

# **Draft Student Behaviour Strategy**

## **Submission to the NSW Department of Education**

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**Prepared by: Federation of Parents and Citizens Associations  
of New South Wales**

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## Introduction

Federation of Parents and Citizens Associations of New South Wales (P&C Federation) is thankful to the NSW Department of Education (the Department) for this opportunity to contribute feedback to this draft Student Behaviour Strategy. P&C Federation supports the position of individual educational and developmental needs met by a range of differential services expressed through appropriate and well-planned curricula, programs and environments conducted by sensitive and well-trained personnel in conjunction with parents<sup>1</sup> and families.

The core belief of P&C Federation is that the education of our children and youth is the most fundamental means of ensuring individual and collective success and, as a result, our greatest national resource. We also support the concept that it is primarily the responsibility of governments to ensure education is well rounded and fully funded.

P&C Federation is a representative voice for public education in NSW. With over 1700 member associations, our understanding of the issues within education is broad and carries with it the voice of a very large body of parents and carers.

P&C Federation would like to stress that this strategy has been drafted without consultation with P&C Federation or its members. We would respectfully remind the department that this policy has direct impacts on students and families, and therefore timely and genuine consultation would have been not only appreciated but may have allowed for more detailed input. As a result of the very short feedback period, P&C Federation have only had limited time to survey our members on the general aspects of the draft policy. Despite the short notice we have had a significant response which we use in this document to support our position.

## General remarks

1. The consultation document provided by the Department to the general public (*A new Student behaviour Strategy: Lifting educational outcomes through early intervention and targeted support*) contained little specific information for informed comment. To be able to comment effectively, P&C Federation have reviewed the two draft *Procedures for Supporting the Student Behaviour Policy*, which should have been made available to inform feedback. In addition, the following related documents were not available for P&C Federation to review:
  - a. Student behaviour Policy 2020
  - b. Time-out guidelines
  - c. In-school Suspension Guidelines
2. A review of the various inquiries into behaviour management practices in schools over the last decade shows some very clear themes:
  - A need to identify students who require intensive individualised interventions.
  - The need for a line of sight framework for tracking practice, progress and outcomes for students undergoing interventions.

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<sup>1</sup> "Parent" refers to anyone with legal care of a child, such as a parent, carer or legal guardian

- Support for schools through appropriate resources, guidance and professional development to ensure consistent and effective implementation of behaviour strategies.
  - The need to implement measures to support the targeting of wellbeing resources.
3. In P&C Federation’s survey of parents and carers, we found significant systemic issues relating to the general handling of behaviour issues in schools including:
- a lack of qualified personnel including school counsellors/psychologists.
  - a lack of transparency between schools and parents with a substantial number of parents finding out about incidents or issues well after the fact and often not from the school.
  - a lack of engagement with parents, not only in relation to the requirements of the Student Wellbeing Policy but in relation to specific student related issues.
  - a substantial lack of resources and facilities to deal with behaviour issues, including the lack of placements in schools for specific purposes and support units.
  - a lack of consistency in dealing with behaviour, not only across schools but across classes in the same school.
  - Significantly, there was no widespread dissatisfaction with the way their school handles suspensions and expulsions.
4. P&C Federation supports the early identification of students at risk and those that need targeted interventions, however this needs to be implemented with strong support and appropriate resourcing and without impacting on the learning outcomes of other students.
5. The primary responsibility for a child’s education, behaviour and wellbeing rests with the child’s parents. This is reinforced in section 4(b) of the *Education Act 1990*, which states that “*the education of a child is primarily the responsibility of the child’s parents*”.
- Parents play a critical role in their child’s education, behaviour and wellbeing both in a positive and negative way. These draft procedures, while talking about the need for communication with parents, lacks specific processes and guidance to ensure this is done consistently and appropriately. P&C Federation survey results highlighted two important factors
- that close to half of respondents were not aware that their school was required to or had were aware that their school consulted with parents in relation to behaviour policy or school rules.
  - Communication with parents in relation to specific behaviour issues is generally poor with many parents left in the dark as to the reasons for discipline or the strategies being used to deal with behaviour issues.
6. Not only is there a wide range of behaviours in children and young adults, there are a myriad of factors underlying these behaviours. While some behaviours are easy to assess and deal with within a school context and within the capabilities of classroom teachers, the plethora of disorders and other behaviour issues can be challenging to understand and diagnose, and even more challenging to manage. With a classroom teacher’s primary role being to educate, it is critical that schools have access to additional specialist support, resources and facilities to

properly cater for the full range of behaviour issues without burdening teachers with duties and responsibilities that are often outside of their expertise to deal with.

7. Dealing with behaviour related issues in rural and remote areas is particularly challenging, given the physical distances to specialist services and the general lack of specialist services available to schools.
8. Without a major investment by government in resources, qualified staff and or major professional development, it will be extremely challenging to make any impact on a behaviour spectrum that, if anything, appears to be becoming more complex. We are unable to find any new commitment from the Department or from any level of government to guarantee appropriate funding of this policy.

### **Key Reform Direction 1 – An Integrated system of learning and wellbeing**

P&C Federation support an integrated model of learning and wellbeing, and the ‘care continuum’ provides a valuable categorisation of levels of behaviour and the general approaches or responses to them.

However, the draft procedures and discussion paper are general in their description of approaches and more specific guidance and process is needed to support staff in the implementation of practices and strategies. P&C Federation notes that:

1. The practices and interventions listed as part of each of the care continuum categories are largely the practices and interventions currently undertaken or available to schools
2. All teachers must be capable of dealing with the low-level classroom behaviour issues covered under the preventative part of the care continuum.
3. From parental feedback, there are still teachers within government schools that struggle with this on a daily basis. These teachers require further positive support and professional development to help them achieve effective classroom management practice.
4. Teachers should also be able to deal with early intervention processes to some degree, with assistance from the schools learning and support team or an internal specialist.
5. Once the behaviour moves to targeted and individual intervention, the time taken for management of behaviour issues increases significantly. The burden on a classroom teacher increases proportionally, which often impacts on the learning of other students in the class. This is of great concern for a large number of parents who repeatedly reported throughout the survey the negative impact on teaching when there is a disruptive child in the class. For this reason, we believe that significant resources need to be in place to support both the student, their parents and the classroom teacher.

### **Recommendations**

1. Have a process to identify and support teachers who are struggling with basic classroom management practice.

2. Have all teachers undertake youth mental health first aid training to provide a level of consistency across the state.
3. Add specific resources and guides for schools in the implementation of the care continuum
4. Outline best practice and share exemplary school practice to schools on a regular basis.
5. Undertake a study into the impact of disruptive behaviours on the learning of other students as there appears to be no substantive data in this space. Use these findings to inform future practice and policy.
6. Provide more school counsellors/psychologists, SSO's, SLSO's and CLO's to support the growing needs within government schools. In line with most expert recommendations, we suggest at a minimum that each school must have one school counsellor and support officer for every 500 students or part thereof.
7. Implement a process for being able to rapidly deploy additional support to schools on a needs basis.

## Changes to suspension

Of all the inquiries related to this Draft Strategy, P&C Federation have found that only the *NSW Ombudsman inquiry into behaviour management in schools* provided detailed information around suspension and expulsions and the impacts on specific groups. Of import in support of suspension the inquiry noted that:

- Suspension and expulsion are key components of a school's welfare and discipline policy.
- Suspension is a key safeguard for other students and staff.

It also noted the following issues

- No evidence that suspension reduces classroom disruption.
- It may exacerbate the behaviour issues of students with a disability or those suffering trauma.
- Students with cognitive/learning impairments, child protection issues, out of home care history and Aboriginal students were all over-represented in the statistics.
- There were significant inconsistencies across schools in the use of the suspension process and in the use of internal and external support.

Overall, the inquiry called for greater rigour in the process and better monitoring, a position that P&C Federation supports.

On reviewing the draft procedures and Discussion Paper, P&C Federation would raise the following points in comparison to the NSW Ombudsman inquiry:

- While P&C Federation believe suspension should only be used as a last resort, we also believe that, in line with suspension being a key safeguard, there are circumstances that warrant the mandatory suspension of a child when the safety of other children and/or staff is at risk.

- The draft procedures appear to remove the mandatory suspension criteria present in the current suspension procedures, instead stating that suspension **MAY** be implemented if a student’s behaviour significantly impacts the safety, security and wellbeing of others. It goes on to state that the principal should ensure they have referred to alternate actions as a first course of action and will not automatically give the maximum number of days. Rather than making things more flexible, this imposes limitations on the available responses.
- The overall lack of clarity and specificity in the procedures will result in suspension being more open to interpretation by principals, exacerbating the significant inconsistencies already identified in the Ombudsman’s inquiry.
- The 2011 suspension procedure was very clear that *“Suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within a school’s student welfare and discipline policies”*. The draft procedures lack this definition.
- The draft procedures for Years 7-12 students require that *“the student must be given an opportunity to respond on the next school day when the situation has de-escalated before a decision to suspend is made.”* This raises a number of concerns:
  - That the situation may not have de-escalated within 24 hours, which would present an ongoing risk, especially in the case of physical violence amongst a group of children.
  - Placing a 24-hour limit for the student to respond may not be practical if a parent needs to be present.
  - It implies (though does not clearly state) that a principal cannot remove a student even temporarily from school if there is a clear and present danger until such time as the student has time to reply. While this approach supports procedural fairness, schools must be able to protect the wellbeing and safety of others in specific situations until an interview with the student can be conducted. At that point, the decision to suspend may be revoked.
- The draft procedures refers to long suspensions in the sections describing the responsibilities for Directors, Educational Leadership. However, there is no clear distinction between long or short or other suspensions (e.g. a long suspension is 1-10 days, in which case it is unclear whether a suspension of 1-4 days is a long or short suspension). There needs to be more clarity and possibly a definition as to what is meant by these terms.
- P&C Federation surveyed in-school suspension as a possible alternative to at-home suspension. Over half of respondents indicated they agreed with encouraging this practice, and that they could see the advantages of keeping a child on suspension at school in certain circumstances, especially if the at-home situation is not suitable. However, there were considerable reservations raised, including:
  - Who will be responsible for supervision of the children on suspension?
  - Do schools have adequate spaces and available staff?
  - Will keeping a student at school present an ongoing safety or behaviour issue?
  - What will happen if multiple students with significant behaviour issues are kept in the same space and what challenges does this represent for supervisors?

- In P&C Federation’s review of relevant inquiries and reports, we found no recommendation to reduce the length of suspensions or any evidence to indicate that a reduction in the length of suspensions has less impact on students.
- In general, the relevant inquiries put forward a consistent theme that the Department needs to improve the rigour and monitoring of the suspension process.
- P&C Federation see the length of the suspension period as less critical than the frequency of suspensions for individual children. Currently, the Department publishes the number of suspensions and expulsions each year, but there is no significant data on:
  - how many students incur multiple suspensions nor the frequency distribution.
  - the number of students with a disability being suspended.
  - breakdowns of data of mandatory versus discretionary suspension.
  - number of short-term suspensions that lead to long term suspension.
  - suspensions that lead to expulsions.
- Although there is an appeal process detailed in the draft procedures, the rights of parents and students to such a process needs to be clearly communicated to them at the time of suspension. While it is written in the procedures, there is no clear statement that a principal must inform the student or parent about the right to appeal.
- In addition, there is a lack of clarity around a student/parents right to lodge a complaint using the Department complaints process should they feel an appeal be unfair or mishandled.

### **Recommendations on Suspensions**

1. In cases where there is immediate or substantial danger to other students or staff, there should be clear authority to suspend up to the maximum number of days. Clear guidance must include the specific circumstances under which this authority can be used.
2. The principal shall be accountable for the use of such authority.
3. Allow for a temporary suspension in situations of clear and present danger to others until such time as the child has time to respond and/or the situation has de-escalated sufficiently.
4. Retain the 20-day maximum duration for challenging cases.
5. The Department must implement a comprehensive oversight mechanism for suspensions and expulsions to identify trends and to ensure schools are following policy and implementing appropriate interventions. This may include:
  - a. All suspensions and expulsions being reported centrally within 24 hours of the suspension (noting that this is already a requirement of the draft procedures). Data should include the length of suspension, the reasons for suspension and a summary of the intervention being put in place.

- b. Any suspension over 10 days needs to be reported to the Director, Educational Leadership.
  - c. Any student receiving a second or greater number of suspensions must be reported to the Director, Educational Leadership.
6. The Department must form centralised or regionally based at-call support services to support a school with significant needs if a school is unable to provide the necessary resources/staffing.
7. A clear recognition in the policy that in-school suspensions may be utilised, but they are not suitable for certain situations nor in small schools.
8. In school suspension must have much clearer processes and guidance to principals including when they may be used and what safeguards need to in place.

## **Key Reform Direction 2 – Targeted support for vulnerable student cohorts**

P&C Federation supports the Department’s philosophy of inclusiveness as part of this draft strategy. While it is clear that certain groups are over-represented in suspension specifically, we would raise the following concerns:

- Behaviour management is complex and has a broad range of manifestations and management strategies. The Department needs to access what is possible within the context of different school settings.
- To try to cover the full range of behavioural problems while ensuring all children continue to learn requires a substantial investment into resources, professional development and qualified staff beyond that already in place within the system.

### Recommendations

1. Provide funding for an increase in the number of school counsellors/psychologists, SSOs, SLSOs, itinerate teachers and CLOs. In line with most expert recommendations, we suggest at a minimum that each school must have one school counsellor for every 500 students or part thereof.
2. Increase the number of schools for specific purposes and support units in NSW
3. Identify the limits of practical support for specific conditions that can be provided in a mainstream setting so that there are practical limitations and expectations placed on the integration of high needs students into a mainstream setting.



## **Key Reform Direction3 – Building capacity across the workforce through embedded and continuing professional learning**

P&C Federation would like to make the following comments on key reform direction 3:

1. The primary role of a teacher is to educate. We are concerned that there is a gradual push towards having teachers take on more responsibility for dealing with high needs or challenging behaviour in the classroom including the integration of students with substantial disabilities or significant behaviour problems. Without appropriate support there is a risk that teachers will be asked to go beyond being educators to include elements of social work, psychological diagnosis and management, a concept that P&C Federation does not support.
2. There appears to be a widespread lack of understanding across the workforce in relation to the needs of children with disabilities, newly arrived students and Aboriginal students. P&C Federation supports building capacity and understanding within the system.
3. Principals and teachers need a clear understanding their role, the expectations placed on them and the resources available to them.
4. The government should require all Initial Teacher Education training to include mandatory mental first aid training and the teaching of the general recognition and management of the major behavioural disorders. Teachers should further undergo a yearly refresher course in mental first aid to keep the training current.
5. Our survey of parents found that while there was very strong agreement (69%) that building capacity through professional development was needed, a consistently strong message throughout the comments was that there was little support for professional learning which involves time out of class. Parents see this as disruptive and leading to disengagement and negative impacts on learning.

### **Recommendations**

1. Teachers should not be taking on the additional roles of social worker or pseudo-psychologist
2. There must be a clear roadmap for implementing future professional development including the identification of the levels of knowledge required for specific roles.
3. Professional development must be provided by quality and endorsed providers should they be outside the department
4. Set a minimum level of mental health training across the workforce. This includes classroom teachers, school executive, school support and administration staff, Directors, Educational Leadership and executives of the department.
5. Any professional learning must take place outside of class time as far as possible.

## **Key Reform Direction 4 – Commissioning behaviour services to deliver improved outcomes**

P&C Federation would like to make the following comments on key reform direction 4:

1. P&C Federation supports the engagement of external behaviour services to help deliver improved outcomes for students.
2. There are concerns about the level of services available to vulnerable students in rural and remote areas. The Department needs to consider how it will deliver services in these areas including the formation in internal support teams where there are no readily available services.
3. This approach will also require the close cooperation of other government agencies and services to ensure effective implementation.

### **Recommendations**

1. The Department builds a list of suitable organisations pre-qualified by the Department to provide specific services.
2. That this list be readily available to schools with the ability to find services in their local area.
3. Support the location or formation of regional, rural and remote services to support schools in these areas.
4. Consider the formation of internal support teams in rural remote areas to fill gaps in external provider provision.
5. Work with other agencies to formulate a whole of government policy to support behaviour management in schools.