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FOR THE AUSTRALIAN CAPITAL TERRITORY

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

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

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Mr Michael Pettersson
MLA Chair
Standing Committee on Education, Employment and Youth Affairs
[REDACTED]

Dear Mr Pettersson,

RE: Inquiry into the management and minimisation of bullying and violence in government and non-government schools

Thank you for your correspondence of 9 April 2019 in which you seek advice to guide the Standing Committee on Education, Employment and Youth Affairs (the Committee) in relation to best practice, human rights obligations, and the nature of complaints relating to bullying and occupational violence in ACT schools.

As an independent agency established by the *Human Rights Commission Act 2005* (ACT), the Human Rights Commission's main object is to promote the human rights and welfare of people in the ACT. In doing so, we work toward an inclusive community that respects and realises everyone's rights.

To this end, in responding to your request, I have sought and included advice from the President and Human Rights Commissioner. In response to your query about complaints received by the Commission in relation to bullying and occupational violence, it is my understanding only a small number of complaints raising these issues are received each year. Complaints about services for children & young people and discrimination complaints are handled within the Commission by my colleague the Discrimination, Health Services, Disability & Community Services Commissioner who will provide the requested information in a separate submission to the inquiry.

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.

To this end, I urge the Committee to recognise the importance of tackling this Inquiry in a manner that ensures attendance to these dynamics. While there are some core considerations that will have broad application, there may also be nuances that are specific to particular relationship dynamics and these will need to be understood.

Underpinning my response is a primary focus on promoting the rights, participation and protection of children and young people in the ACT. The impact of bullying and occupational violence on children and young people, regardless of the relationship dynamic that underpins the issue, is more often than not significant and risks the development of more pervasive challenges as they continue their educational and developmental journey.

Recognising that ‘feeling’ safe is of more relevance to children and young people than what adults may consider necessary to ‘be’ safe,¹ the *National Child Safe Principles* (NCSP) provide an important framework with which to promote systems-level and organisational-level cultures that balance these two interests.

At its essence, the NCSP recognise that a child-safe, child-friendly culture is one that consciously and systematically:

- Creates an environment where children’s safety and wellbeing is the centre of thought, values and actions.
- Places emphasis on genuine engagement with and valuing of children.
- Creates conditions that reduce the likelihood of harm to children and young people.
- Creates conditions that increase the likelihood of identifying any harm.
- Responds to any concerns, disclosures, allegations or suspicions of harm.

As referenced by the NCSP, it should be understood that participation by children and young people in decision-making is an important protective factor and organisations must focus on long-term sustainable approaches that ensure that the rights, participation and protection of children and young people are embedded in practice and underpinned by a clear understanding about the nature and impact of trauma. Notably, it is important to ensure that the views of children and young people are sought, listened to and taken seriously, and used to inform and influence decision-making.

National focus

As you are no doubt already aware, there is substantial work underway and investment at all levels of government focussed on attending to the issue of bullying and occupational violence in schools. At all levels, there is particular emphasis on ensuring that best practice principles inform the development of programs and policies to address bullying and occupational violence in schools.

In 2018, COAG tasked the National Education Council with establishing a *Bullying and Cyberbullying Senior Officials Working Group* to consider existing strategies and potential initiatives to help reduce bullying and keep children safe. In reviewing submissions from state/territory departments of education and from non-government organisations, it was apparent that school leadership, teacher effectiveness and parent/carer engagement were central to reducing bullying in the classroom and in the broader school environment. The review also made it clear that future work supporting the *Australian Student Wellbeing Framework* must be evidence-based and coordinated across jurisdictions.²

The National Education Council’s commitment to ‘build knowledge through student voice’ and their intention to work alongside the national and state/territory Commissioners to engage children and young people in ways that inform strategic planning is to be commended.³ By providing genuine opportunities for children and young people to influence decision-making and mapping the experiences of students at a national level, the direction of the *Safe and Supportive School Communities Working Group* will be strengthened.⁴ Further, the promising contribution of the *beyondblue National Education Initiative* (NEI),⁵ which supports the Australian Student Wellbeing Framework, should also be commended. NEI is designed to complement existing state and territory social and emotional wellbeing frameworks and reinforce the implementation of the *Early Years Framework*, *Australian Curriculum*, and *Australian Professional Standards for both teachers and principals*.⁶

¹ Moore, T., McArthur, M., Heerde, J., Roche, S. & O’Leary, P., 2016, Our safety counts: Children and young people’s perceptions of safety and institutional responses to their safety concerns. Melbourne: Institute of Child Protection Studies, Australian Catholic University.

² Enhancing community responses to student bullying, including cyberbullying: Report and Work Program”, *Bullying and Cyberbullying Senior Officials Working Group*, COAG, September 2018

³ Ibid.

⁴ Ibid.

⁵ ‘Be You’ beyondblue NEI <https://beyou.edu.au/>

⁶ Enhancing community responses to student bullying, including cyberbullying: Report and Work Program”, *Bullying and Cyberbullying Senior Officials Working Group*, COAG, September 2018

Principles of an evidence-based best-practice approach to bullying and occupational violence

1. Whole of community approach

The issue of bullying and violence in schools is a broader community issue and requires the involvement of the whole community in formulating and implementing a response. Each child/young person is a part of a family, a school and the broader ACT community. Everyone has a role in ensuring that children and young people have safe and supportive environments within which to learn and develop.

A holistic whole of community approach needs to be taken to support the wellbeing of children and young people in all aspects of their lives, create positive school environments, promote norms of inclusiveness and diversity, and generate effective partnerships between children and young people, their families, their teachers, and other community members in order to prevent and address bullying and violence.

While schools play a central and important role in the prevention of bullying and the management of violence within schools, successful strategies and frameworks will necessarily involve engaging and partnering with children and young people, parents/carers and families, support and service organisations, local businesses, government and the general community. Responses need to be designed collaboratively to be able to understand and address the underlying drivers of bullying and violence.

Restorative practice

The ACT government aims to make Canberra a restorative city and restorative approaches to bullying and violence in schools would facilitate more creative, inclusive and collaborative responses to address the issue. Restorative approaches work to resolve conflict and repair harm by encouraging those who have caused the harm to acknowledge the impact of what they have done. This may be done through informal conversations or formal mediations.

Restorative approaches have had positive outcomes both internationally and locally,^{7 8 9} however to be effective as a response to bullying and occupational violence in school environments, students, teachers, parents/carers and other community members must understand and be appropriately trained in the philosophy and application of restorative practice.

School policy and practice frameworks

Effective ground-level school approaches require schools to establish anti-bullying policies, implement strategies that prevent bullying in school environments, promote a culture of reporting bullying, and encourage/facilitate collaboration between children and young people, parents/carers/families and teachers to address bullying when it does occur. Each school needs to be able to tailor its policies, responses and approaches to their local context.

Schools and the broader bureaucratic structures within which they operate need to have clear and publicly available guidelines and policies for school and community members on responding to bullying and supporting student/teacher safety and wellbeing. Research into bullying programs that include a whole school anti-bullying policy have demonstrated a decrease in bullying in comparison to programs that do not. However, policies will not have an impact if they are not implemented effectively.¹⁰

⁷ <http://www.hullcentreforrestorativepractice.co.uk/>

⁸ <https://www.leeds.gov.uk/residents/learning-and-job-opportunities/childrens-social-work-innovation>

⁹ Thorsborne, M., & Vinegrad, D. (2006). Restorative practice and the management of bullying: Rethinking behaviour management. Queenscliff, Vic: Inyahead Press

¹⁰ https://www.cese.nsw.gov.au/images/stories/PDF/anti_bullying_in_schools_what_works_AA.pdf

Family-partnerships

Parent/carer/family engagement is a vital protective factor in keeping children safe in schools, and is central to a successful whole of community response to bullying. It requires parents/carers to be engaged and given opportunities to actively participate at all stages of prevention, response and support.¹¹ For example, parents/carers need to model appropriate behaviour, teach social skills and conflict resolution, and work with their children to prevent and respond to bullying behaviours.¹² Parents/carers also need information and support to protect their children from bullying, including how to work effectively with schools. Training provided to parents/carers, family members and the wider school community would benefit from the inclusion of strategies that assist parents/carers to understand and respond effectively to trauma, attachment, and emotional regulation.¹³

Research highlights numerous programs aimed at engaging and working closely with parents/carers and families, many of which have been highly effective. While different programs have utilised different strategies to engage parents/carers, the more effective programs have generally used group discussions and have focused on positive behaviour modelling and individual support.^{14 15}

In reviewing bullying and violence in schools, it is clear that there must be a focus not only on the experience of teaching staff and children, but also that of parents/carers. Parents/carers have been referred to as the 'missing voice' in bullying research and consequently little is known about how parents/carers feel when their child is bullied, how they react, and their experiences of helping their child.¹⁶ It is also clear, however, that parents/carers want to be well informed and supported to protect their children from bullying. While most parents/carers have a general understanding of what bullying is and its seriousness, many need more information on how to protect their children and what it is that their school does to respond to bullying.¹⁷

Parents/carers identify two gaps in the response pathways in addressing bullying: ineffective communication between them and schools, and failure to respond to parents'/carers' requests for the issue to be mediated.¹⁸ Research indicates that, for some parents/carers, this can lead to or be underpinned by negative attitudes towards school that need to be addressed, raising a question about whether parents/carers and schools are sufficiently engaged in working together to counter bullying.

Parent/carer-teacher relationships are often characterised by tension, due particularly to differing expectations in respect of each other's role in protecting children and young people in the school environment. Given that these experiences can manifest in frustration and a level of distrust towards teachers, it is vital that parents/carers are kept informed about the actions taken by their child's school in response to bullying. Research suggests that when parents/carers are advocating strongly for their child in a system in which they feel they have little power or influence, responses have the potential to escalate into feelings of anger and resentment.¹⁹

¹¹ Rigby, K. & Johnson, K. (2016). 'The prevalence and effectiveness of anti-bullying strategies employed in Australian schools', Adelaide, University of South Australia.

¹² Lodge, J. (2008). 'Working with families concerned with school-based bullying'. Australian Family Relationships Clearinghouse.

¹³ 'Children who bully at school', CFCA paper No.27, July, Australian Institute of Family Studies (2014)

<https://aifs.gov.au/cfca/publications/children-who-bully-school/what-works-bullying-interventions>

¹⁴ [http://www.effectiveservices.org/downloads/OTRT_Child_Behaviour_\(Nov16\)_\(002\).pdf](http://www.effectiveservices.org/downloads/OTRT_Child_Behaviour_(Nov16)_(002).pdf)

¹⁵ 'Working with families whose child is bullying: An evidence-based guide for practitioners', CFCA Paper No. 26, July, Australian Institute of Family Studies (2014) <https://aifs.gov.au/cfca/publications/working-families-whose-child-bullying/how-use-guide>

¹⁶ Sawyer, J., Mishna, F., Pepler, D., & Wiener, J. (2011). The missing voice: Parents' perspectives of bullying. *Children and Youth Services Review*, 33, 1795–1803.

¹⁷ Enhancing community responses to student bullying, including cyberbullying: Report and Work Program", *Bullying and Cyberbullying Senior Officials Working Group*, COAG, September 2018

¹⁸ Rigby, K. & Johnson, K. (2016). 'The prevalence and effectiveness of anti-bullying strategies employed in Australian schools', Adelaide, University of South Australia

¹⁹ Hale, R., Fox, C., & Murray, M. (2017). 'As a parent you become a tiger: Parents talking about bullying at school'. *Journal of Child Family Studies*, 26, 2000-15

Parent-led bullying is increasing across jurisdictions and is reported by principals as being more prevalent than student to teacher/principal bullying.²⁰ Also referred to in literature as ‘Teacher Targeted Bullying and Harassment (TTBH)’, parent-led bullying is reported to be most prevalent in primary schools, with the most common form being verbal (that is, yelling and arguing on behalf of a child).²¹

Parent-led bullying can lead to mental ill health for teachers;²² this emphasises the importance of improving infrastructure, and policies and procedures that promote effective communication and feedback loops. The need to invest in training and skills development that supports parents/carers to advocate effectively for their children in the education system and supports teachers responding to parents’/carers’ emotional investment in their children also forms part of a successful approach.

All types of parent-led bullying have a significant impact on children and young people, including through valuable resources being taken away from education due to teacher attrition, risk to reputation, and compromised relationships with peers and teachers. Examples of important initiatives placing mutual responsibility on schools and parents/carers to prevent tensions escalating include alternate dispute resolution programs in Victoria,²³ and code of conduct and community charters in NSW.

Children and young people

Most importantly, a whole of community approach needs to involve children and young people themselves, including by educating and empowering children and young people to understand and respond to the differing dynamics that exist depending on whether they are the person being bullied, the person doing the bullying or a bystander.²⁴

It is important to seek the views of children and young people about what can or should be done to address bullying and violence, and to ensure their views are included in the development of responses, strategies, frameworks, policies, etc. Children and young people are creative contributors and impressive innovators, and may come up with solutions that adults would not have thought of but that prove highly effective, often due primarily to the fact that they are student-led, and therefore engaged with more strongly than those developed by adults.

2. Early intervention and prevention

Within a whole of community approach, prevention of bullying and school violence starts well before school. Early interventions to improve family wellbeing are a protective factor for children and young people, supporting attachment and emotional regulation. Targeted and universal early intervention programs, including trauma-informed family support, have been demonstrated to have a positive impact on children and young people and the networks around them.²⁵

It is necessary to ensure that early identification of societal vulnerabilities and behaviours of concern occurs, including by recognising where this relate to disabilities, developmental delays, family violence, child sexual abuse, mental health concerns and other areas of complex need. Early identification can assist with identifying the need for, and facilitating access to, appropriate targeted support and early intervention programs. Programs such as these are integral components of an effective whole of community response by ensuring a focus on wrap-around supports that address individual, family and environmental factors.

²⁰ Riley, P. (2019). ‘The Australian Principal Occupational Health, Safety and Wellbeing Survey 2018 Data’, Australian Catholic University.

²¹ Bilett, P., Fogelgarn, R., & Burns, E. (2019). ‘Teacher Targeted Bullying and Harassment by Students and Parents; Report from an Australian Exploratory Study’, Latrobe University: VIC, Australia.

²² Bilett, P., Fogelgarn, R., & Burns, E. (2019). ‘Teacher Targeted Bullying and Harassment by Students and Parents; Report from an Australian Exploratory Study’, Latrobe University: VIC, Australia.

²³ <https://www.schoolresolution.vic.gov.au/Pages/default.aspx>

²⁴ Rigby, K. & Johnson, K. (2016). ‘The prevalence and effectiveness of anti-bullying strategies employed in Australian schools’, Adelaide, University of South Australia.

²⁵ Evans, J. (2017). ‘To investigate best practice in managing violent behaviour in schools, including preventative programs’, The Winston Churchill Memorial Trust of Australia.

Early intervention multi-disciplinary teams across an integrated and collaborative service system can provide the necessary support to mitigate against, and ideally prevent the occurrence of bullying and violence. This requires a shift from a crisis-driven response to front-end preventative services and consideration of how best to flexibly deliver those services. This could include assertive outreach by health professionals and co-located services within community locations inclusive of (but not limited to) schools, child and family services, and health services.

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

It is important to recognise that children and young people who display behaviours of concern often have a disability or have experienced trauma and/or disadvantage. Equally, they and their families may experience a range of vulnerabilities that limit their ability to manage stressful situations in more effective ways that do not rely on violence. For this reason, a trauma-informed lens is required to understand and approach bullying and violence within schools. It is important to recognise the personal and educational needs of children and young people who use bullying and violence, and the needs of parents/carers/families who may require support to develop adaptive coping skills.

Supports must be designed to ensure flexibility so they are attuned to the needs and individual situations of children and young people, and/or their parents/carers/families.

Where possible, the views of children and young people themselves should inform these responses, which should be undertaken in a holistic way that also involves parents/carers and any other people the child/young person considers relevant and supportive in their life. Where necessary, this may also include consultation with therapeutic specialist teams to inform appropriate responses for children and young people who have specific needs.

*‘There is a broad range of factors that potentially underlie violence in schools, and we need to be aware of individual circumstances and respond in a supportive and restorative manner’
(Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, ACT)*

Approaches need to be underpinned by a strengths-based, trauma-informed framework. This requires a cultural shift towards enhancing readiness to learn and the development of social skills, for example. Rather than using time out practices, schools can use designated learning spaces or ‘nurturing support centres’. Evidence has demonstrated that trauma-informed educational settings reduce maladaptive behaviours and staff stress.²⁶

For these same reasons, some children and young people experience challenges in mainstream classes. For these students, alternative programs that operate within and alongside mainstream classroom settings can offer support in self-regulation, relationship-building and social skills. Trauma-informed responses include the Positive Behaviour for Learning Model (PBL) and Social Emotional Learning (SEL). Other strategies such as student mentoring, regular check-ins and designated ‘quiet-time’ learning spaces can assist to regulate behaviour and strengthen support in supportive ways that do not isolate children and young people and set them apart from their peers.

Children and Young People with Disability (CYDA) is the national representative peak body for children and young people with disabilities and has strongly supported the use of Positive Behaviour Support (PBS) Frameworks to promote improved behaviours in schools. It is recognised that the PBL model is in place in most ACT public schools and that positive behaviour support models are supported by the Education Directorate. The implementation of positive behaviour support models with targeted interventions, for example through the development and implementation of positive behaviour support plans by expert professionals, provide an effective way to address violence and bullying.

²⁶ Oehlberg, B (2008) ‘Why schools need to be trauma informed’, Trauma and Loss: Research and Interventions 8(2) Fall/Winter 2008.

Central to any approach is a focus on respectful relationships between students and trusted adults, particularly teachers. This can provide a protective factor against violence. Research has demonstrated that a child's/young person's perception of their relationship with their teacher at the age of 10 years impacts subsequent behaviour, both positive and negative, over the following four years. Students who perceived a positive relationship engaged in fewer aggressive behaviours into adolescence and were more likely to seek help for bullying.²⁷ Teachers therefore need to be trained and supported in developing strategies to build positive relationships with students.

Building positive relationships and engaging with individual students in order to understand and meet their individual educational needs is a key feature in successful outcomes. Evidence supports this by indicating that doing so leads to improved behaviour and decreasing bullying and violent behaviour.

4. Inclusion

Any response to bullying and violence needs to consider the individual needs of each child or young person and their right to education. As noted, many students in our schools have backgrounds that include the presence of disability, complex trauma, drug misuse, and/or mental health problems. Consideration must also be given to the different cultural needs of Aboriginal and Torres Islander students and culturally and linguistically diverse students. All children have the same right to education and protection. Equal access to education is a human right and requires that changes in content, teaching methods, approaches, structures and strategies in education allow all children and young people to participate equally with reasonable accommodations made to assist in overcoming any barriers.

All Australian governments have broad obligations under international law to protect the right to education. The ACT Government has specific duties under the Human Rights Act to prevent interference with the enjoyment of the right to receive education.²⁸ Behaviours that cause or threaten harm to others in schools (whether teachers, staff or students) may disrupt or reduce the quality of education by affecting student concentration and mental or physical health, and deterring attendance.

The ACT Government similarly has obligations to protect the freedom of all people (including children, teachers and school staff) from all forms of injury to the body and the mind, or bodily and mental integrity.²⁹ Security of the person requires governments to take appropriate measures to protect individuals from foreseeable threats of harm and respond appropriately to patterns of targeted violence on the basis of personal characteristics (such as disability, race, gender identity or age),³⁰ including in school environments.

It is acknowledged that violent conduct and bullying in schools may prompt disciplinary or preventive responses that engage and limit a particular student's right to receive education (including isolation from peers, suspension and exclusion). In realising their duty to protect teachers, staff and students from violence or bullying, governments and schools must ensure any disciplinary or preventive responses are consistent with the relevant student's human dignity (including by mitigating against public humiliation) and rights, including their right to education and the broader right to equality and non-discrimination.³¹

²⁷ Obsuth, I., Murray, A., Malti, T., Sulger, P., Ribeaud, D., & Eisner, M. (2017). 'A non-bipartite propensity score analysis of the effects of teacher-student relationships on adolescent problem and prosocial behaviour', *Journal of Youth Adolescence*, 46, 1661-87; Eliot, M, Cornell, D, Gregory, A & Fan X (2010), Supportive School climate and student willingness to seek help for bullying and threats of violence', *Journal of School Psychology*, 48(6), 533 – 553.

²⁸ United Nations Human Rights Committee, *General Comment No. 13, The right to education (article 13 of the Covenant)*, 21st sess, UN Doc E/C.12/1999/10 (8 December 1999) [6]; see also United Nations General Assembly, *Protecting children from bullying*, GARes 69/158, 69th sess, Agenda item 74(a) UNDocA/RES/69/158 (3 February 2015).

²⁹ For the ACT, see section 18 of the *Human Rights Act 2004*; see also the International Covenant on Civil and Political Rights (ICCPR), article 9; the United Nations Convention on the Rights of the Child (UNCROC), article 19; Convention on the Rights of Persons with Disabilities, articles 14 and 16; Convention on the Elimination of All Forms of Racial Discrimination, article 5.

³⁰ United Nations Human Rights Committee, *General comment No. 35: Article 9 (Liberty and security of the person)*, 112th sess, CCPR/C/GC/35 (16 December 2014) [9].

³¹ For the ACT, see section 8 of the *Human Rights Act 2004*; see also ICCPR, articles 2 and 26.

Any disciplinary measure, including those involving the suspension or exclusion of a student from school, must therefore be shown to constitute a reasonable limitation on their rights.³² That is, any response must be demonstrably necessary to protect the rights of others and be the least rights-restrictive response reasonably available in the circumstances.³³ In this regard, expulsion should only be considered as a measure of last resort.

Consistent with the right to equality and non-discrimination, disciplinary responses must be predictable and not disproportionately impact categories of students without reasonable justification. Disciplinary or preventive responses must also specifically contemplate and respect the rights of affected children, including their best interests as a primary consideration and their right to freely express their views in all matters affecting them.³⁴

In view of these principles, the New Zealand Human Rights Commission has advocated a human rights approach to addressing violence, bullying and abuse in schools that comprises six elements:

- Linking of decision-making at every level to the agreed human rights norms;
- Identification of all the relevant human rights of all involved and, in the case of conflict, balancing the various rights to maximise respect for all rights and rights-holders, prioritising those of the most vulnerable;
- An emphasis on participation of all members of the school community in decision-making;
- Accountability for actions and decisions, which enables those in the school community to express concerns about decisions that affect them adversely;
- Non-discrimination through the equal enjoyment of rights and obligations by all in the school community; and
- Empowerment of individuals and groups in the school community by enabling them to use rights as leverage and to legitimise their voice in decision-making.³⁵

Evidence shows that students who are included develop better literacy skills, have improved attendance, are less likely to show behaviours of concern, and are more likely to complete high school than students who are excluded.³⁶

Children and young people with complex high-level needs need respectful, caring and positive relationships with teachers and school staff.³⁷ The NSW Ombudsman recognised the most significant feedback received throughout their consultations into effective behaviour management in schools was that “it is the leaders who demonstrate support for, and strong commitment to inclusion who provide a solid platform for broader cultural change”.³⁸

International programs, in particular in Canada, have demonstrated the importance of embedding culture within educational systems. In Canada, for example, programs that bring community into schools build the cultural capacity of teachers, and assist families to access community support. For the *Amiskwaciy* program, cultural rituals form the basis of respectful relationships between students and between adults and students.³⁹

³² In respect of ACT government schools, section 40B of the *Human Rights Act 2004* requires that all public authorities (including ACT Education Directorate staff) do not fail to properly consider a relevant human right when making a decision and not act in a way that is incompatible with a human right.

³³ See *Human Rights Act 2004*, s 28.

³⁴ See UNCROC, article 3 and article 9.

³⁵ New Zealand Human Rights Commission, *School violence, bullying and abuse: A human rights analysis* (March 2009) [7], available at: < https://www.hrc.co.nz/files/8114/2371/1328/01-Sep-2009_14-08-40_Human_Rights_School_Violence_FINAL.pdf >.

³⁶ Evans, J. (2017). ‘To investigate best practice in managing violent behaviour in schools, including preventative programs’, The Winston Churchill Memorial Trust of Australia.

³⁷ NSW Ombudsman Inquiry into behaviour management in schools - August 2017

³⁸ NSW Ombudsman Inquiry into behaviour management in schools - August 2017, page 16

³⁹ Ibid.

Approaches in schools should prioritise differential teaching, integrated learning and flexible programs for students. Inclusion within mainstream learning is important to ensure that all children and young people are able to participate and reach their potential. These approaches must decide how to provide for the individual needs of children and young people, without particular children or young people being identified or marked as different.

Strategies developed to address bullying must also take into account cultural differences and need to ensure that responses and engagement with the family or students are culturally appropriate and relevant. There is much to be learnt about cultural practice and there is benefit in exploring how cultural learnings can be integrated into and/or form the foundation of programs that may be effective for both Aboriginal and Torres Strait Islander students, as well as non-Indigenous students.

5. Child/Youth-Led and Focused

It is important for the voices and views of children and young people to be sought and heard when developing responses to bullying and violence in schools. Children and young people will have views and ideas about what works and what doesn't in respect of responding to bullying and violence, and these need to be considered. Their knowledge and understanding of the underlying drivers of bullying needs to inform the development of strategies to respond. Children and young people should be engaged and involved in developing policy and procedures to respond to bullying and violence.

COAG has requested that state and territory governments conduct youth engagement activities including youth forums and consultations on bullying. Opportunities for child- and young person-led responses and approaches, for example through peer-support, mentoring programs, and by way of leading anti-bullying campaigns and culture change should also be considered.^{40 41}

In 2016, the PACYPC held consultations with school students about social inclusion and violent extremism. Students ranked bullying as an important issue, with 67% stating they cared a lot and/or were very interested in bullying. Students stated that schools in the ACT needed to be more proactive about bullying and in noticing and offering support to students who appear withdrawn, quiet or unhappy at school. Many students reflected that support is sometimes only provided to disruptive students with quiet ones being overlooked. Students felt that schools need to provide more information about support or who could help.

Maybe schools could tell us any ideas of other things we could do (p16)

They also identified that the students bullying others needed to be recognised as having problems of their own and be provided with support.

'Bullies are people too.' (p16)

Previously, in 2012, the PACYPC held a consultation with students about bullying and disability. During those discussions, students also identified that bullies could be:

'People that have a bad home experience' and who 'Feel bad so make other people feel bad too' (pg 25)

The PACYPC supports partnering with children and young people to develop and design strategies to prevent bullying and violence in schools including the development of peer-led initiatives.

⁴⁰ Connolly, J., Josephson, W., Schnoll, J., Simkins-Strong, E., Pepler, D., MacPherson, A., Jiang, D. (2015). Evaluation of a Youth-Led Program for Preventing Bullying, Sexual Harassment, and Dating Aggression in Middle Schools. *The Journal of Early Adolescence*, 35(3), 403–434. <https://doi.org/10.1177/0272431614535090>

⁴¹ Rigby, K. & Johnson, K. (2016). 'The prevalence and effectiveness of anti-bullying strategies employed in Australian schools', Adelaide, University of South Australia.

6. Continuous Improvement

In order to embed and improve effective approaches to prevent bullying and violence, a focus on continuous improvement and professional development for teachers and educational staff is required. The ability of schools and teachers to implement any best practice approach to bullying and violence requires a focus on teachers' wellbeing and safety that includes validating their experiences, learning from them and responding to their wellbeing in addition to that of children and young people.

Effective counter-bullying strategies depend to a large extent on the resources available to a school.⁴² This requires investment in program infrastructure, staff support, training, coaching and evaluation activities to ensure that programs are delivered effectively and new approaches are sustainable.^{43 44}

PBL programs in NSW, which have been rolled out in many ACT schools, utilise professional learning, reflective practice and communities of practice to ensure that student behaviours are being effectively addressed and staff are supported. All schools should be supported to deliver evidence-based programs. Further, outcomes should be monitored and reported in order to map resourcing needs and promote a consistent and sustainable response to bullying and violence in the ACT.

To ensure best practice and improvement, children and young people should also be involved in evaluation and be provided with genuine opportunities for feedback. Part of this feedback needs to focus on what a child-friendly complaints mechanism looks like, while also ensuring a children's rights framework for complaints handling.

To make any strategy, model or approach effective, teachers must be supported in their role to educate children and young people in a safe environment. The approach chosen to address this must have support, professional learning and development for teachers built into the model.

7. Evidence-Based Decision-Making and Accountability

While program data is an important measure in tracking outcomes, equally important is the collection, collation and analysis of data relating to children and young people who are particularly vulnerable to exclusionary and restrictive decisions in response to bullying or violence.

Data collection that supports evidence-based decision-making and ensures the rights, protection and participation of children and young people at school will be integral to the furthering of outcomes from this review. Having said that, the privacy of individual children/young people and their families needs to be protected, noting that the collation, publishing and/or sharing of aggregated information or thematic trends to support evidence-based practice must be balanced with individual rights to privacy.

Further, aggregate data on the number of exclusionary/restrictive practice decisions impacting Aboriginal and Torres Strait Islander students, students with disability, and other vulnerable student cohorts, must be subject to clear reporting requirements to ensure that these measures are not having a disproportionate impact on these groups, contrary to the rights to equality and non-discrimination in the HR Act.

8. The power of language

In any review into bullying and occupational violence in schools, the power of language and its effects on the way in which children and young and young people are conceptualised must be recognised, and appropriately attended to.

⁴² Rigby, K. & Johnson, K. (2016). 'The prevalence and effectiveness of anti-bullying strategies employed in Australian schools', Adelaide, University of South Australia.

⁴³ Evans, J. (2017). 'To investigate best practice in managing violent behaviour in schools, including preventative programs', The Winston Churchill Memorial Trust of Australia.

⁴⁴ Rigby, K. & Johnson, K. (2016). 'The prevalence and effectiveness of anti-bullying strategies employed in Australian schools', Adelaide, University of South Australia.

In considering the effects of language, it is important to understand that:

“challenging behaviours are not a ‘failure’ of the person exhibiting them; they are a failure of the system around them. Similarly it must be understood that ‘challenging behaviours are titled as such because they are challenging to the service provider, or those supporting the person.”⁴⁵

We must look at children and young people within the context of their families, their communities, their schools and the systems that surround all of these inter-relationships and consider what might need to change to better accommodate and respond to the individual needs or, and challenges experienced by, children and young people.

Language must shift from commonly used expressions such as ‘problematic’ or ‘problem’ behaviours, and ensure that children and young people are not defined by their behaviour.⁴⁶ We must ensure that we recognise that the person is not the problem, and that we focus on attending to the behaviours and on ensuring appropriate support for the person.

Closing comments

In closing, I appreciate the opportunity to provide advice to the Committee in its conduct of the *Inquiry into the management of bullying and violence in government and non-government schools*. Further, I would be pleased to provide additional input to the Committee’s deliberations at any future point should this be of assistance.

If you have any questions or would like more detailed information on any of the issues raised in this submission, please do not hesitate to contact me [REDACTED]
[REDACTED]

Regards,



Jodie Griffiths-Cook
Public Advocate and Children and Young People Commissioner
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⁴⁵ Office of the Public Advocate (QLD), NDIS Quality and Safeguarding Framework, 2015, page 5

⁴⁶ Ibid.