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**Deputy Chief Minister**

Minister for Education and Early Childhood Development

Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and  
Family Violence

Minister for Sport and Recreation

Minister for Women

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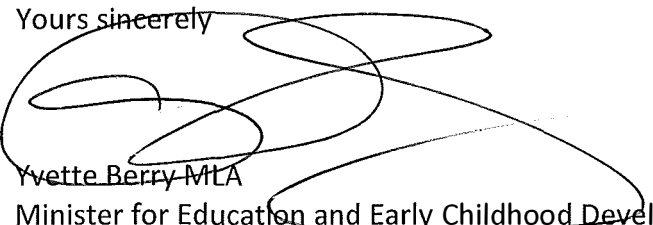
Dear Mr Duncan

**Response to Petitions Nos 5-19 and 8-19 – Independent Inquiry into violence in ACT Public Schools.**

Thank you for your letter of 21 March 2019 about petitions Nos 5-19 and 8-19 lodged by Ms Lee MLA and received in the Assembly on 21 March 2019.

I attach for your consideration a response to the petitions.

Yours sincerely



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Minister for Education and Early Childhood Development

- 2 APR 2019

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## RESPONSE TO PETITION NOS 5-19 AND 8-19 –VIOLENCE IN SCHOOLS

### Summary

The ACT Government does not accept or condone violence anywhere in society and is committed to early support and prevention to reduce the impacts of violence in the ACT community, including in schools. 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 ACT government schools.

Education is a universal need in a child's life and establishes their future trajectory. Government schools respond to this universal need by aspiring to provide equitable access to education that responds to the individual circumstances of each student. Government schools are open to all children and young people.

Equally, because all are welcome in government schools there will always be need for deliberate effort to make school communities safe, supportive and inclusive. Every student and school worker is entitled to feel safe and experience safety at school. This expectation of safety is paramount and extends to all members of school communities including teachers, learning support assistants, school leaders, support staff members and volunteers.

Government schools are the schools of choice in the ACT, with nearly 49,000 students in 88 schools supported by around 7,000 staff. On most days, at most times, in most places government schools are generally safe for students and staff.

However, across Australia, all schools in all sectors experience incidents of student violence or bullying. A little over one quarter (27 per cent) of year 4 to year 9 Australian students reported being bullied every few weeks or more often in a national study in 2009.<sup>1</sup> A 2018 PricewaterhouseCoopers report commissioned by the Alannah & Madeline Foundation's National Centre Against Bullying found that almost 25 per cent of school students in Australia experience bullying at some stage during their time in school.

Schools are not isolated from wider social issues and their effects, like bullying or violence seen in the community. For example, two in five Australians (39 per cent or 7.2 million people) aged 18 years and over experienced an incident of physical or sexual violence since the age of 15.<sup>2</sup> Addressing violence anywhere in society requires community-wide engagement and cultural change over time.

In schools, the government is focused on acting on this issue informed by expert guidance and advice and evidence-based best practice. The nature of the problem is relatively clear and there are well-established responses. While continued rigorous implementation of existing evidence-based approaches across government schools is required, the government is making necessary investments, diligently working to prevent violence in schools affecting both students and staff, and responding when incidents of violence arise.

The Minister for Education and Early Childhood Development has also recently sought an independent, expert appraisal of the issue through a constructive forum comprised of key perspectives, including that of parents and carers.

The government will also refer the issue of violence in schools to the relevant Legislative Assembly standing committee for inquiry and report.

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<sup>1</sup> Cross, D., Shaw, T., Hearn, L., Epstein, M., Monks, H., Lester, L., & Thomas, L. (2009). Australian covert bullying prevalence study.

<sup>2</sup> Australian Bureau of Statistics (ABS) 2017. Personal Safety, Australia, 2016, ABS cat. no. 4906.0. Canberra: ABS. Available online at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/017E326331FOC315CA2581D1000C2EA8?opendocument>.

## Existing advice and evidence-base

The Education Directorate's current approach to providing safe, supportive and inclusive schools is based on contemporary advice and evidence about the system's strengths and areas for further work. Four extensive pieces of work in since 2015 have informed the Directorates approach.

These include:

- *Schools for All Children and Young People: Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour* and the Schools for All Program
- the 2016 *Independent Assessment – Occupational Violence* conducted by David Caple and Associates (Caple Review)
- the *Occupational Violence Management Policy and Management Plan* developed during 2016, and related work such as an enforceable undertaking agreed with the Work Safety Commissioner
- the government's *Future of Education Strategy*.

As a result of these reviews, the Directorate has implemented improved approaches to safety in schools that directly respond to recommendations and findings.

The *Schools for All Children and Young People: Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour* was commissioned in 2015 and was authored by an expert panel comprised of Professor Anthony Shaddock, Dr Sue Packer and Mr Alasdair Roy. The report made 50 recommendations to the ACT Government, which were considered and actioned as part of the Schools for All Program through 2016 to 2018. Among the recommendations was Recommendation 9.1, which called for all school sectors to endorse school-wide Positive Behaviour Support, resource and support its implementation for a minimum of three years, and evaluate its success. In making this recommendation, the Expert Panel drew together stakeholder feedback, international experience and evidence for this kind of approach.<sup>3</sup>

The Program's implementation work included a collaborative approach to system reform across the government, Catholic and Independent school sectors. These fundamental reforms included all aspects of the education system, through projects such as better design for infrastructure, the strengthening of centralised allied health service, and strengthening student-centred inclusive school cultures through programs such as Positive Behaviours for Learning (PBL).

The government established an independent oversight group to monitor implementation of the Schools for All Program. In their concluding letter, the group commended the achievements of the Schools for All program as having "achieved more than just the delivery of the 50 recommendations in that it has led to systemic and cross sectoral change". Achievements identified by the Independent Oversight Group include:

- strengthened collaboration across sectors and with the human services sector
- cross sector projects that have been completed (e.g. parental engagement and the Everyone, Everyday program)
- PBL framework that 51 of 88 government schools are currently implementing with support from PBL coaches, and will be deployed in all government schools
- greater transparency and resources for staff, parents and the community (e.g. intranet and website for inclusion and wellbeing)
- a greater focus on professional learning

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<sup>3</sup> Shaddock, A., Packer, S., Roy, A. (2015). *Schools for All Children and Young People: Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*. 121-130.

- strengthening relationships between the Education, Community Services, Health and the Justice and Community Safety Directorates, as well as external agencies such as the National Disability Insurance Agency to ensure interventions better suit the challenges faced by students.

The *Caple Review* focused on the requirements of a systems approach for the prevention of physical and psychological injury to principals, teachers and learning support assistants arising from incidents of occupational violence within ACT schools. This review recommended 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, closer working relationships with pre-service universities to ensure new educators have experience and knowledge to teach students with complex needs. Implementation work is well advanced.

In 2016, led by calls from the Australian Education Union, the Directorate consulted with staff and unions in designing an *Occupational Violence Policy and Management Plan* that focussed on staff safety in the workplace. The Policy and Management Plan strengthens the Directorate's approach to prevent and reduce violence in schools and responses to occupational violence. During this work, the Work Safety Commissioner initiated a review of occupational violence incidents that occurred from 2016, supporting the approach set out in the Policy and Management Plan. The Commissioner's review led to the Directorate agreeing to an enforceable undertaking that build on the work already underway. Implementation of these documents is a Directorate priority and is focusing on promoting a culture of safety, delivering training targeting appropriate responses to occupational violence, an enhanced reporting culture, and adopting a risk management approach to prevent or reduce the occurrence of incidents of violence.

The government's *Future of Education Strategy* launched in August 2018 is a ten-year roadmap for continuing reform led by the principles of equity, student agency, access and inclusion. The *Future of Education Strategy* was released following an 18 month dialogue consultation process involving 5,000 people in the ACT community, 2,400 of them students.

Clear in the community input, in student, staff and parent feedback, is a desire for strengthened inclusion and diversity that recognises the many factors that might affect individual student engagement in learning and development. The Strategy is also informed by peer-reviewed research. Documents summarising the community feedback and research evidence base for the strategy are available on the Education Directorate website.<sup>4</sup>

The *Future of Education Strategy* provides an important strategic policy that aids continued focus on elements of providing inclusive, safe and supportive schools.

These four pieces of work have provided an opportunity to look at the education system critically and refresh the way inclusive education and supports for students with complex needs and challenging behaviours are provided. The government is pursuing an ongoing and ambitious process of capability-building, best-practice research, and policy and program development in schools.

### **Safe, supportive and inclusive government schools**

At the centre of responding to violence in schools is providing support for students. When children and young people can access what they need for their wellbeing, this leads to a stronger, deeper engagement in learning. School communities operate best when the school community has a shared understanding of appropriate and respectful behaviour. Each student enters schools with differing

<sup>4</sup> See <https://www.education.act.gov.au/the-future-of-education/home/resources>.

skills and abilities, just as schools explicitly program and teach literacy and numeracy, they also take a role in teaching the skills and understanding of respectful behaviour.

The government applies a systemic Social and Emotional Learning (SEL) framework to facilitate students to engage and develop in this area, drawn from the Australian Student Wellbeing Framework.<sup>5</sup>

Social and Emotional Learning is the process through which students acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage their emotions, set and achieve positive goals, understand and show empathy for others, establish and maintain positive respectful relationships, and make responsible decisions. Durlak et al.'s (2011)<sup>6</sup> meta-analysis of 213 studies of SEL in schools indicates that students receiving quality SEL instruction demonstrated: positives such as better academic performance; improved attitudes and behaviours: greater motivation to learn, deeper commitment to school, increased time devoted to schoolwork; fewer negative behaviours: decreased disruptive class behaviour, noncompliance, aggression, delinquent acts, and disciplinary referrals; and reduced emotional distress: fewer reports of student depression, anxiety, stress, and social withdrawal.

### Positive Behaviours for Learning

The Directorate is following a Positive Behaviours for Learning (PBL) approach to support social and emotional learning in government schools.

PBL is an internationally-adopted, evidence-based<sup>7 8</sup> 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. PBL is a structured approach, with a strong focus on data to plan areas of focus in learning, wellbeing and engagement.

PBL began in government schools at the end of 2015 with four pilot schools. The ACT Education Directorate has embraced this evidence-based approach, with 51 of 88 schools having started PBL implementation. All ACT government schools will adopt a PBL approach as the PBL continues to be rolled out across these schools. The Directorate provides support for implementation through external PBL 'coaches' (experts), and other training and resources as required.

The PBL approach is widely adopted, locally and internationally. Catholic systemic schools in the ACT have also established a School-Wide Positive Behaviour Learning framework. The Victorian and New South Wales governments, among others, have adopted a Positive Behaviour Support approach in their government schools. Overseas, this approach is widely used in New Zealand and the United States of America.

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<sup>5</sup> For more information see <https://studentwellbeinghub.edu.au/educators/australian-student-wellbeing-framework/>.

<sup>6</sup> Durlak, J. A., Weissberg, R. P., Dymnicki, A. B., Taylor, R. D. & Schellinger, K. B. (2011), 'The impact of enhancing students' social and emotional learning: A meta-analysis of school-based universal interventions'. *Child Development*, 82: 405-432.

<sup>7</sup> For a full literature review and annotated bibliography see Horner, R.H., Sugai, G. & Lewis, T. (2015), *Is School-Wide Positive Behavior Support an Evidence-Based Practice?*. Available online at <https://www.pbis.org/research>.

<sup>8</sup> See, also, Mooney, M., Dobia, B., Yeung, A., Barker, K., Power, A., & Watson, K. (2008). Positive behaviour for learning: Investigating the transfer of a United States system into NSW Department of Education and Training Western Sydney Region schools. Report published by The University of Western Sydney: Penrith NSW Australia; Horner, R., Sugai, G., & Anderson, C. (2010). Examining the evidence base for school-wide positive behaviour support. *Focus on Exceptional Children*, 42(8), 1-14; Bradshaw, C., Mitchell, M., & Leaf, P. (2009). Examining the effects of school-wide positive behavioral interventions and supports on student outcomes. Results from a randomized controlled effectiveness trial in elementary schools. *Journal of Positive Behavior Interventions*, 12(3), 133-148; Horner, R., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A., & Esperanza, J. (2009). A randomized wait-list controlled effectiveness trial assessing school-wide positive behavior support in elementary schools. *Journal of Positive Behavior*, 11(3), 133-144.

## Safe and Supportive Schools Policy

The Education Directorate's *Safe and Supportive Schools Policy* provides direction to government schools about the fundamentals of developing and maintaining safe, respectful school environments. This policy guides schools in responding to, recording and communicating incidents.

The Policy recognises that a safe culture for learning is paramount. The policy requires government schools to have processes and procedures in place to address and prevent bullying, harassment and violence. The Policy and associated procedures encourage critical evaluation of the effectiveness of social and emotional learning approaches which contribute to the development and maintenance of safe and supportive school environments. These documents also address the area of complex behaviour and the associated safety implications for school communities.

Since 2015, professional learning and resources have been developed for schools to support them to create appropriate physical environments such as sensory spaces to assist students who need this resource to assist with self-regulation. The ACT Government has invested \$5.6 million in the development of safe and inclusive environments in ACT public schools. This has included the development of sensory gardens, outdoor courtyards and playgrounds; classroom modifications to support sensory play and accommodate appropriate withdrawal spaces; and the establishment of spaces for small group learning. These areas have been carefully designed and established in collaboration with schools and allied health experts to ensure they are safe and appropriate.

For some students with a pattern of behaviours of concern, it may be necessary to develop a protective action plan as part of their positive behaviour support plan to ensure behaviour that poses a risk to their own safety, or the safety of other students and staff, can be responded to. Protective action plans consider de-escalation techniques which are suited to the child or young person's individual situation. The Education Directorate is working closely with the newly appointed ACT Senior Practitioner to ensure positive behaviour support reduces the need for restrictive practices in ACT schools.

At school, students are encouraged to seek support from teachers, school psychologists, youth support workers and other staff who are able to provide support to students experiencing, engaging in, or witnessing bullying. As a requirement of the policy, Safe and Supportive Schools Contact Officers (SASSCOs) in each school are trained to provide support to students who have experienced bullying, sexual harassment and racism. The policy requires every school to have at least one male and one female SASSCO who typically use conciliatory procedures to address bullying, violence and harassment between students.

## Responding to occupational violence

Early in the term of the Ninth Legislative Assembly for the Australian Capital Territory, 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 Work Safety Commissioner. The undertaking details the significant work that preceded it and strategies agreed as part of it.<sup>9</sup> The government's engagement with and response to occupational violence in schools is nation-leading, which has been reinforced through an inter-jurisdiction forum hosted by the ACT.<sup>10</sup>

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<sup>9</sup> See <https://www.education.act.gov.au/about-us?a=1263367>.

<sup>10</sup> The communique for the ACT Education National Forum on Occupational Violence is available at: <https://www.education.act.gov.au/about-us/risk-management-and-audit/occupational-violence-national-forum>.

The government's response to occupational violence and challenging student behaviours is being strengthened at a systemic level through the formation of the Occupational Violence and Complex Case Management team. 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 focused on the school environment.

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

Responding to occupational violence, while directed at managing risks to staff safety, also addresses issues contributing to student safety.

### **System support and resources**

In addition putting in place a standard approach to social and emotional wellbeing and responding to occupational violence, the Education Directorate is facilitating supportive school environments by increasing the diversity of support in schools and continually building the knowledge and skills of staff. The government is also investing in improved systems that will provide greater transparency and an improved opportunity to provide schools with proactive support to manage issues.

### **Allied health professionals and school support staff**

Teachers in government schools work in partnership with a range of other professionals and support staff to meet the diverse needs of students and their families.

All ACT government schools have access to a school psychologist. School psychologists work across behavioural, social, emotional and learning domains to support a student's wellbeing and learning. The ratio of school psychologists to students in ACT public schools compares favourably when compared to other jurisdictions and the ACT Government has funded 20 additional school psychologists to be delivered by 2020. As at 2019, government schools are supported by a total of 76.6 FTE school psychologists between those providing direct, indirect and universal supports and those attached to the Child Development Service and Positive Behaviours for Learning teams.

In addition to psychologists, government schools can also make referrals to the Network Student Engagement Team (NSET) that provides specialist and targeted services to schools. Four inter-professional, multidisciplinary teams are drawn from over 100 educators and allied health professionals. These teams build capacity and support staff within schools through observing behaviour in the classroom, delivering professional learning and providing advice and strategies for teachers and other staff to implement. They provide more individualised support, assisting with the development of positive behaviour support plans for individual students. NSET also assists schools to implement and review school wellbeing and attendance procedures and processes.

Schools and NSET also work with other government and community agencies to support students with complex needs and challenging behaviours.

### Staff training and professional development

Skilled teachers and school staff are central ensuring student and staff safety. The ACT Government invests in the professional development of its teachers through initiatives such as the Canberra University Affiliate Schools program and the Empowered Learning Professionals initiative, the Everyone, Everyday program,<sup>11</sup> and a range of targeted professional learning for teachers and school leaders, as well as support staff. This investment in professional development equips staff with the knowledge and skills they require to support children and young people with complex needs and behaviours of concern. Learning support assistants are also able to develop their skills by participating in the Certificate IV in Education Support. Whole-school professional learning and targeted sessions, such as trauma training workshops and training in PBL, are also run with schools as required.

Additionally, NSET provides a range of professional learning opportunities for teachers and school staff on topics such as managing complex behaviours of concern, restorative approaches, neuroscience for education, trauma informed practice and wellbeing.

### New school administration system

In the 2016 Budget the government allocated \$10 million for upgrade to its schools administration system. Roll out of the new system, called Sentral, is occurring in stages. Its introduction began in 2017 in a pilot group of school, with all schools adopting Sentral in 2018 for attendance data. Other modules that record, for example incidents and behaviour reporting, are being gradually introduced.

The Education Directorate's legacy administration system (called MAZE) consisted of a database for each school. A limited dataset was centrally held for system backup and manual data extraction for annual and national reporting. Alongside this most schools also held most student behaviour data on paper-based records, and another database was maintained for insurance and compliance purposes.

These historic system limitations have significantly limited transparency about management of bullying and violence in government schools.

The government's investment in Sentral, when fully implemented, will provide both school and system level data to both respond to emerging concerns and improve practice. 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. Business intelligence tools will allow users to identify trends and access reporting across all schools. The system will also allow improved communication with parents through automated notifications, and automated notifications directed to the Education Support Office when particular information is submitted.

### Other initiatives

The government is involved in a range of other initiatives directed at addressing violence in schools. For example:

- ACT schools take part in the annual National Day of Action (NDA) against Bullying and Violence. In 2019, 74 of government schools participated, involving approximately 35,190 students.
- In partnership with Our Watch and through Respectful Relationships Education, the government is working to change student attitudes towards and tolerance of violence, including primary prevent of gender-based violence.

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<sup>11</sup> For more information about *Everyone, Everyday* see <https://www.education.act.gov.au/?a=538308>.



- Efforts to strengthening parental engagement in recognition of the important role that parents and carers have in developing positive attitudes towards learning for children. This has occurred through, for example, a partnership with the Australian Research Alliance for Children and Youth to develop resources for parents and schools, and a partnership with the ACT Parents and Citizens Association to deliver a series of workshops about preventing bullying and other violent behaviours in public schools.
- The Minister's Student Congress, comprised of government school student leaders who discuss contemporary issues and give advice to the Minister, are currently examining the topic of bullying. The congress is a mechanism for student voice to the Minister and provides a unique opportunity for student perspective on the underlying drivers of bullying in all its forms.

### **Safe and Supportive Schools Advisory Committee**

On 19 March 2019, the Minister for Education and Early Childhood Development, Yvette Berry MLA, established the Safe and Supportive Schools Advisory Committee as School Education Advisory Committee for the *Education Act 2004*, section 126. Broadly, the Committee will provide advice to the Minister on opportunities for strengthening safe and supportive school culture in every ACT government school and opportunities to strengthen practises in schools and the Education Support Office that give effect to the Safe and Supportive Schools Policy.

The purpose of this committee is to ensure that the government is doing all it can to manage bullying and violence in schools, and minimise its occurrence wherever possible.

The Committee is independent of the Directorate and, within its Terms of Reference, will provide independent advice to the Minister and government. It may, within its Terms of Reference, conduct its proceedings as it considers appropriate.

The Committee draws together eminent people with expertise and interests from a range of perspectives and is chaired by Ms Sue Chapman. The Terms of reference also require the Committee to engage external expert advice in fulfilling its role and functions. The Terms of Reference and further information on the Committee can be accessed on the Education Directorate website at <https://www.education.act.gov.au/about-us/minister/school-education-advisory-committees>.

### **Request for public inquiry**

The government willingly acknowledges the need for transparency and accountability in its management of schools.

In keeping with this, the government has decided to refer the issue of violence in schools to the relevant Legislative Assembly standing committee for inquiry and report. The Minister for Education and Early Childhood Development will also provide the final report of the Safe and Supportive Schools Advisory Committee to the standing committee, once this report is received.

However, the government remains concerned about negative consequences for individual children, their families, staff and schools of being identified in evidence or during hearings and the public attention that will likely exacerbate already difficult circumstances. There also may be multiple parties to an incident who could be identified without consent, even if not named, and in some cases this could amount to a contravention of the legislated information secrecy prohibitions.

It is not fair or constructive for an inquiry process to be used to litigate individual matters. Given this, to the limited 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 government will seek the support of the Legislative Assembly to require the committee take this evidence in camera and hold relevant documents on a confidential basis.