



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON EDUCATION, EMPLOYMENT AND YOUTH AFFAIRS
Mr Michael Pettersson MLA (Chair), Mrs Elizabeth Kikkert MLA (Deputy Chair),
Mr Mark Parton MLA

Submission Cover Sheet

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

Submission Number: 02

Date Authorised for Publication: 21 May 2019

**ACT Legislative Assembly
Standing Committee on
Education, Employment and Youth Affairs**

**Inquiry into the Management and Minimisation of
Bullying and Violence in ACT Schools**

**INDIVIDUAL SUBMISSION
May 2019**

Helen Ellwood

A large black rectangular redaction box covers the text below the name Helen Ellwood.

This submission is a basic management review. It relies on lived experience and information that is available in the public domain.

I am prepared to attend the committee if members wish to discuss issues raised.

ACT SCHOOL VIOLENCE – AN ESTABLISHED PROBLEM SPURNED

For years, parents have been complaining to school principals, the Education Directorate and Education Minister about children being assaulted in ACT schools. There have been numerous media reports about violence in ACT schools, particularly in the Canberra Times. These reports have revealed damning statistics not only about children, but also teachers and other staff subjected to violence in ACT schools.

In 2017, the Canberra Times reported that 2,000 students were involved in assaults that year, a *tenfold* increase over the previous five years. At the time, the Education Directorate dismissed the gravity of this discovery by attributing the increase to better reporting.

Also in 2017, the Canberra Times reported Education Directorate statistics revealed the occurrence of approximately 700 incidents of physical and verbal violence towards public school staff in the ACT. Questions were raised about under-reporting of violent incidents toward staff, suggesting that staff have taken personal leave rather than workers compensation for workplace injuries.

In response to these reports in 2017, the Education Minister “vowed to take the problem seriously”. The Education Directorate referred to a “Safe and Supportive Schools Policy” and an “Occupational Violence Policy”.

Responding to my correspondence about violence in ACT schools, Minister Berry referred to assurance, commitment, policy, panels, review, strategy, an advisory committee, and the standing committee. There was no mention of action.

In my research for this submission, I have found many lengthy policies in the ACT education system. When a problem arises, the response appears to be yet another policy, not effective action.

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

The Minister and the government still denied the problem in the face of recent 2019 media reports of violence in ACT schools and research to show that ACT school principals are the most abused in Australia. These reports include:

- Numerous incidents of young primary school children being assaulted
- Sickening film of brawling among groups of high school students
- In the first month of the 2019 school year, ACT public school staff logged over 200 incidents of violence in their workplace

It was only when over 600 concerned citizens petitioned the Legislative Assembly that the government was forced to refer school violence to the standing committee, and even then with restrictions to limit transparency on how the committee could conduct its inquiry.

IMPACTS OF SCHOOL VIOLENCE

The Education Directorate and Education Minister have ignored or rejected parents' complaints and minimised the serious impacts of school violence.

This is a matter of ineffective school management and longstanding denial by the Education Directorate. It is similar to what has horrified us all in the poor response by church organisations to child sex abuse in an attempt to protect their own reputation.

Children have been repeatedly traumatised physically, mentally and emotionally. It is impossible for traumatised children to learn and develop to reach their potential in life.

Child Victims

According to the Victorian Centre for Adolescent Health, school violence is associated with an increased likelihood of victims experiencing depressive symptoms the year after the violence occurred. Although the rates of depression are higher in older students, the risk of younger children experiencing mental illness is increasing.

Primary school children have been hospitalised with injuries inflicted by other students in ACT schools.

When a child is a victim of violence or a witness to violence at school, they are frightened to go to school. Other indicators of fear and distress include, but are not limited to:

- Sleep disturbance
- Change in eating patterns, vomiting
- Withdrawal from friends or family
- Loss of interest in usually enjoyable activities
- Reversion to infantile patterns such as bedwetting, tantrums
- Frequent tears, anger or mood swings
- Signs of insecurity or fear in the classroom
- Decline in confidence
- Disengagement
- A drop in academic performance

Repeated physical or verbal abuse has been shown to be severely damaging to a child's confidence and ability to succeed whether it be in the classroom, on the sporting field or in social environments.

Child Perpetrators

There is a significant body of evidence to show that children who are subjected to violence often become perpetrators themselves.

The damaging impact of school violence on victims is well documented. However, the adverse consequences for child perpetrators are often not considered. Perpetrators are perhaps unaware of the devastating consequences of their actions, which indicates the need for specific education in both primary and high schools, including but not limited to:

- Immediate impact on victims and other children who witness violence
- Consequences of violence, including clear sanctions for violent behaviour
- Long term impacts for perpetrators such as violent actions being posted online with diminished opportunities for their future employment etc.

A longitudinal study on the consequences of adolescent violence on Victorian students found that perpetration in high school was associated with an increased likelihood of violent behaviour, theft and drug abuse as an early adult.

Staff Victims

ACT school staff at all levels have been subject to increasing violence in their workplace. Some have suffered serious injury, both physical and psychological. Some of these injuries have required hospitalisation. Despite repeated incidents being reported to school management and the directorate, ongoing assaults were allowed to happen with woefully inadequate attempts to minimise harm.

The Canberra Times reported in 2018 that ACT Worksafe had taken legal action through an enforceable undertaking imposed on the ACT Education Directorate. The ACT government had breached its legislated responsibility by not doing all that was 'reasonably practical' to ensure the safety of its staff. Worksafe spent 2 years investigating incidents of violence against staff in public schools, cataloguing 2,191 violent incidents in 2017, with many occurring in the younger year levels and involving students with complex needs. Less than 5% of incidents involved a perpetrator other than a student, such as a parent or community member. Among the incidents investigated were the cases of a pregnant staff member punched repeatedly in the stomach by a young student, a teacher hospitalised by a student's kick, and a computer monitor thrown at a teacher's head. Following the Worksafe investigation, the education directorate issued the Occupational Violence Policy.

Minister Berry claims the Occupational Violence policy, developed in conjunction with the Education Union is "leading the nation". If that is true, reports of incidents to date in 2019 indicate that the nation must be in a dire situation indeed if the ACT is the leader in eliminating/minimising workplace violence for school staff.

Media reports and teachers themselves tell us that:

- As well as being victims of violence themselves, teachers are fearful and stressed because they are unable to protect vulnerable children in their care from violence.

Violence is not all in a day's work for a teacher. It has to stop.

GOVERNANCE AND MANAGEMENT

Governance and management are different, but in any effective organisation good governance and good management are both essential to achieve goals. The violence in ACT schools indicates that both are lacking in the ACT education system.

Governance

Functions of governance are;

1. Determining the objectives of the organisation expressed through vision/mission statements and implemented through a strategic plan
2. Determining the ethics of the organisation – defining what aspects of behaviour are really important. Ethics are based on morals and values and define the rules or standards governing the conduct of people within the organisation. The ethical standards of any organisation are set by the behaviours of people at the top, and cascade down the hierarchy.
3. Creating the culture of the organisation – the way people interact with each other. The governing body decides on the culture it wants and influences the operating culture through the people it appoints to executive positions.

4. Ensuring compliance by the organisation with its regulatory, statutory, and legal obligations, as well as ensuring its management and staff work towards achieving the organisation's objectives.
5. Designing and implementing the governance framework for the organisation. The governing body is accountable for the performance of the organisation.

Good governance is at the heart of any successful organisation, and is essential to:

- achieve objectives
- drive improvement
- maintain legal and ethical standing.

In a broad sense, good governance is to rule according to the need and wish of people as well as for their welfare. For the welfare of all ACT people, we need and wish for our children to be safe at school.

Management

Functions of management are:

1. Planning
2. Organising
3. Staffing (to employ an appropriate number of staff with appropriate qualifications, knowledge, and skills and to ensure their safety and support)
4. Directing
5. Co-ordinating
6. Controlling (a manager must receive feedback (and complaints) to analyse deviations and to make necessary adjustments)

ACT School Management and Governance

The ACT has a "School-based Management" structure, overseen by the Education Directorate. The school principal reports to the directorate.

School Boards

Each public school has a School Board, with members appointed by the director-general, consisting of:

- The school principal
- A member directly appointed by the director-general
- Two members elected by staff of the school
- Three members elected by the parents and citizens association of the school
- Secondary school and college boards also have 2 members elected by the students.
- The board may also appoint members with needed skills.

The focus of a school board is on strategic issues, not operational management of the school, as outlined in its legislated functions.

Functions of a School Board are specified in the *Education Act 2004*:

- To establish strategic direction and priorities for the school
- To monitor and review school performance and to report on it to the director-general, parents and staff at the school
- To develop, maintain and review curriculum for the school
- To develop and review education policies at the school
- To establish budgetary policies for the school and approve the school budget

- To establish policies for the efficient and effective use of school assets and the management of financial risk
- To develop relationships between the school and the community, and between the school and community organisations.
- To make recommendations to the director-general on issues affecting the school and to give effect to the director-general's directions
- To encourage parent participation in their children's learning
- To exercise any other function given to the board under the act or any other territory law.

These Legislated functions give school boards significant governance responsibilities, but no powers or authority to meet those responsibilities. The School Board manual of over 80 pages details processes and procedures, including decision making processes, but does not specify the status of school board decisions. How binding is a school board decision?

A school board is not autonomous. It recommends, it does not govern. The manual indicates that communication between a school board and the education directorate occurs through the school principal who reports to the directorate, not the board. In effect, the board has no control over what happens in a school.

Boards are ascribed responsibility for monitoring and reviewing school performance. The only indicator of performance mentioned in the manual is NAPLAN results. While literacy and numeracy results are important, they are only one measure of school performance, and I would argue that student and staff safety is a much more vital performance indicator.

In most organisations, normal board practice is to consider accident and incident reports/analysis at each meeting and make decisions to deal with issues arising. I would expect school boards to consider violent incidents (both student and staff) a key performance indicator, and a high strategic priority.

In practice, ACT school boards are not governing bodies. They do not have the authority to govern, despite their legislated governance responsibilities. At best, they are consultative committees. At worst, they are simply a rubber stamp for the school principal.

In the matter of school violence, school boards are conspicuous by their absence.

School Principals

The school principal is the CEO of a complex organisation. The position of school principal is a management job, not a teaching job.

Presumably, people who are appointed as school principals are competent teachers, but not necessarily good managers. It is well documented in organisational research that the best professional in any field does not always make a good manager. Without management qualifications and experience, a professional cannot be expected to step up to senior management responsibilities competently or confidently.

Good management in every school needs management systems and management skills. With respect to school violence, these include:

- Management training and ongoing professional management development for all principals and executive staff in schools and the education directorate
- Specific training for all principals, teachers and other school staff in dealing effectively with unacceptable behaviour
- Clear action plans to be followed in the event of any violent incident

- Specific training in constructive complaints resolution at all levels in schools and the education directorate
- Risk management to identify, assess and minimise risks to the safety of students and staff
- Incident reporting and analysis for both students and staff within each school and the whole school system to identify specific incidents, patterns and trends in school violence to properly inform remedial action
- Full same day disclosure of every violent incident to the parents of both victim and perpetrator
- Adequate supervision of children in all their activities in the classroom, the playground, and excursions
- Swift appropriate and consistent disciplinary action against every student who assaults another child, a teacher or school staff member. There must be consequences for violent behaviour
- Professional counselling for every child who is a victim of violence in ACT schools
- Under the guidance of a professional psychologist or counsellor, individual behaviour management/modification for every student who has inflicted violence on another child or is assessed as being at risk of violence toward other children
- Practical anti-violence education for children in all schools preferably with assistance from ACT police
- Familiarisation and compliance with workplace safety legislation that applies to every employee in every workplace in the ACT, regardless of their employer. There are no exemptions for unsafe working conditions for teachers and other staff in ACT schools

ADVOCACY AND PROTECTION

Staff

School staff who are victims of violence have access to strong advocacy by the ACT Education Union who have supported individual staff and advocated on their behalf to receive their workplace rights and workers' compensation. The union has also collaborated in the development of the education directorate's occupational violence policy.

As well as union advocacy, staff have the protection of Workplace safety laws and enforcement of those laws by ACT Worksafe.

The Riskman system provides a mechanism for staff to log violent incidents towards them (also other accidents and incidents). This creates records and opportunity for analysis. It appears analysis is confined to counting the number of incidents.

Children

Incident reporting of violence against children is at the discretion of a school principal. There is no centralised systematic recording of violent incidents against children in ACT schools. Therefore there is no opportunity for meaningful analysis.

Children who are victims of school violence have no designated advocacy organisation, and no law to underpin protection from violent students.

In 2017, the Reportable Conduct Scheme was established under the *ACT Ombudsman Act 1989*. The head (principal) of a school has obligations to investigate and report to the

ombudsman any allegation or conviction for reportable conduct by an employee of the school. Depending on the type of conduct, the following authorities must be notified:

- In all circumstances, allegations of criminal conduct must be reported to ACT police as the first priority.
- If the conduct meets mandatory reporting criteria, it must be reported to Child and Youth Protection Services
- If the conduct involves a registered teacher, it must be reported to the ACT Teacher Quality Institute.

In 2019, the ACT government legislated for mandatory reporting of child sexual abuse in the ACT with no exceptions.

These laws do not apply to school violence inflicted on young children by other students.

Children under 10 do not have criminal responsibility, and cannot be charged with assault, so a police report is not relevant. This has been used by the education directorate to dismiss complaints of assault on small children.

Assault by a child under 10 is not a criminal offence, but it is still assault and must not be dismissed by school authorities.

Child abuse is abuse, sexual or otherwise, and it can no longer be denied by the Education Minister and Education Directorate.

Parent Representation

The ACT Parents and Citizens Council represents over 60,000 parents in 89 public schools and assists member P&C associations. The council is largely funded by a grant from the education directorate. The council's representation occurs at the policy level. It does not extend to advocacy for victims of school violence or their parents.

The objects of P&C Council are:

- to support affiliated associations in their endeavours
- to provide a considered parent input to the ACT school system
- to represent ACT parents in ACT and national educational matters generally
- to encourage educational debate within the ACT.

The P&C Council has a Policy Document dated September 2018. The 70 page document has many policies. It has policies on 'Road and Transport Safety', 'Sun Safety' and 'Managing Repetitive Strain Injuries' but is silent on managing school violence.

In its Student Management policy, the council states:

Student management policies should be effective in promoting positive student behaviour and reducing the occurrence of negative incidences.

Council opposes any moves to reintroduce corporal punishment.

Council supports the Directorate's commitment in providing advice to ACT government schools on student management policy. Pre-service and professional development courses in behavioural management measures should be offered to staff.

Council requests that the Directorate ensures schools are able to develop and implement effective student management policies.

The School Board should regularly review the school's student management policy to ensure it remains adequate and is effective in preventing and managing negative and/or disruptive student behaviour. The school board should ensure parents are aware of the school's student management policies.

COMPLAINTS HANDLING

Complaints provide feedback needed to fix problems and improve systems. The 3 As of complaints handling are:

- Acknowledge
- Apologise
- Act (to resolve the problem)

There are four expectations for good practice in handling complaints:

1. The complaint will be dealt with quickly to resolve the problem
2. It will be taken seriously
3. The complaint handler will respond with respect and empathy
4. There will be an apology

None of the above have been applied to complaints about school violence in the ACT education system. The guiding principles appear to be:

- Ignore
- Deny
- Obfuscate
- Shoot the messenger (complainant), and keep shooting them until they go away.

Some of the complaints handling practices employed by ACT school authorities amount to abuse of children already traumatised by violence at school, including:

- Primary school children being asked to identify themselves and "name names" of perpetrators in a survey, without the knowledge or consent of parents.
- A crying young primary school child victim of violence being interrogated by school authorities without an advocate or support of a responsible adult.

It is no longer acceptable for school authorities to:

- Ignore or dismiss parents' complaints of violence toward their children
- Discredit and undermine parents who complain about their children being assaulted
- Trivialise serious incidents as "games" when children are assaulted and injured by other students.
- Blame the children who are victims of violence in ACT schools
- Promise remedial strategies that are not communicated to teachers and never happen.

The ACT education directorate has a policy about the prompt, fair and impartial resolution of complaints about ACT public schools and the directorate, but practice has been unfair, unprofessional, far from prompt, and has not provided resolution.

GOVERNMENT RESPONSIBILITY

To address violence in ACT schools, the first step is for the government to admit that it is a systemic problem, not a few isolated incidents that can be explained away by improved reporting or claims that violence in schools merely reflects what is happening in the community. Perhaps it is unchecked violence in schools that breeds violence in the community when child perpetrators become adults.

It is the responsibility of schools not to merely reflect unacceptable behaviour in the community, but to develop positive cultural norms and effectively deal with transgressions.

I note that the NSW Education “Positive Behaviour for learning” program has been implemented in some ACT schools. I believe this 3 tiered program has been found to be effective to improve student learning and wellbeing in NSW. I look forward to seeing evaluation results for ACT schools. There are also programs in other education jurisdictions that are examples of action pathways to be considered by the committee.

RECOMMENDATIONS

Introducing mandatory reporting legislation for sexual abuse of children in 2019, the Attorney General stated that **“nothing is more important than the safety of our children”**. That same principle must be applied to the safety of all children in ACT schools, not only children who are sexually abused.

1. Immediately introduce mandatory reporting (with or without an IT system) for all violence against a child in the ACT, including the child abuse repeatedly occurring in ACT schools. This could be done by extending the sexual abuse reporting scheme or including student to student violence in the Reportable conduct Scheme. It could also be a stand-alone scheme.
2. Immediately commence meaningful analysis of violent incident reports to establish not only numbers, but trends, patterns, and causes. Use both student and staff data to manage and reduce the incidence of violence in ACT schools.
3. Establish a permanent independently funded and independently operating complaints authority, separate from the education directorate. This authority should have the power to investigate complaints and impose remedy.
4. Establish an independently funded and independently operating advocacy service to represent children who have experienced school violence and their parents.
5. Develop a clear action pathway to preventing and managing violent student incidents in all schools and at all levels of the education system. I refer the committee to:
 - Positive Education, introduced to Australia by Geelong Grammar School, and now implemented in a number of private and public schools in Victoria
 - The Victorian Education Department’s “New Guidelines and Support Materials for Violent and Dangerous Behaviours of Concern”
 - “Let’s Take a Stand Together”, currently being trialled by the Western Australian Department of Education.
6. Hold responsible people, including the minister and executives of the education directorate, to account for breaching their duty of care to ACT school children in their failure to act on repeated reports/complaints of violence, injury and trauma.
7. For further information, I refer the committee to the Australian Institute of Family Studies and Relationships Australia research on long term impacts of school violence.