Education: an ACT education strategy for the next ten years*, pp. 8-9. https://www.education.act.gov.au/our-priorities/files/future-of-education/resources-documents-lister/strategy-documents/the-future-of-education-an-act-education-strategy-for-the-next-ten-years

[162] For more information about the Strategy and related documents, see https://www.education.act.gov.au/our-priorities/future-of-education/resources.

> The Strategy builds on the significant government investment over recent years in creating safe, supportive and inclusive schools. It echoes the simple but important principle that school leaders and staff are committed to nurturing and developing people to make a positive, constructive contribution to the ACT community. It is important that the ACT community recognise and value this commitment and the effort it requires.[163]

6.5   The ACT Council of Social Service (ACTCOSS) noted in its submission that:

> In assessing the outcome of the Future of Education program, we have been pleased to see some progress on integrating schools and community, however, we see that there is more work to be done before we can move to a genuine bilateral school and community partnership model.[164]

SAFE AND SUPPORTIVE SCHOOLS POLICY

6.6   Informed by the National Safe Schools Framework, the Safe and Supportive Schools Policy (SSSP) has been implemented in a staged approach since April 2016. SSSP has not been re-examined to determine its alignment with the Future of Education Strategy which was launched in August 2018.[165]

6.7   In response to a Committee request for additional information on the policy basis for responses to bullying and violence, the Minister told the Committee that:

> The Education Directorate's Safe and Supportive Schools policy (SSSP) provides guidance to schools on promoting safe, respectful and supportive school environments that promote student and staff well being. The policy includes a preventative focus involving social emotional learning approaches to intentionally develop resilience, critical thinking and social skills. It requires schools to have processes and procedures in place to address and prevent bullying, harassment and violence, including cyberbullying; and to collect and evaluate data on positive and negative behaviour incidents. Schools use this data as part of a continuous school improvement agenda.[166]

6.8   The Committee notes that this strongly correlates with measures implemented in response to the Schools for All report discussed in chapter 3.

---

[163] Submission 9.
[164] Submission 22
[165] Written correspondence to the Committee from the Minister for Education and Early Childhood Development.
[166] Submission 9.

6.9   The Committee has considered a range of the implementation tools developed as part of SSSP and believes additional information is required. The Code of Conduct[167] provides an example. The Code 'outlines the responsibilities of community members, Directorate staff and students to behave appropriately and positively to prevent or minimise non-compliant and aggressive behaviours'[168] but provides no information in relation to the enforcement obligations of school leaders, nor the consequences for any breach of offence. Nor is there a definition regarding what type of behaviour constitutes "non-compliant, aggressive, disorderly, violent or offensive" in order to strongly uphold the Code of Conduct.

6.10   The Committee also note that two submissions[169] called for the introduction of a Code of Conduct, so more information needs to be provided to school communities in this respect.

6.11   One submitter noted in detail significant discrepancies in the implementation of the SSSP at their children's school and is concerned by the Education Directorate's lack of oversight in relation to behaviour management at schools.[170]

6.12   In chapter 2, the Committee raised concerns at the lack of consistency and oversight that is applied by the Education Directorate in respect of SEL programs operating in schools. ACTCOSS shared similar concern regarding policy implementation:

> Although the policy provides guidance to schools, it is not prescriptive on the actions that schools should take to achieve a safe and supportive school.
>
> ACTCOSS is concerned that this approach to policy and procedural management settings for violence and bullying in ACT schools is not conducive to creating a culture of safety and respect for students. We are not clear why each school requires individual procedures, and how this is a necessary function of school autonomy.
>
> We recommend the Directorate to implement consistent approaches to policy and procedure on violence and bullying across all ACT schools. This will create consistent expectations of student safety and will benefit students and teachers who move between schools in the ACT.[171]

6.13   The Minister, in relation to a discussion on the Safe and Supportive Schools Policy, told the Committee:

---

[167] ACT Education Directorate, *Code of Conduct*, available at: https://www.education.act.gov.au/__data/assets/pdf_file/0015/1202910/Working-Together-With-Your-School-Brochure_WEB-FINAL.PDF.

[168] ACT Education Directorate, *Safe and Supportive Schools*, available at: https://www.education.act.gov.au/support-for-our-students/safe_supportive_schools [accessed on 22 July 2019].

[169] Submission 3 and 4.

[170] Submission 12.

[171] Submission 22.

This ability for schools to proactively respond to the changing needs of this community and to implement findings from new evidence-based research and developments in areas such as pedagogy means that centralised lists soon become dated.[172]

SAFE AND SUPPORTIVE SCHOOLS ADVISORY COMMITTEE

6.14   On Tuesday 19 March 2019 the Minister for Education and Early Childhood Development announced the creation of the Safe and Supportive Schools Advisory Committee (SASSAC). The government submission, clarifies:

> The Minister for Education and Early Childhood Development has recently sought an independent, expert appraisal of the status of the government's management of these issues through a constructive forum comprising key perspectives, including that of parents and carers. The Minister established a school education advisory committee for the Education Act 2004 to provide advice on opportunities for strengthening safe and supportive school culture in every ACT government school. [173]

6.15   The announcement was in response to petitions tabled in the Assembly[174] and ongoing media coverage of numerous school violence incidents occurring without appropriate response at a primary school in Tuggeranong.[175]

6.16   The terms of reference for SASSAC state:

> The government is committed to providing inclusive education that meets the needs of every child and young person that seeks a place in a government school. The government is equally committed to ensuring that government schools are safe and supportive for every student and school worker. [176]

---

[172] Submission 9.
[173] Submission 9.
[174] Violence in schools—petitions 5-19 and 8-19 lodged by Ms Lee on 21 March 2019. Petition 8-19 is available at https://epetitions.act.gov.au/PaperPetition.aspx?PetId=107&lIndex=-1, and 5-19 is available at https://epetitions.act.gov.au/ClosedEPetition.aspx?PetId=104&lIndex=-1.
[175] Bullying and violence in schools (including occupational violence) were discussed in the ACT Legislative Assembly on 24 October 2018, 13 February 2019, 14 February 2019, 15 February 2019, 20 February 2019, 3 April 2019, 5 June 2019, and 6 June 2019. Transcripts are available at https://www.parliament.act.gov.au/hansard. Media coverage includes the following articles: Groch, S., 'Out of Control': Half of Canberra principals attacked on the job, *Canberra Times*, February 27 2019, and Groch , S., 200 cases of violence against teachers in first month back at school, *The Canberra Times*, 7 August 2019.
[176] *Education (Safe and Supportive Schools Advisory Committee) Determination 2019,* available at: https://www.education.act.gov.au/__data/assets/word_doc/0005/1333904/Terms-of-reference-Safe-and-Supportive-Schools-Advisory-Committee.docx.

6.17 And

> The government is seeking assurance that its response to bullying and violence in schools is robust and that the occurrence of instances is minimised to the extent possible.[177]

6.18 The terms of reference also outline that the advisory committee will:

- assess the Policy [SSSP] against evidence and approaches in other education jurisdictions
- provide advice on the currency of the Policy against national practice and relevant benchmarks
- provide advice on the barriers and impediments to effective implementation of the Policy (including the social and emotional needs of families that impact on student behaviours at school)
- provide advice on appropriate lead indicators and system level data that will improve early intervention
- provide advice on opportunities to strengthen escalation and complaint management about student violence and bullying in ACT government schools
- provide advice on the appropriateness of school vs system level accountability and how this interacts with features of school-based management in the government school system
- consider findings of the *Schools for All* Report and the work being done to address occupational violence issues related to students in government schools with complex needs and challenging behaviours
- identify best practice and advise on how to promulgate best practice across all school settings
- consider opportunities for strengthening the implementation of the Policy through PBL
- consider opportunities for strengthening the implementation of the Policy through investment in educators and other proven measures
- provide advice on opportunities to strengthen targeted services that respond to the management of student violence and bullying in ACT government schools.[178]

6.19 The SASSAC submitted its final report to the Minister before 23 August 2019. The Committee has not been provided with a copy of this report.

---

[177] *Education (Safe and Supportive Schools Advisory Committee) Determination 2019,* available at: https://www.education.act.gov.au/__data/assets/word_doc/0005/1333904/Terms-of-reference-Safe-and-Supportive-Schools-Advisory-Committee.docx.
[178] *Education (Safe and Supportive Schools Advisory Committee) Determination 2019,* available at: https://www.education.act.gov.au/__data/assets/word_doc/0005/1333904/Terms-of-reference-Safe-and-Supportive-Schools-Advisory-Committee.docx.

Finding 7

6.20   **ACT Education Directorate policies, and associated procedure documents, need to be detailed and specific to ensure students and families understand what steps should be taken by the school and Education Directorate following an incident.**

Finding 8

6.21   **Principals exercise significant autonomy when responding to bullying or violent incidents in ACT government schools. As a result, there are inconsistencies in how schools respond to incidents.**

SUSPENSION, EXCLUSION AND TRANSFER POLICY

6.22   The ACT Government established its Suspension, Exclusion and Transfer of Students in ACT Public School Policy to provide additional guidance for the operation of s36 of the *Education Act 2004*. Consisting of 10 subsections, it proscribes determinations and actions that must be taken by the Director-General of the Education Directorate prior to the suspension or expulsion of a student. Section 36(1) states that the section applies if:

   (a) a student attending a government school-----

      (i)   is persistently and wilfully noncompliant; or

      (ii) threatens to be violent or is violent to another student attending the school, a member of the staff of the school or anyone else involved in the school's operation; or

      (iii) acts in a way that otherwise threatens the good order of the school or the safety or wellbeing of another student attending the school, a member of staff of the school or anyone else involved in the school's operation; or displays behaviour that is disruptive to the student's learning or that of other students; and

   (b) the principal of the school is satisfied that action should be taken under this section.[179]

6.23   The Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy Statement explains:

---

[179] ACT *Education Act 2004* available at https://www.legislation.act.gov.au/View/a/2004-17/current/PDF/2004-17.PDF.

Suspension, exclusion or transfer of students enrolled in ACT public schools may be used as consequences for student behaviour where all reasonable action taken by the school to engage the student has been unsuccessful.[180]

6.24   Specifically, according to the policy, the purpose of suspension is to:

- maintain or restore a safe and supportive learning environment for students and staff;

- allow the school time to review its practice and establish support plans for the student;

- communicate the significance of the behaviour and for the student to accept responsibility for behaviour change.[181]

6.25   The purpose of transfer is to move a student from a school in which:

- severe misbehaviour has become entrenched, or

- an incident of misbehaviour is so severe that re-entry to the school concerned would be unreasonable.[182]

6.26   Meanwhile, exclusion serves 'to remove a student who poses an extreme threat to the welfare and safety of staff and students.' The policy statement continues explaining:

Exclusions are used in exceptional circumstances when the support required to establish a safe work environment is beyond the resources of the school.[183]

6.27   The Suspension, Exclusion and Transfer of Students in ACT Public School Policy has implementation documents consisting of procedures and guidelines which are not publicly available.

---

[180] ACT Education Directorate, *Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy*, available at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/student-administration/student-management/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy.

[181] ACT Education Directorate, *Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy*, available at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/student-administration/student-management/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy .

[182] ACT Education Directorate, *Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy*, available at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/student-administration/student-management/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy.

[183] ACT Education Directorate, *Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy*, available at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/student-administration/student-management/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy.

6.28   The Committee heard a large amount of evidence relating to the ineffectual operation of the suspension policy. One submission provides:

> ACT government policies around suspension of students are also contributing to the problem. Suspension is not seen as a punishment for many students but as a holiday. Anecdotally, I have seen that some of these students parents directly benefit from having them at home, as they see it as a way to have free babysitting or assistance in family businesses such as household cleaners. There must be a better policy option and response then suspension. Whether that's an intervention team or a dedicated suspension reform day, anything but just the removal of the child from the situation.[184]

6.29   A second submission to the Committee reported:

> My daughter's attacker was suspended for 2 days, that's all 2 days. She got to go back to school like nothing happened and my daughter has to live with the incident day in and day out knowing she will never be safe at school here in Canberra.[185]

6.30   The Committee learnt that the ACT Government had planned to make the Suspension guidelines public in the first half of 2019 but as of end of August 2019, the link for the guidelines on the Education Directorate are still for internal access only.[186]

6.31   The Committee notes that school leaders spoke of having the option to arrange in-school suspensions. The Committee heard that this is not regularly utilised.

Finding 9

6.32   **In-school suspension is an effective means of behavioural management and underutilised in ACT government schools.**

Recommendation 15

6.33   **The Committee recommends that the ACT Government publish the updated Suspension Guidelines as a matter of priority and review its operation after 2 years.**

---

[184] Submission 1.

[185] Submission 13.

[186] ACT Education Directorate, *Suspension, Exclusion and Transfer of Students in ACT Public Schools Policy*, available at https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/student-administration/student-management/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy/suspension,-exclusion-and-transfer-of-students-in-act-public-schools-policy.

PRIORITY AREA ENROLMENT POLICY

6.34   The ACT Government's school enrolment website provides information about Priority Area Enrolment (PEA).[187] PEA guarantees a place for a child to learn at his or her local public school.

6.35   The Committee notes that whilst PEA is referred to a as a policy, the Education Directorate does not include PEA in its policy list online.[188]

6.36   The Committee heard that there was little flexibility in relation to the PEA with transfers for students experiencing bullying and violence not approved. One submission told the Committee:

> Due to the violent nature of what he had experienced at the local school, I requested a transfer to a nearby school in area that would provide him with a support network of students that he knew. I was denied a transfer, then I was denied my first appeal. shocked and appalled that I could not remove my child from a very difficult situation, I wrote [an] email to the ACT Minister for Education … After this email I was contacted by the Minister's office and the department of education to show me that my son would be moved. Here, the process moved quite fast with my son being removed from his old school and starting at his new school within a matter of days. [189]

6.37   The Committee also heard from one family who had to move homes in order to access an LSUA for her child due to a strict application of the PEA.[190]

COMPLAINT HANDLING

6.38   Section 22 of the *Education Act 2004* provides legislative oversight for the investigation of complaints. It provides:

> (1)   The director-general must develop and implement a complaints policy for government schools.

> (2)   The directorate-general must, as soon as practicable, investigate any complaint about the administration, management and operation of government schools that, in the directorate-general's opinion, is not a frivolous or vexatious complaint.[191]

---

[187] ACT Education Directorate, *Enrolling in Kindergarten To Year 12*, available at https://www.education.act.gov.au/public-school-life/enrolling-in-a-public-school/enrolling-in-kindergarten-to-year-12

[188] ACT Education Directorate, *Policies*, available at https://www.education.act.gov.au/publications_and_policies/policies.

[189] Submission 1.

[190] Submission 7.

[191] Section 22, ACT *Education Act 2004*, available at https://www.legislation.act.gov.au/View/a/2004-17/current/PDF/2004-17.PDF.

6.39   The Education Directorate's Complaints Policy and its implementation documents are accordingly based on the above legislation. The policy, created in 2016, states:

> 2.1 The Directorate will:
>
> - when requested, assist complainants to raise their complaint initially at the local level and maintain a record of these interactions
> - provide a 'Complaints Poster' for display in school reception areas which helps schools inform their communities about their right to lodge a complaint
> - provide reasonable assistance to complainants
> - use complaint data to improve school services or clarify policies and procedures.
>
> 2.2 The Directorate may not:
>
> - provide information to complainants where it impacts on the privacy of others
> - investigate complaints that are considered frivolous or vexatious.
>
> 2.3 Schools must have a process to receive and address complaints and inform staff and school communities about their complaint process.
>
> 2.4 When a complainant is not satisfied with the local level response a complainant may lodge a written complaint with the Directorate.
>
> 2.5 When a written complaint is lodged, the Directorate will:
>
> - develop a plan about how to fairly progress the management of and/or investigate a written complaint and will inform the complainant about the plan
> - tell people who are the subject of the complaint what the complaint is about and the identity of the person who has made the complaint
> - apply procedural fairness principles
> - decide, case by case, whether to investigate anonymous complaints
> - maintain a complaint register including date received, complaint details and outcome.[192]

6.40   The Committee heard from a range of stakeholders that despite the policy basis provided, complaint handling needs to be reconsidered within schools, and by the Directorate. One parent wrote:

> Our experience was that the school and Directorate were defensive and dismissive of our child's trauma, did not address the issues that were raised, and harassed our family

---

[192] ACT Education Directorate, *Complaints Policy*, available at
https://www.education.act.gov.au/publications_and_policies/corporate-policies/school-administration-and-management/complaints/complaints-policy.

to leave the school. We also did not receive from the school the information that we needed to support our son's recovery.[193]

6.41 The Committee also heard that they did not feel the Directorate took the incident seriously:

The school and directorate trivialised the incident (saying it was a game) and the impact on my son. The school insisted that my son was fine when he was throwing up with stress at the prospect of going to school; rejecting the advice of two psychologists (one who observed him in the playground) indicating that he needed ongoing counselling.[194]

6.42 Parents expressed the sense of victim-blaming they felt after reporting incidents.

On most occasions my daughter felt like she was the one getting in trouble following reporting an incident. On almost every occasion it was answered by something along the following lines *"I told you not to play with them/go near them/look at them/laugh at them"*.[195]

6.43 ACTCPCA highlight the effect that poor complaints handling has on students and families:

Parents and carers report that some schools have exhibited defensive responses to reports of violence and bullying. Some parents and carers have reported 'gas-lighting' experiences by school executives denying the occurrence of violence or blaming the victim. In one case, a parent reported to Council being 'gas-lighted' by senior staff within the Education Directorate. Ultimately, some parents and carers report being frozen out and responded to like they are crazy.

In other cases, parents and carers have reported their student safety concerns to schools, where plans were implemented and not addressed. Given the persistence of repeated bullying and violent behaviours, reports were also made to the Education Directorate. Despite these reports of increasing violence within this school community, and irrespective of the measures put in place to address violent behaviour students were still being hurt. The flow-on affect of unaddressed violence at school is that students developed anxiety, not knowing what their day would be like. For Council the question is, why is it ok for students to be hurt at school?[196]

6.44 The Committee heard that there is a need for an independent complaints handling organisation. As stated by ACTCPCA:

---

[193] Submission 6.
[194] Submission 23 – additional case studies.
[195] Submission 23 – additional case studies.
[196] Submission 23.

> The Education Directorate operates as both the regulator and provider of public schools within the ACT. Where parents and carers raise complaints regarding educational decisions within schools, the Education Directorate faces conflicting duties.
>
> Therefore, Council considers an independent appeals authority is required to provide students, parents and carers with an avenue of review, independent of the Education Directorate.[197]

6.45   The Committee heard from the ACT Human Rights Commission (HRC) who highlighted the need to expedite responses:

> I note that complaints regarding education can be very difficult for a child or family to bring to the HRC. Often a student will have a long relationship with an education provider given the necessity of attending school and there can be fear of repercussions for bringing a complaint given children are without parental oversight when attending school.
>
> While we encourage all education providers to try and resolve complaints lodged with us through our conciliation process we find that a process-focussed approach requiring a lengthy written response, and where there are often delays in providing those responses to us, adds to the frustration of the complainant by exacerbating an already difficult situation. A delay of a few weeks can mean a student is attending a school for a large percentage of a term without resolution of the complaint.
>
> Access to education and learning is a key indicator for future social and economic wellbeing and delays in handling complaints lodged with the HRC have the effect of limiting a young person's equal access to education. Where a complaint about bullying, or concerns about the provision of reasonable adjustments or other issues affecting a student's access to education is made to an education provider, or to the HRC, I would encourage those providers to expedite the handling of those matters to optimise the student's educational experience, and to implement strategies that attempt to deal with underlying issues giving rise to bullying behaviours.[198]

COMMITTEE COMMENT

6.46   The Committee acknowledges the ACT Government's comprehensive submission and the availability of a wide range of policies and implementing documents. However, as discussion in this chapter has revealed, more clarity is needed to ensure the effectiveness of these policies' implementation. Policies and implementation documents, including the Code of Conduct, need to be detailed to ensure the effectiveness of policy implementation. For example, the Code of Conduct should clearly state what consequences will follow repeated unacceptable behaviours.

---

[197] Submission 23.
[198] Submission 19.

6.47   The Committee agrees that the lack of implementation oversight is a concern. As highlighted in chapter 2, reviews to ensure the proper implementation of policy needs to occur more frequently than every five years as part of the school review process.

6.48   The Committee is concerned that current suspension and complaints handling processes are inadequate and not meeting the needs of students who experience bullying or fulfil best practice approaches to prevent future incidents from occurring.

Recommendation 16

6.49   **The Committee recommends that the ACT Government ensure all written communication tools that explain complaint options, including the referral of concerns to the ACT Human Rights Commissioner, is easy to understand and clearly outlines the internal and external complaint avenues available to students or parents. Any posters should be large and placed in a prominent part of the school entrance.**

Recommendation 17

6.50   **The Committee recommends that the ACT Government review existing internal and external complaints handling processes for all incidents of bullying and violence in schools to ensure there are appropriate avenues for parents and students to escalate concerns and have external consideration of matters if required.**

7 GOVERNANCE

REPORTING

7.1 The Education Directorate Critical/Non-Critical Incident Management and Reporting policy states:

> Schools will report immediately to the Directorate when any incident, whether critical or non-critical in nature, that results in serious harm or injury or puts the safety of students, staff or visitors at significant risk, or poses a real threat to property or the school environment occurs.[199]

7.2 The associated Critical/Non-Critical Incident Management and Reporting Procedure clarifies that a critical incident is an event that causes severe impact, such as significant disruption to the school routine, an emergency management situation, or threat to the safety of students and staff. It gives examples of a siege or death. A non-critical incident is defined as an event which is unanticipated or outside the accepted social norm, but which, in the experience of the general community, would not be considered an extraordinary occurrence or situation, and which the school has strategies and procedures in place to manage with little or no external assistance. Examples provided include harassment or bullying.[200]

7.3 The procedure clarifies that any non-critical incident that deteriorates, resulting in serious injury or harm, puts the safety of students, staff or visitors at significant risk, or poses a real threat to property or the school environment, should be treated as a Critical Incident and reported immediately to the Directorate.

7.4 Relevant to this Inquiry is paragraph 3.2.14 which states:

> Schools are required to keep a statistical record of any incidents of bullying, harassment, sexual harassment and violence. Frequent analysis of this data allows schools to identify patterns or recurring incidents and put strategies in place to counter the offending behaviours.

7.5 Despite the clear policy and procedure framework, the Committee heard that gaps exist in the current reporting process, with submissions describing times where both incidents resulting in

---

[199] ACT Education Directorate, *Critical/Non-Critical Incident Management and Reporting Policy*, available at https://www.education.act.gov.au/publications_and_policies/corporate-policies/wellbeing/accidents-and-incidents/criticalnon-critical-incident-management-and-reporting-policy.

[200] ACT Education Directorate, *Critical/Non-Critical Incident Management and Reporting Procedure*, available at https://www.education.act.gov.au/__data/assets/pdf_file/0016/810133/Critical-Non-Critical-Incident-Reporting-Procedure.pdf.

physical harm, or a student refusing to attend school, were not reported internally at the school level, nor fed up appropriately to the Directorate.

7.6   The Committee heard that parents are not informed when reports are made, where they are recorded, and if any follow up action is generated as a result. One submission provided:

> Problems include a lack of accountability to ensure that issues raised by families are addressed; and the Directorate does not provide appropriate or independent oversight. There is no transparency for families that incidents have even been recorded; whether they have been recorded as violence, conflict or a game; or that action is being taken to address problems.[201]

7.7   The same submission went on to say:

> We don't have confidence that the school violence statistics are complete – some schools actively minimise the violence statistics by not recording incidents or recording violence as simply 'conflict' or a 'game'. … In conversations with other parents in the P&C Council, schools appear to routinely trivialise incidents or try to redefine incidents to indicate that the school does not need to record incidents or act. [202]

7.8   One parent told the Committee that:

> None of the incidents involving my son were reported to EDU, and they met the guidelines for incidents which should have been reported. I am now in the process of having them contact the school to access the internal reporting system to see if any of the incidents were reported internally.[203]

7.9   The same submission went on to highlight the long-term problems with poor internal reporting:

> I was advised one avenue was for us to apply for a court order to keep the student away from our son. The Courts would want documented evidence of the issues and if the school does not have incidents recorded this could prove to be problematic. Also, if we chose to take a litigious path we would require all evidence of incidents, again we would have nothing to show.[204]

7.10   Another submission highlighted the challenge of accessing information about incidents:

> It took 5 months for an incident report to be created, we were only able to obtain a copy of our own child's witness statement and incident report through FOI [Freedom of information request], and were criticised strenuously by the school and the Education

---

[201] Submission 6
[202] Submission 6
[203] Submission 5.
[204] Submission 5.

> Directorate when we respectfully raised legitimate concerns, asked for accurate records that did not trivialise the incident and in seeking a review of the factors that led to the incident.[205]

7.11 Submission 12 also discussed governance and a lack of clear reporting lines:

> The Safe and Supportive Schools policy (5.1) states that the Directorate is ultimately responsible for the safety and wellbeing of students and staff in Canberra public schools.
>
> …
>
> This is not what I had demonstrated to me when I contacted the Directorate regarding issues with the school. When I contacted the Directorate regarding the school not implementing keeping my child safe and not applying the behavioural management plans correctly and to ask them if they could do something about it, I was told by the Directorate that schools have autonomy in this area. When asked if the school was not applying Directorate then was it the Directorate's job to step in. I was told by someone in the Directorate that schools have autonomy and we don't oversee that part of schools. When questioned further and specifically regarding the Departments role in oversight of Public schools and as the Department did they oversee public schools. The response was yes but not in applying behavioural management as schools were autonomous even if this did not agree with Directorate policy.

7.12 *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*[206] found that these experiences are familiar across Australia with only 37 percent of students reporting that they were being bullied to teachers. Of these, 29 percent reported that the bullying had been prevented from continuing, whilst 40 percent said it had been reduced.[207]

7.13 The Committee received advice that a clear, simple and transparent system of recording all forms of violence at a school and system level, and not just critical incidents is needed.[208]

7.14 The need to maintain the privacy of all students involved in an incident was identified by families as the primary reason for schools and Education Directorate staff limiting the information given to parents about incidents. The government submission acknowledged that schools are bound by privacy legislation and this does limit what information can be shared.[209]

---

[205] Submission 6.

[206] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia.

[207] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. xi.

[208] Submission 4.

[209] Submission 9, p. 8.

COMMITTEE COMMENT

7.15 The Committee is concerned at the evidence received in relation to reporting. It is clear that schools are not reporting incidents in accordance with Education Directorate policy, and that significant gaps exist between incidents reported by students, those reported at the school level, and those collected at the Directorate level.

7.16 Families are understandably frustrated that they are unable to report incidents directly or track what happens once an incident is reported. The lack of transparency related to protocols has led to many complaints being made with schools and the Directorate and breeds a culture of mistrust.

7.17 The Committee agrees that reform in reporting practice is required as a matter of priority.

Recommendation 18

7.18 **The Committee recommends that the ACT Government introduce a parent self-reporting portal for incidents relating to bullying, violence and occupational violence.**

Recommendation 19

7.19 **The Committee recommends that the ACT Government introduce a student self-reporting portal for incidents relating to bullying, violence and occupational violence.**

Recommendation 20

7.20 **The Committee recommends that the ACT Government provide increased support to principals to ensure consistency in reporting of bullying and violence.**

DATA COLLECTION

7.21 The government acknowledged that current data collection methods need to be improved:

> In the ACT, the ability to collect and analyse data in relation to bullying and violence in ACT Government schools has been limited by legacy business systems like MAZE and paper files.[210]

7.22 The Minister explained that MAZE consisted of a database for each school, with a limited number of fields in each school's database that synced nightly to a central data repository. This central repository was primarily used for system backup and manual data extraction for annual and national reporting. Accessing the centrally held data required an expert technician. [211]

7.23 The Committee heard that the Education Directorate are in the process of rolling out a new IT program called Sentral, which will centralise data collected in relation to behaviour and incidents.[212]

7.24 The Minister provided additional information on the rollout to the Assembly in February:

> As with MAZE, each school has its own instance of Sentral. There is currently no automated synchronisation of data into a central data repository. In order to view data at a system level, data must be manually extracted from each school instance. However, by the end of implementation, expected towards the end of this year, Sentral, unlike MAZE, will allow the directorate full visibility of all data about all government schools. The goal at the end of this project is that all government schools record all information in Sentral, including information related to teaching and learning, attendance, wellbeing, behaviour and incidents.

> Users with appropriate access can then use business intelligence tools to look at data, identify trends and access reporting across all schools. The system will also allow improved communication with parents through automated notifications, and automated notifications will also be directed to the education support office when particular information is entered into it.[213]

COMMITTEE COMMENT

7.25 The Committee notes that a lack of data transparency has had significant consequences for students, parents and administrators.

---

[210] Submission 9, p. 8.
[211] Ms Berry MLA, *Hansard*, 20 February, p. 509, available at: http://www.hansard.act.gov.au/hansard/2019/pdfs/20190220a.pdf.
[212] Submission 9, p. 8.
[213] Ms Berry MLA, *Hansard*, 20 February, p. 510, available at: http://www.hansard.act.gov.au/hansard/2019/pdfs/20190220a.pdf.

7.26 The Committee is hopeful that a new centralised system, operating in conjunction with a reporting culture will have a significant impact on the ability of the Directorate to identify behaviour trends and respond in a timely manner.

Recommendation 21

7.27 **The Committee recommends that the ACT Government make the rollout of the new data collection and reporting program a priority; and publish a project timeline before 28 November 2019.**

TRAINING

7.28 The Committee heard a range of evidence in relation to teachers and learning assistants requiring greater access to formal training in relation to de-escalation and physical safety methods. Submission 4 highlights that teachers also need to be informed of their legal duty of care towards students who exhibit violent behaviour. It states:

> If legally we are meant to keep meticulous records of our responses to violence and proof of how we mitigate the risks to other children, then why are we not informed of this and furthermore why are there no systems policies and procedures to support this practice?

7.29 Submission 4 also highlighted that teachers and school leaders need to be informed of their rights for a safe workplace under work, health and safety laws.

7.30 This reflects 2016 Australian research which shows that teachers believe training in appropriate bullying responses, especially at pre-service level, was inadequate.[214]

7.31 The IEU told the Committee:

> Our preference is that methods to prevent harm be at the forefront and that incidents of violence and bullying are avoided or at least minimised. Training which diminishes risk prior to or during an incident is imperative. [215]

7.32 The government submission stated:

---

[214] Rigby, K. and Johnson, K. (2016), *The Prevalence and Effectiveness of Anti-Bullying Strategies employed in Australian Schools*, Adelaide, University of South Australia, p. xi.
[215] Submission 3.

The Education Directorate has continued to implement team teach training, which provides a whole setting holistic approach to behaviour management, including the importance of de-escalation strategies. Team teach training supports staff to use positive and protective personal safety skills to minimise risk to all involved. Since the commencement of 2016, 2678 staff have participated in training.[216]

7.33   The Education Directorate *Annual Report 2017-18* provides additional information and states that system based professional learning actions in 2017-18 included:

- New Educator Support
- Safe and Inclusive Schools Initiative professional learning programs
- School Leader Master Class for principals
- Positive Behaviours Learning, and
- 'Everyone Everyday', a national award winning Social Emotional Learning program.

7.34   The Annual Report also highlights that in December 2017 a pilot training program began with 14 Learning Support Assistants completing their Certificate IV in Education Support with the Canberra Institute of Technology:

The pilot enabled the participants to build their capability to work with students, particularly those with complex needs and challenging behaviour. [217]

7.35   The Education Directorate website states:

The ACT Government has invested in a number of training courses to build the capability of teachers in ACT public schools to enable them to better support students, including students with disability and students who have experienced trauma. [218]

7.36   The ACTPA told the Committee that there are a range of training supports offered to principals that assist them in managing matters related to bullying and Violence. They highlight the Teacher, School Leader and Principal Performance and Development Framework which was launched for system-wide implementation in 2018. The Framework focusses on the continuous improvement of ACT public school teacher and school leader performance through effective goal setting and evidence-based feedback.

7.37   ACTPA also highlighted the Annual Professional Learning Program which provides teachers with ongoing opportunities to come together with colleagues to engage in professional conversations and investigations of teaching practice and student learning. They state:

---

[216] Submission 9, pp. 25-26.

[217] ACT Government, *Education Directorate Annual Report 2017-18*, available at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z/annual-report/annual-report-2017-2018, p. 115.

[218] ACT Education Directorate, *Support Services in Schools,* available at https://www.education.act.gov.au/support-for-our-students/student-health-and-wellbeing/support-services-in-schools. Accessed on 16 August 2019.

With the support of colleagues, each teacher can focus attention on addressing educational issues directly relevant to their students' learning needs in the classroom and develop their own teaching practice to meet these needs.

COMMITTEE COMMENT

7.38 The Committee acknowledges that training has been identified previously as an area requiring further development. The Committee believe that there are inadequate compulsory training levels currently in place. As identified in the Schools for All section of this report, teachers and learning assistants require specialised knowledge.

7.39 All staff in schools should feel that they are well equipped to de-escalate behaviour, and if that is unsuccessful, feel confident that they are physically protected.

7.40 The Committee agree with evidence that teachers also require additional information regarding their legal obligations in relation to work, health and safety; and duty of care considerations.

Recommendation 22

7.41 **The Committee recommends that the ACT Government ensure all teachers and teaching support staff, receive specialist training in childhood anxiety and trauma in order to correctly identify and support students.**

Recommendation 23

7.42 **The Committee recommends that the ACT Government ensure all teachers and teaching support staff can receive training in personal protection strategies if requested.**

8   CONCLUSION

8.1   During the Inquiry, the Committee met with many government school leaders and Education Directorate officials. The Committee is assured that there is both professional determination and personal goodwill behind current efforts designed to make schools safe for all students and teachers. Despite this intent, the Committee has heard distressing evidence from a range of stakeholders that represent the breath of education provision in the ACT.

8.2   The Committee has identified a range of areas where the Education Directorate can introduce measures to ensure that schools are strategically using social emotional learning programs to stop bullying and violence before it begins, and others that allow for parents and students to feel an increased sense of agency following incidents of bullying and violence.

Michael Pettersson MLA

Chair

16 September 2019

APPENDIX A – WITNESSES

Due to the nature of the referral, the Committee has chosen not to publicly identify witnesses who appeared at the *in-camera* hearings. The Committee notes that a total of 8 organisations were represented, and 6 individuals appeared.

The Committee also notes that they spoke with a significant number of school teachers and leaders at school visits. A total of 6 schools were visited in the ACT and 3 in another jurisdiction.

APPENDIX B – SUBMISSIONS

Submission Number	Submitter
1	Individual
2	Individual
3	Independent Education Union of Australia NSW/ACT Branch
4	Individual
5	Individual
6	Individual
7	Individual
8	ACT Principals Association
9	ACT Government
10	Individual
11	Public Advocate and Children and Young People Commissioner
12	Individual
13	Individual
14	Wellbeing EDvantage
15	Menslink
16	Australian Education Union – ACT Branch
17	Association of Independent Schools of the ACT
18	Individual
19	Discrimination, Health Services, Disability & Community Services Commissioner
20	Individual

Submission Number	Submitter
21	Individual
22	ACT Council of Social Service
23	ACT Council of Parents and Citizens Associations
24	Individual
25	ACT Youth Coalition
26	Individual
27	Individual

APPENDIX C – QUESTIONS TAKEN ON NOTICE

Due to the nature of the referral, the Committee has chosen not to publicly identify witnesses who appeared at the *in-camera* hearings, or detail what questions were taken on notice.