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REPORT OF THE EXPERT PANEL ON STUDENTS WITH COMPLEX NEEDS AND CHALLENGING BEHAVIOUR

Expert Panel Students with Complex Needs and Challenging Behaviour

Professor Anthony Shaddock I Dr Sue Packer I Mr Alasdair Roy

SCHOOLS FOR ALL CHILDREN & YOUNG PEOPLE

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November 2015

Emeritus Professor Anthony Shaddock

Dr Sue Packer

Mr Alasdair Roy

Disclaimer

This report is the work of the authors and does not represent, nor claim to represent, the views of the Australian Capital Territory Education and Training Directorate, the Archdiocese of Canberra and Goulburn, the Association of Independent Schools of the ACT, or individual Independent Schools in the ACT.

The report contains quotations from consultation participants, drawn from submissions, surveys and interviews. The Panel has used these quotations without identifying individual participants, in accordance with the terms of the consultation. The Panel has not verified the accuracy of any reports or statements made by participants, and has included quotations solely to illustrate the views of stakeholders.

Authors

Emeritus Professor Anthony Shaddock Dr Sue Packer

Alasdair Roy

Project team

Gabrielle McKinnon

Mandy Gray

Irene Lind

Brianna McGill

Naomi Nicholson

Judy Pettiford

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Glossary

Common Acronyms and Legislation

Acronym	Full Citation
ACT	Australian Capital Territory
ADHD	Attention Deficit Hyperactivity Disorder
AIS	The Association of Independent Schools of the ACT
ASD	Autism Spectrum Disorder
CE	Catholic Education
CSD	ACT Community Services Directorate
CYPS	Child and Youth Protection Services (formerly Care and Protection Services)
ETD	ACT Education and Training Directorate
LSA	Learning Support Assistant
LSC	Learning Support Centre
LSU	Learning Support Unit
LSU-A	Learning Support Unit – Autism specific
NAPLAN	National Assessment Program – Literacy and Numeracy
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NERA	National Education Reform Agreement
NSET	Network Student Engagement Teams (ETD)
NSSF	National Safe Schools Framework
SCAN	Student Centred Appraisal of Need
SPA Framework	School Performance and Accountability Framework
SRS	Schooling Resource Standard
The Panel	Expert Panel on Students with Complex Needs and Challenging Behaviour

TQI	Teacher Quality Institute
TST	Targeted Support Team (ETD)
UD	Universal Design
UDL	Universal Design for Learning
UN	United Nations

List of cited legislation

- Children and Young People Act 2008 (ACT)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (under the DDA)
- Discrimination Act 1991 (ACT)
- Domestic Violence and Protection Orders Act 2008 (ACT)
- Health Records (Privacy and Access) Act 1997 (ACT)
- Human Rights Act 2004 (ACT)
- Information Privacy Act 2014 (ACT)
- Work Health and Safety Act 2011 (ACT)
- Working with Vulnerable People (Background Checking) Act 2011 (ACT)

Executive Summary

In May 2015, the ACT Minister for Education and Training, Ms Joy Burch MLA, established an Expert Panel (the Panel) to review policy and practice in all ACT schools in regard to students with complex needs and challenging behaviour and provide a report, including findings and recommendations, through the Minister, to a Select Committee of the ACT Legislative Assembly.

The full Terms of Reference are provided in Appendix A.¹

The Panel defined complex needs and challenging behaviour as:

Any pervasive behaviour, or set of behaviours, regardless of cause (or even without any apparent or identified cause) which disrupts the capacity of the person, or other persons, to learn within the school environment, and which requires targeted or personalised interventions.

There is a broad overlap between the students falling within this definition and students with a disability or special educational needs, however the two groups are not identical. Other factors such as exposure to trauma, family violence, socio-economic disadvantage and other difficult circumstances may contribute to students presenting with complex needs and challenging behaviour, while the causes of challenging behaviour displayed by some students may remain unclear.

Accordingly, this review identified a range of unique issues that relate to the broad diversity of children and young people who are part of our ACT community, and the ways in which ACT schools are responding to their needs.

To address the Terms of Reference the Panel developed a multifaceted and integrated methodology that involved:

- Hearing the perspectives of a broad range of stakeholders through an extensive community consultation. The Panel heard from over 1700 individuals and organisations including:
- Submissions from, and interviews with, 159 parent/carers, teachers, schools organisations and interested community members via
 - The ACT Government's 'Time To Talk' website
 - Email submissions
 - Written (hard copy) submissions
 - Telephone interviews
 - Face-to-face interviews
- Targeted data collection:
 - Students with a disability, via individual and small group consultation (31 students)
 - Students, via focus groups (275 students)
 - Teachers, via an 'all-teacher, all schools' online survey (1145 respondents)
 - School leaders, via a 'principal survey' (95 school leaders)

- Visits to 22 Public, Catholic and Independent Schools
- Consultation with government and non-government education sector leaders, and a range of experts
- Review of research on students with complex needs and challenging behaviour and the identification of evidence-informed good practice
- Review of policies and practices in regard to these students in other jurisdictions with attention to recent developments and trends
- Ongoing input from five 'Critical Friends' on methodology, data interpretation, evidenceinformed practice and draft reports.

Key Themes

The first four chapters of the report are introductory in nature. They 'set the scene' by addressing demographic, legal and policy contexts.

The community expressed its views and the Panel listened

Chapter 1, the 'Introduction', describes the background to the formation of the Expert Panel, its multidisciplinary composition, and the methodology and procedures. There was a high level of community interest in the work and we engaged with the community over four months. In the report we use quotes extensively to assist members of the ACT community to gain a better, 'lived experience' appreciation of the issues and to assure the community that we had 'listened'.

The ACT community and its schools are diverse

Chapter 2, 'The ACT and its Schools', illustrates the diversity of the ACT community and its schools. The ACT has strong government and non-government school systems and ACT students achieve outstanding results on many measures. Nevertheless, there are students whose behaviour presents real challenges to the existing school systems as they currently function, and who require significant support to succeed at school. ACT school leaders believe that the proportion of students with complex needs and challenging behaviour is increasing, and this observation appears to be supported by other evidence.

Students reported being affected by a range of disruptive behaviours at school and some mentioned occurrences of physical violence or other potentially dangerous or distressing situations. Students with a disability also reported difficulties with being distracted and negatively affected by some other students. Teachers and school leaders expressed many concerns about some students' psychological and mental health issues, behaviour related to environmental circumstances, and behaviour related to students' disability. They noted instances of violent and destructive behaviour and concerns about their own ability to respond effectively to protect student safety.

Stakeholder perceptions were diverse and sometimes competing. For example, while expressing support for the right of every child to attend a mainstream school, some parents/carers feared that their own child's learning was being disrupted and their safety threatened by students with complex needs and challenging behaviour. Teachers said they wanted to make a positive difference for students with complex needs and challenging behaviour; but some expressed uncertainty and real concern about lacking necessary skills and resources to do this, while others expressed enthusiasm for the challenge. Generally, however, there was strong, 'in principle' support from students, parents/carers, teachers, school leaders and the community for inclusive practice in ACT schools.

Schools must meet their legal obligations to students and to staff

Chapter 3, 'The Legal Context' outlines the requirements of human rights, discrimination and other legislation that schools must adhere to when providing educational opportunity for all students, including those with complex needs and challenging behaviour. The ACT holds a unique position as the first State or Territory to adopt a statutory charter of human rights, the *Human Rights Act 2004*, and this requires public authorities to respect the human rights of all students including their rights to equality, protection and privacy.

Rights to equality are reinforced by Commonwealth and Territory discrimination legislation, which requires reasonable adjustments to be made to allow students with a disability to participate in education. The Panel notes the complexity of these overlapping regimes and recommends that the ACT Government consider issues of consistency between Commonwealth and ACT discrimination law in regard to education when responding to the Law Reform Advisory Council's review of the *Discrimination Act 1991* (ACT).

Employers including schools and school systems also have a duty to protect the safety of staff and others in the workplace, through appropriate risk management. Employers must not allow staff to be subjected to violence without taking measures to minimise this risk, regardless of their dedication or willingness to tolerate this.

We recommend that ETD, CE, and AIS develop practical and readily accessible guidelines to enable schools and staff to understand and comply with the core legal obligations including how to reconcile potentially competing obligations.

Good policy provides good guidance and supports good practice

Chapter 4, 'The Policy Context', examines policy issues that affect students with complex needs and challenging behaviour. The National Education Reform Agreement (NERA) provides many benefits, however some aspects of the Commonwealth agenda, such as the focus on assessment of a limited range of academic skills, may also have some unintended, negative consequences for classroom practice, student—teacher relationships and student wellbeing.

ACT Government and ETD policy provides an appropriate focus on inclusion, enhanced educational opportunities for every student, and flexibility in meeting the needs of the most vulnerable in the ACT community. While there is a strong overarching policy framework, there are some gaps in the policies of ETD and CE in relation to the more specific aspects of responding to the needs of students with complex needs and challenging behaviour. The Panel found considerable variation among Independent Schools regarding the extent and detail of policies relating to these issues.

We found that policy in other Australian educational jurisdictions tends to focus on whole-school approaches to positive behaviour, teamwork at school level and the engagement of external expertise to assist schools with students and families who need intensive assistance.

There is a lack of specific policy guidance and oversight in regard to restrictive practices in ACT schools. We recommend that ETD, CE and each Independent School review their policies and procedures with respect to students with complex needs and challenging behaviour to ensure that each school has a comprehensive suite of relevant policies and procedures.

Schools are for students, and for all students

Chapter 5, 'Student-Centred Schools' provides a detailed, evidence-informed case for more resolute attention to the personal and relational needs of children and young people at school,

along with support for their academic and cognitive development. Research indicates that serious challenging behaviour may reflect the student's lack of behavioural skills; the emotional impact of disrupted family life; economic and social impacts; psychological factors such as trauma, depression and other mental health issues; neuro-medical issues such as disability, and chronic health conditions.

While many ACT schools already strive to implement a student-centred vision, a more ambitious, 'whatever it takes' student-centred vision is recommended - one in which each education system and school excels in meeting the personal needs of each student as a child or young person, and does this *along with* the pursuit of excellence in academic achievement.

This positive vision has strong backing in policy and research on child and adolescent development, pedagogy, neuroscience, family and community studies, human rights principles, the Melbourne Declaration on the Goals of Australian Schooling and the system change literature.

Key implications are that schools should give priority to children's experience of school as a safe and orderly environment where positive relationships foster wellbeing, and where social-emotional skills are taught. The vision acknowledges how student wellbeing, learning – including academic learning - and behaviour are mutually sustaining; that teaching that engages students supports their behaviour; and that when students have a 'voice' about what happens at school, and when students perceive school as a good place to be, their behaviour improves.

While research shows the positive effects on student behaviour of *proactive behavioural support*, including the many benefits for teachers as well, some students will still engage in behaviour that challenges, and will require more targeted and specialised interventions. Effective collaboration with a range of services and agencies may be needed to meet the needs of some students and their families. Schools must also be prepared to respond effectively to ensure safety of all students and staff in crisis situations.

The 'system change' strategies reflected in the Panel's recommendations include the necessity for 'systems thinking', planning for *all* students (Universal Design), proactive and preventive interventions, and remodelling services by building on existing effective practices. The issues posed by students with complex needs and challenging behaviour should not be problematised but instead seen as an *opportunity, invitation* and *challenge* to further exemplify the inclusive vision of the ACT and its schools.

Positive relationships improve student engagement and learning and reduce challenging behaviour

Chapter 6, 'School Culture and Relationship', explores the perspectives of ACT students, school leaders and teachers and parents/carers about the relationships that help to achieve a connected and supportive school culture. Research shows that positive relationships have a major impact on engagement and learning, and that they reduce challenging behaviour.

Strategies for developing relationships include getting to know students and their interests and strengths; creating a positive and supportive class climate; listening and valuing students' perspectives; and taking into account their views about the school and classroom issues that affect them.

Good relationships with parents and carers are essential and can be developed by appreciating the stress that parents/carers may be experiencing; 'going the extra mile' and persevering in establishing contact and trust with parent/carers who have not been successfully engaged; valuing parents/carers' knowledge and expertise of their children; and finding ways to communicate regularly, emphasising successes as well as concerns.

School leaders play a crucial role in establishing and maintaining good relationships, shaping school culture, developing the attitudes actions of staff, and influencing their colleagues' interactions with students and families and colleagues. These outcomes can be achieved through coaching, providing opportunities for reflective practice, and identifying teachers' need for assistance in managing very challenging behaviour.

We recommend the use of KidsMatter (for primary schools) and MindMatters (for high schools) as valuable resources for building positive cultures. Schools should meaningfully and regularly consult with all students and listen to their views on their experiences at school, decisions that affect them, and the operations of the school. We also recommend the development of practical resources to assist schools to engage with parents/carers of students with complex needs and challenging behaviour; and the negotiation of partnership agreement or Memorandum of Understanding with CSD to better meet the needs of students who live in out-of-home care (drawing on models such as the Victorian Out of Home Care and Education Commitment).

Good placements and settings support behaviour

Chapter 7, 'Settings and Placements', examines the continuum of school settings in the ACT, and considers the experiences of students, parents/carers, and teachers in relation to each setting. It identifies gaps in the provision of appropriate settings and supports to meet the needs of students with complex needs and challenging behaviour.

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

Units within mainstream schools for students with a disability can offer a flexible and individualised approach and should be delivered as part of the school's general provision of services and coordinated with them. High levels of training and support must be provided to teachers working in these units, and schools should be consulted about the placement of students into these units to reduce risks associated with incompatible placements.

Specialist schools should continue to develop inclusive practices and to share expertise with mainstream schools with more formal arrangements for supporting that work.

The ACT has a number of high quality alternative education programs for secondary school students at risk of disengaging from mainstream schools but they do not form a connected pathway, and some are operating under conditions of uncertainty regarding their future.

Recommendations made in this chapter include developing a range of options for primary school students with very challenging behaviours, to be supported by a whole of Government approach, drawing on the expertise of other Directorates. We recommend the development and publication of policy and procedures regarding the placement of students in Learning Support Units and Centres, and consultation with schools regarding placements. We recommend the development and implementation of a coherent strategy for the provision of alternative education programs and/or other flexible learning options for students at risk of disengaging from secondary school.

Good physical environments and infrastructure support behaviour

Chapter 8, 'Physical Environment and Infrastructure of Schools' shows how the design and infrastructure of schools contributes to or detracts from an inclusive environment, helps reduce challenging behaviour, or creates difficulties for teachers seeking to manage complex needs and behavioural risks.

Some parents/carers and peak bodies called for appropriate withdrawal spaces for students with sensory and other complex needs to access when they wish to withdraw or reduce stimulation. We recommend measures to ensure that all schools have such safe and appropriate calming/sensory spaces, noting that their design must be carefully considered and their use monitored to ensure consistency with human rights and discrimination obligations, and that they support students' behaviour and learning.

Students made many suggestions about the physical environment of *their* schools. They requested more attractive classrooms and schools, more playground equipment and more comfortable and varied learning spaces. They raised concerns about mobility and safety issues, the need for alternative play/recreation spaces for very cold weather and difficulties with poorly maintained, designed, and located toilet areas. These are not merely cosmetic issues or preferences that are unrelated to behaviour. Contemporary, research-based approaches to behaviour start by establishing satisfactory settings because they promote appropriate behaviour.

We recommend that ETD, CE, and all the Independent Schools, ensure that all existing schools have safe or sensory spaces that are appropriate to the needs of students with complex needs and challenging behaviour. We also recommend that ETD, CE and each Independent School, ensure that the design briefs for all new schools include an appropriate range of learning areas and facilities, including safe or sensory spaces, that are appropriate to the needs of students with complex needs and challenging behaviour.

School-wide positive, behavioural interventions and supports should be implemented

Chapter 9, 'Supporting Student Behaviour' explains how traditional approaches to discipline and behaviour management are inadequate for many students, particularly those who experience the effects of trauma, illness, disability, and/or violent or chaotic home environments. It is inefficient and futile for schools to attempt to 'fix' these issues one at a time. A framework in which proactive support is provided for the behaviour of *all* students, and subsequently differentiated according to assessed need, is a more effective way to support the behaviour of those with complex needs and challenging behaviour.

Research shows that many education jurisdictions in many countries, including other Australian States and Territories, have experienced success with this 'universally-designed' framework the foundation for which is support for positive behaviour. The 'tiered' model provides additional support for behaviour commensurate with students' assessed needs, delivering increasingly targeted, personalised support that may involve multidisciplinary and/or multiagency support for a small proportion of students with highly complex needs and behaviour.

This chapter recommends that ETD, CE, and each Independent School, endorse School-Wide Positive Behavioural Support, and resource and support schools to implement the program for a minimum of three years and to evaluate its success. We urge schools to be thoughtful and thorough in providing 'Tier 1 supports'. These 'fundamentals' should not be curriculum supports only. They also involve *the student experiencing* school as safe, predictable and structured; a place where there are good relationships, engaging activities, relevant curriculum, good

pedagogy, clear expectations and dependable consequences; in short, a good place to *be*, and to *behave*.

Ultimately the success of any evidence-based initiative depends on the fidelity with which it is understood, translated into schools, monitored and supported, so we urge attention to practical strategies derived from 'implementation science'.

Schools should access a range of professionals and use them effectively

Chapter 10, 'Targeted Services and Supports', examines issues associated with the additional supports and services currently provided in Public, Catholic and Independent schools and makes recommendations to improve them. In the Panel's view decisions about the type and nature of additional staffing must be made with regard to the school system's or school's overall strategy for students with complex needs and challenging behaviour – one that should build on the unique characteristics, strengths and histories of each system or school. Nonetheless, within ETD there is a need to substantially increase the ratio of school psychologists/school counsellors (or other professionals with complementary expertise) within schools to meet the ratio of 1:500 students recommended by the Australian Psychologists and Counsellors in Schools Association.

Also with reference to ETD, we recommend improvements to the resourcing and expertise of the Network Student Engagement Teams.

We recommend a systematic approach to increasing the professional preparation and learning of Learning Support Assistants (LSAs) through relevant training and professional development. LSAs are highly valued by teachers, parents/carers and students, but they should support and complement the role of teachers, and develop the independence and inclusion of students.

We propose evaluation of the effectiveness of the Wellbeing and Inclusion Team (CE) and the NSET initiatives (ETD) so that data-informed, program adjustments can be made, and for example, assist with decisions in regard to the balance between direct support in specific classrooms or schools and capacity-building across the whole system.

Schools and teachers must know how to react when there is risk to safety

We heard of instances of very challenging behaviours in schools in all education sectors and Chapter 11, 'Protecting Student and Staff Safety', addresses situations requiring an immediate response to minimise risk. Although the positive practices recommended throughout this report should reduce levels of challenging behaviours, in some situations, the use of restrictive practices such as restraint and seclusion may be necessary to protect the safety of students and staff

An analysis of human rights, discrimination and work safety legislation indicates that restrictive practices such as physical restraint or seclusion may only be used to prevent imminent harm, where it is the least restrictive option, respects the dignity of the student, is proportionate to the risk presented, used for the shortest time possible, with the least force, and recorded, monitored and subject to appropriate oversight.

As responses to violent or dangerous student behaviour are often required when there is little time for reflection or consultation, staff must have clear guidance, training and practical understanding of effective strategies so they can exercise judgment and make appropriate decisions to de-escalate conflict and to protect safety.

Significant care and consideration are required regarding the use of spaces and structures, even on a voluntary basis, for withdrawal or calming. We recommend that ETD, CE, and each

Independent school, develop practical guidelines for schools on the appropriate use of voluntary withdrawal spaces, seclusion and physical restraint, and we provide principles to guide this work.

There is a general lack of documentation, monitoring and oversight of the use of restrictive practices in ACT Schools. Transparency and accountability are vital to reduce the use of restrictive practices, and to avoid situations where a well-intentioned response is inappropriate, or becomes abusive. We recommend that the ACT Government implement a whole of government approach to the use of restrictive practices and independent oversight of restrictive practices in all ACT Schools, and other relevant settings.

The use of suspension is generally not a long term solution for students with complex needs and challenging behaviours and may increase risks of disengagement and other difficulties. We recommend that all ETD, CE, and Independent Schools provide alternative options to out-of-school suspensions wherever appropriate and possible, including in-school suspensions with temporary additional staffing for support.

The use of reduced school hours is intended to be limited to circumstances where an exemption is actively sought by a parent/carer. However we heard from some parents/carers that they experienced pressure to seek an exemption for their child because of the school's inability to support the child's behavioural needs on a full time basis. We make recommendations about Exemption Certificates including the need for their review and for the monitoring of exemptions for students with a disability.

Collaboration with other agencies is essential for supporting some students and their families

Chapter 12, 'Effective Collaboration Among Agencies', acknowledges that a range of government and non-government agencies may be required to supplement the supports that can be provided by schools, including health services, disability service providers, Child and Youth Protection Services and other professionals and services. We recommend the development and resourcing of a case management framework to support collaborative practice, noting that although schools may be best placed to lead these teams, they will require the skills and resources to do this effectively. We believe the employment of social workers or welfare staff with relevant skills will enhance the ability of schools to provide and lead quality case management to address student needs.

We consider the role of schools as community hubs, and recommend consideration and piloting of a project to provide a range of child and family services onsite at schools to benefit students with complex needs and challenging behaviours and their families.

This chapter also considers issues raised in consultations regarding the National Disability Insurance Scheme (NDIS) and makes recommendations regarding policies and protocols to guide the provision of NDIS services within schools. The interaction between schools and NDIS funded services requires ongoing consideration, monitoring and policy guidance.

The promising 'school-based inquiry', pilot projects underway at Black Mountain and Cranleigh Schools in regard to meeting students' identified needs for therapy services within schools should be supported and their findings and implications disseminated, and where appropriate, incorporated into practice.

Teachers need ongoing professional learning that supports their practice

Chapter 13, 'Professional Learning to Meet Diverse Student Needs' reviews undergraduate and post-graduate university-based courses in education as well as professional learning delivered in

schools. Professional learning should be ongoing and linked to the Australian Professional Standards for Teachers. Sound professional learning in regard to students with complex needs and challenging behaviour should ensure that all teachers, not just those in specialist positions, have relevant expertise.

An effective multi-faceted approach to professional learning will include courses, coaching, mentoring, observations and working alongside experienced colleagues and specialists from other fields, for example, therapists and those from other disciplines who work in collaboration with school personnel.

Online courses on complex needs and challenging behaviours should be continued and should be supported by workshops, ongoing coaching and other forms of face-to-face assistance.

Priority must be given to ensuring an appropriate level of qualifications and professional learning for teachers in specialist settings. A review should be undertaken immediately, and, where necessary, appropriate professional learning provided as a matter of urgency.

We make further recommendations about ongoing collaboration with local universities to review the theoretical and practical relevance of courses and units; appropriate attention in teacher induction to students with complex needs and challenging behaviour; making available to all teachers relevant online learning modules supported by face-to-face support; implementation of a formal program of professional supervision for staff working with students with complex needs and challenging behaviour; and the prioritisation of scholarships and sabbaticals for school leaders and teachers to undertake formal study in relation to students with complex needs and challenging behaviour.

Available resources must be used in flexible, innovative ways

The Terms of Reference did not refer to funding but many stakeholders expressed a view that funding issues affected the quality of support for students with complex needs and challenging behaviour. In Chapter 14, 'Funding Issues', we briefly overview the current funding policy landscape, one that is being transformed by the NERA. We also refer briefly to perceived funding disparities, specifically in regard to students with a disability, and urge the ACT Government and the non-government sector to work together to promote greater school and community understanding of the regulations of the needs-based Schooling Resource Standard (SRS) model, particularly in regard to additional funding for students with a disability.

A key message of this chapter is the responsibility and challenge for school leaders to demonstrate creativity, flexibility, innovation and resourcefulness in designing and implementing their school's strategy to provide for all students.

The Student Centred Appraisal of Need (SCAN), the ACT method by which supplementary financial resources are delivered to schools to support students with a disability, came under considerable criticism. The Panel learned that all States and Territories experience difficulty in determining supplementary loadings for disability and that the Commonwealth is supporting work on the development of a model for 'disability loadings'. We recommend the urgent review of the SCAN process to address issues such as the inflexible eligibility criteria, adequacy of funding, and the negative impact of the assessment process on parents/carers and students.

Leadership directs change and builds on existing good practice

The final chapter, 15, 'Leadership and System issues', addresses leadership issues in regard to school autonomy, accountability and evidence-informed practice. We highlight the role of system leadership in helping school leaders and teachers navigate the complex and sometimes

confusing education policy terrain, for example, in regard to the Commonwealth's current prioritisation of students' literacy, numeracy and science performance as indicators of schooling outcomes. We propose that leadership clarifies for teachers and the community how system and school visions, priorities, targets and performance indicators are interrelated.

We note that the movement towards increased school autonomy in the Public School sector can have benefits but may also involve risks and disadvantages. School autonomy must be seen as one element in a package of systemic measures designed to improve school outcomes. It is vital that autonomy is supported by effective central policy making, oversight, evidence-based advice and timely support, as there will be circumstances where a school may struggle to meet the complex needs and challenging behaviour of a particular student or students from within its existing resources. To lead positive and innovative school cultures, school leaders also need to feel that they will be supported where they experience difficulties, and be encouraged seek assistance when required. ETD should monitor the impact of the new School Performance and Accountability Framework on students with complex needs and challenging behaviour.

We review research that shows unintended negative effects of robust assessment programs that focus on a limited set of educational outcomes. These programs have negative effects on the wellbeing of some students and cause some teachers to focus more on test results than on students as individuals. ETD, CE, and each Independent School, should complement the reporting of students' academic performance with reports on their progress in the personal and social-emotional goals listed in schools' vision statements and strategic plans. We recommend evaluation of the post-school outcomes of students with complex needs and challenging behaviour, particularly the outcomes of graduates of secondary, specialist schools.

We recommend that the ACT Government expresses its strong support for innovation in ACT schools and supports the establishment of a 'Challenge Funding' program to provide tangible support for cross-sector collaborations to support innovative projects involving students, parents/carers and/or others to stimulate, evaluate and share innovative and hopeful approaches for students with complex needs and challenging behaviour in all ACT schools.

Finally, the Panel recommends that the Minister for Education and Training establish an appropriately constituted advisory group to consider progress reports from ETD, CE and AIS on their response to, and implementation of, the recommendations of the report of the Expert Panel and that ETD, CE and AIS provide reports annually for three years from November 2016.

Limitations

The Panel focused on the compulsory years of schooling. However, we acknowledge the powerful, long term impact on behaviour of the years preceding school and refer to the need for whole of government support for vulnerable children and families from as soon as they are identified, and this may be as early as ante-natal services. Education authorities should liaise closely with the early childhood sector to gain an accurate and up to date understanding of the nature and challenges that schools will face in the future.

We addressed post school issues only in regard to recommendations that the post-school outcomes of students with complex needs and challenging behaviour be evaluated in order to assist schools to adapt their programs and ensure that students are better prepared for life beyond school.

Conclusion

School populations are becoming more complex because of school retention policies, the preference of many parents/carers for mainstream placement for their child with a disability,

and an increased prevalence of developmental conditions and other issues that affect learning and behaviour. While the needs and behaviour of some students require targeted responses and interventions, there is also a need for schools to adapt their practices to support the participation, engagement, behaviour and learning of increasingly diverse school populations.

We found that some schools and school systems are doing great work in supporting students with complex needs and challenging behaviors, often with significant effort, but we also heard of numerous challenges and shortcomings that limit overall success. We have structured this report to give some guidance as to how issues affecting these students, and the schools and systems that support them, can be addressed. So, while the report addresses past and present practices in regard to students with complex needs and challenging behaviour it gives priority to the future – how the ACT community can build on the solid foundations and record of its schools, the professionalism of its teachers and the good will of the community.

The evidence from all of our sources points to two overarching and complementary conclusions as indicated in the title of the report. First, that schools exist *for* children and young people and therefore policies and practices should always be in each student's best interests. Second, that schools are for *all* children and young people and therefore policies and practices must be planned and delivered so that they are inclusive of all students' best interests.

The Panel came to the view that if these two simple propositions were thoroughly understood and rigorously enacted throughout school systems and schools (at all levels and in all departments/sections) they would have a pervasive, positive and in some cases, transformational effect on the school experience and behaviour of students with complex needs and challenging behaviour.

Many from the ACT community who spoke with or wrote to the Panel recommended a 'children and young people focus' for students with complex needs and challenging behaviour, and for students more generally. Most teachers know and appreciate the importance of teaching this way and try to do so. Throughout the consultation we heard many expressions of good will and the desire to 'do things better' for students with complex needs and challenging behaviour in our schools. However, it would be a mistake to conclude that a more personalised, needs-based approach to supporting children is the responsibility of schools alone. It is a responsibility for each of us. We are part of 'the system'.

The ACT is a small jurisdiction that should and must deliver more effective and coordinated multi-agency, whole of government, and whole of community, support for these students.

Finally, students with complex needs and challenging behaviour in ACT schools provide us with an opportunity, an invitation and a challenge to 'do school' better for them, and indeed for all students. Carpenter and colleagues are correct in claiming that we need more creative and responsive approaches to meeting the needs of students with complex needs and challenging behaviour so that they become engaged with school. If we do not develop the necessary new skills and approaches, "many children will be lost in, and to, our school system; cognitively disenfranchised, socially dysfunctional and emotionally disengaged."²

However, we share these authors' optimism about the potential for positive change, to improve schools and school systems for the benefit of all children and young people:

This is a journey of discovery: there will be times when we are lost, and times when we discover new places of learning. We are all navigators of learning, and, for every discovery we make, another child, or group of children, becomes engaged in effective learning. Journey on!³

¹ ACT Government Minister for Education and Training, Expert Panel: Students with Complex Needs and Challenging Behaviour Terms of Reference, (2015) http://www.det.act.gov.au/__data/assets/pdf_file/0005/723443/150501-Expert-Panel-Terms-of-Reference.pdf

² Barry Carpenter, et al, Engaging learners with complex learning difficulties and disabilities: A resource book for teachers and teaching assistants (London: Routledge, 2015)15

³ Ibid

Recommendations

This section draws together the recommendations made in each chapter of the report. The Panel makes recommendations addressed to the ACT Government, Minister for Education and Training, ACT Education and Training Directorate (ETD), Catholic Education (CE), the ACT Association of Independent Schools (AIS) and Independent Schools. Other terms used in the recommendations are defined in the glossary to this report.

Chapter 3: The Legal Context

Recommendation 3.1: That the ACT Government, when responding to the recommendations of the Law Reform Advisory Council's review of the *Discrimination Act 1991*, consider issues of consistency between Commonwealth and ACT discrimination law when applied in the context of education services.

Recommendation 3.2: That ETD, CE, and each Independent School, develop practical and readily accessible guidelines to enable school leaders and staff to understand and comply with their core legal obligations with respect to human rights, discrimination, work health and safety, and privacy; including how to reconcile potentially competing obligations.

Chapter 4: The Policy Context

Recommendation 4.1: That ETD, CE, and each Independent School, review their policies and procedures with respect to students with complex needs and challenging behaviour to ensure that all schools have a comprehensive suite of relevant policies and procedures.

Chapter 6: School Culture and Relationships

Recommendation 6.1: That ETD, CE, and each Independent School, encourage all school leaders to implement KidsMatter (for primary schools) and MindMatters (for high schools) as part of their overall strategy to support positive school culture, student wellbeing, and behaviour.

Recommendation 6.2: That ETD, CE, and each Independent School, develop and promote tools to assist all schools to meaningfully and regularly consult with all students about (a) their experiences at school; (b) decisions that affect them at school; and (c) the operation of the school.

Recommendation 6.3: That ETD, CE, and each Independent School, develop and promote practical resources to assist all schools to effectively engage with parents/carers of students with complex needs and challenging behaviour.

Recommendation 6.4: That ETD, CE, and AIS, negotiate a partnership agreement or Memorandum of Understanding with the Community Services Directorate to better meet the needs of students who live in out of home care, drawing on models such as the Victorian 'Out of Home Care Education Commitment'.

Chapter 7: Settings and Placements

Recommendation 7.1: That the ACT Government, in consultation with ETD, the Community Services Directorate, and ACT Health, develop and implement a range of options to ensure that primary school students with very challenging behaviours are able to access an appropriate educational setting (or combination of settings), that provides them with appropriate behavioural support and therapeutic intervention.

Recommendation 7.2: That ETD consult stakeholders and develop and publish a policy and procedure regarding the placement of students in Learning Support Units and Centres, covering issues including: timing, eligibility criteria, and rights of review of placement decisions.

Recommendation 7.3: That the Centralised Placement Panel provide information about the profile and needs of prospective students to the relevant ACT Public School Principal, and consult with schools before reaching a decision to place a student in a Learning Support Unit.

Recommendation 7.4: That ETD publish information about support and education options for students at risk in the ACT Public School system, including the location of programs, operational philosophy, curriculum offered, criteria for enrolment, and referral process.

Recommendation 7.5: That ETD develop and implement a coherent strategy for the provision of alternative education programs and/or other flexible learning options, for students at risk of disengaging from secondary school. This strategy should ensure that, if required, such students have access to an appropriate alternative education program throughout their secondary schooling, building on the positive features of the Achievement Centres and Connect10 programs.

Chapter 8: Physical Environment and Infrastructure of Schools

Recommendation 8.1: That ETD, CE and each Independent School, ensure that all existing schools have safe, calming/sensory spaces that are appropriate to meet the needs of students with complex needs and challenging behaviour.

Recommendation 8.2: That ETD, CE and each Independent School, ensure that the design briefs for all new schools follow principles of universal design, and include an appropriate range of learning areas and facilities to meet the needs of students with complex needs and challenging behaviour. These may include flexible classroom areas with adjacent small group learning spaces, and inclusive playgrounds, as well as safe, calming/sensory spaces.

Chapter 9: Supporting Student Behaviour

Recommendation 9.1: That ETD, CE, and each Independent School, (a) endorse School-Wide Positive Behavioural Support; (b) resource and support schools to implement the program for a minimum of three years; and (c) evaluate the success of the program.

Chapter 10: Targeted Services and Supports

Recommendation 10.1: That ETD increase the number of psychologists/school counsellors (or other professionals with complementary expertise) within schools to meet the ratio of 1:500 students recommended by the Australian Psychologists and Counsellors in Schools Association.

Recommendation 10.2: That CE monitor and evaluate the outcomes of the Wellbeing and Inclusion Team Program currently being introduced in Catholic Schools.

Recommendation 10.3: That ETD ensure that the NSETs are sufficiently resourced and supported to allow them to (a) provide ongoing coaching to teachers within the classroom setting to assist with the support of students with very challenging behaviours; (b) respond proactively and in a timely way to meet identified needs; and (c) develop a high level of expertise in relation to the support and management of students with very challenging behaviours, and obtain specialist consultant advice where required.

Recommendation 10.4: That ETD resource and establish within each NSET a Learning Difficulties Partner position with specialised expertise in assessing and responding to students with learning difficulties.

Recommendation 10.5: That ETD develop a mechanism to allow each NSET, in circumstances where a student with complex needs and challenging behaviour does not meet criteria for SCAN funding, to obtain funding for additional staffing or other services assessed by the NSET as necessary to adequately support that student.

Recommendation 10.6: That ETD collect and analyse data on student outcomes, and school, student and parent/carer satisfaction, with respect to the NSET program, and that this data be used to monitor and improve the effectiveness of ETD's overall strategy with respect to students with complex needs and challenging behaviour.

Recommendation 10.7: That ETD, CE, and each Independent School, commit to the professionalisation of LSAs and ensure that by 2018 (a) all LSAs hold, or are in the process of obtaining, at least a Certificate IV in School Age Education & Care or equivalent; and (b) all LSAs working in a Learning Support Unit or specialist school hold, or are in the process of obtaining, at least a Certificate IV in Education Support or equivalent.

Chapter 11: Protecting Student and Staff Safety

Recommendation 11.1: That ETD, CE, and each Independent School, develop practical guidelines on the appropriate use of voluntary withdrawal spaces, seclusion, and physical restraint.

Recommendation 11.2: That ETD and CE establish procedures that (a) enable ETD and CE to approve and monitor any behaviour support plans that propose the use of restrictive practices for an individual student; (b) require member schools to report each occasion of the use of restrictive practices to a nominated officer within ETD or CE; and (c) monitor the use of restrictive practices and identify trends in order to inform service improvement.

That each Independent School establish procedures that enable any behaviour support plans that propose the use of restrictive practices to be approved by the school leadership or management.

Recommendation 11.3: That the ACT Government implement a whole-of-government approach, and develop a legislative framework, to regulate the use and independent oversight of restrictive practices in all ACT schools, and other relevant settings.

Recommendation 11.4: That ETD (a) amend the Exemption Certificate policy and procedures to require all Exemption Certificates to be subject to regular review (for example, every six months) to ensure that the exemption remains necessary; and (b) monitor the basis for the exemption of students, and the proportion of students subject to exemption who have a disability.

Recommendation 11.5: That ETD, CE, and each Independent School, provide alternative options to out-of-school suspension where appropriate and possible, including in-school suspensions with temporary additional staffing or support.

Recommendation 11.6: That ETD monitor and publicly report the proportion of suspensions, transfers and exclusions that are applied to students with a disability and to students in out of home care.

Recommendation 11.7: That the ACT Government seek an amendment to the *Education Act 2004* (ACT) to require Catholic and Independent Schools to report data of suspensions and exclusions of students, including the proportion of students with a disability and students in out of home care, to the Registrar of Non-Government Schools.

Chapter 12: Effective Collaboration Among Agencies

Recommendation 12.1: That ETD, CE, and each Independent School (a) develop and implement a case management framework for students with complex needs and challenging behaviour; and (b) support all schools to identify or recruit suitably qualified staff to act as case managers, including, for example, social workers, welfare officers, and/or community development workers.

Recommendation 12.2: That ETD and the Community Services Directorate develop a protocol to allow for the timely referral of students with complex needs and challenging behaviour, and their families, to the Strengthening Families Program.

Recommendation 12.3: That ETD, CE, AIS, the Community Services Directorate, and ACT Health, collaboratively develop mechanisms to ensure that service provision with respect to children and young people with complex needs and challenging behaviour, and their families, is offered in a strategic and client focused manner and demonstrates effective communication among all parties.

Recommendation 12.4: That ETD publicly release the report on the evaluation of the Early Childhood Schools and Koori Pre-schools once completed.

Recommendation 12.5: That ETD investigate the feasibility of a 'Schools as a Hub' project to assist schools in key areas of social disadvantage to develop multiagency outreach services on site, and consider establishing pilot sites using existing P-10 schools.

Recommendation 12.6: That ETD, CE, and each Independent School, develop guidelines which regulate access to schools by NDIS service providers.

Recommendation 12.7: That ETD evaluate the Pilot Projects currently being undertaken at Black Mountain and Cranleigh Schools, and, if suitable, consider developing an ongoing program of therapy specialists at key school sites across the ACT.

Chapter 13: Professional Learning to Meet Diverse Student Needs

Recommendation 13.1: That ETD, CE, and AIS, liaise with the Australian Catholic University (Canberra Campus) and the University of Canberra to review and improve the theoretical and practical relevance of teacher education units with respect to teaching students with complex needs and challenging behaviour.

Recommendation 13.2: That ETD, CE, and each Independent School, ensure that the program of induction for all permanent and temporary teachers includes components on the teaching of students with complex needs and challenging behaviour.

Recommendation 13.3: That ETD immediately review the qualifications, experience and professional learning needs of all staff working in Learning Support Units and Centres, and ensure that these staff have access to appropriate and ongoing professional learning, further study and networking opportunities that are most relevant to their settings, their students and their personal professional needs.

Recommendation 13.4: That ETD, CE, and AIS, cooperate to (a) make available to all member schools existing online learning modules in: autism spectrum disorder; dyslexia and significant reading difficulties; motor coordination difficulties; speech, language and communication needs; understanding and managing behaviour; understanding hearing loss; and/or other courses as identified by member schools; and (b) ensure that these learning modules are complemented by follow-up support including face to face assistance, workshops and coaching components.

Recommendation 13.5: That ETD, CE and AIS, (a) develop, and liaise with the Teacher Quality Institute to accredit, a suite of professional learning options relevant to teaching students with complex needs and challenging behaviour. This would include, but not be limited to, modules on: de-escalation and safe use of restraint; trauma; autism spectrum disorder; mental health; attention deficit hyperactivity disorder; and/or learning difficulties; and (b) establish mechanisms to monitor staff and school participation in these programs.

Recommendation 13.6: That ETD and CE develop and implement a formal program of professional supervision to support staff working with students with complex needs and challenging behaviour, with priority for those staff who work in Learning Support Units and Centres.

Recommendation 13.7: That ETD, CE, and each Independent School, (a) prioritise scholarships and sabbaticals for school leaders and teachers to undertake formal study in relation to students with complex needs and challenging behaviour; (b) create opportunities for school leaders and teachers to visit and see in action practices in schools with a reputation for creative and resourceful approaches to teaching students with complex needs and challenging behaviour; and (c) create opportunities for these school leaders and teachers to become mentors and facilitators within networks, sectors, and schools.

Chapter 14: Funding

Recommendation 14.1: That ETD (a) undertake an urgent review of the Student Centred Appraisal of Need (SCAN) model, with particular attention to the: appropriateness of the current eligibility criteria for SCAN funding; adequacy of funding; the effectiveness of the appraisal process, and its impact on parents, carers and students; and (b) in undertaking this review, consult with school leaders, teachers, parents, carers and students, as well as the Disability Education Reference Group, CE and AIS.

Chapter 15: Leadership and System Issues

Recommendation 15.1: That ETD and CE, and each Independent School, make clear in their strategic plans a) how their student-centred vision and principles are operationalised with respect to priorities, targets and indicators; and b) how the various components, services and programs that they provide contribute to the implementation of their student-centred vision.

Recommendation: 15.2: That ETD, CE, and each Independent School, complement the reporting of students' academic performance with reports on student progress towards the personal and social-emotional goals listed in school's vision statements and strategic plans.

Recommendation 15.3: That ETD, CE, and AIS co-fund a tertiary institution, or other relevant research institute, to undertake a longitudinal study on post-school outcomes for students with complex needs and challenging behaviour.

Recommendation 15.4: That ETD undertake an evaluation of the post school outcomes of graduates of the two senior specialist schools, and special units in mainstream high-schools and colleges, by following up recent graduates, their parents/carers and others where appropriate, and consider any implications for program development at these schools.

Recommendation 15.5: That ETD support innovation in ACT schools through the establishment of a 'Challenge Funding' program to provide tangible support for cross-sector collaborations involving students, parents/carers and/or others to stimulate, evaluate and share innovative and hopeful approaches for students with complex needs and challenging behaviour in all ACT schools.

Recommendation 15.6: That the Minister for Education and Training establish an appropriately constituted advisory group to consider progress reports from ETD, CE and AIS on their response to, and implementation of, the recommendations of this Expert Panel report. ETD, CE and AIS should provide progress reports annually to the advisory group for three years, with the first reports to be provided in November 2016.

CHAPTER 1:

Introduction

1.1 Introduction

This chapter describes the background to the formation of the Expert Panel (the Panel) and its multidisciplinary composition. It provides a definition of 'complex needs and challenging behaviour' and an overview of the methodology adopted to meet the Terms of Reference. We describe the extensive community consultation processes and the level of community interest in relation to students with complex needs and challenging behaviour in ACT Public, Catholic and Independent Schools.

1.2 Background

In May 2015, the ACT Minister for Education and Training, Ms Joy Burch MLA, established an Expert Panel (the Panel) to review policy and practice in all ACT schools in regard to students with complex needs and challenging behaviour and provide a report, including findings and recommendations, through the Minister, to a Select Committee of the ACT Legislative Assembly.

The full Terms of Reference are provided in Appendix A.¹

1.3 Expert Panel membership

The Panel is a multidisciplinary one. Emeritus Professor Anthony Shaddock (chair) is a psychologist, researcher and former classroom teacher. Dr Sue Packer is a community paediatrician and family advocate. Mr Alasdair Roy is the ACT Children and Young People Commissioner and is a counselling psychologist.

Each Panel member has extensive experience working with families, children and young people. Collectively, the Panel has expertise in key areas relating to child and adolescent development, community health, disability, education, health services, human rights, psychology, research, statutory service provision, and trauma and abuse. Each Panel member has a longstanding connection with the ACT community.

The Panel was assisted by a small team of individuals with experience and skills in school education and school leadership, children's welfare and the law. Experienced consultants were also contracted to: a) review research and evidence-based practices; b) review current policies and practices in other jurisdictions; and c) undertake interviews with current and former students with a disability. The details of the staff team and consultants are discussed further at Appendix B. Five 'Critical Friends' provided advice and feedback throughout the process (see Appendix B).

The ACT Government and non-government (Catholic and Independent) education sectors cooperated fully with the Panel and we thank them for their support.

1.4 Methodology

Consistent with the Terms of Reference and the ACT Government's Community Engagement Protocol, the Panel gave high priority to community consultation and developed a variety of data collection procedures to ensure that a diverse range of perspectives and experiences were included in the consultation. This process enabled comparison and 'triangulation' of different types of data from different sources.

Opportunities for input included online submissions through the ACT Government's 'Time To Talk' website, email, phone, written (hard copy) and face-to-face interviews. The process also included group consultations with students (Appendix C and Appendix D); visits to 22 schools (Public, Catholic and Independent); an online teacher survey (Appendix E); and a survey of school leaders (Appendix F).

Throughout June, July and August, and into September, the Panel invited and received written submissions and conducted interviews. This process resulted in 159 submissions/interviews: 52 parents/carers; 33 school leaders and teachers; 31 schools; 21 organisations, and 21 other professionals. The Panel is most grateful to those who provided submissions and/or information.

Organisations that made submissions to the Panel, and who agreed to be identified, were:

- ACT Branch of Australian Education Union
- ACT Council of Parents and Citizens Associations
- ACT Disability, Aged and Carer Advocacy Service
- ACT Human Rights and Discrimination Commissioner
- ACT Principals Association
- Anglicare Youth and Family Services
- Association of Parents & Friends of ACT Schools Inc
- Australian Association of Special Education
- Australian Childhood Foundation
- Autism Spectrum Australia
- Barnardos Australia
- British Institute of Learning Disabilities
- CatholicCare
- Missing School
- On Track Therapeutic Foster Care Program
- Positive Partnerships
- Speaking Out for Autism Spectrum Disorder
- Speech Pathology Australia
- UnitingCare
- Youth Coalition of the ACT.

1.5 About the report

Content and structure

A key aim of the Panel was to write a report that demonstrated to the ACT community that the Panel had listened and that the community had been 'heard'. This aim influenced the structure and features of the report including the chapter headings and the extensive use of quotes (see below).

As the consideration of future possibilities must start with an appreciation of current realities, the first four chapters describe relevant features of the ACT context. Chapter 2 provides an overview in 'The ACT and its Schools'; Chapter 3 outlines 'The Legal Context'; and Chapter 4 describes and analyses 'The Policy Context'. These chapters describe the interacting and evolving contexts that influence current services and supports for ACT students with complex needs and challenging behaviour. Demographic, legal and policy changes impact on students with complex needs and challenging behaviour and, collectively, these four chapters present a strong case for change.

Changed circumstances demand a changed response. Chapter 5 proposes that each ACT school embrace an ambitious student-centred vision that goes well beyond what they have previously accomplished, so that, in every sense, ACT schools are *for all* our children and young people. This positive and proactive vision is strongly supported by research, was recommended to us by many stakeholders, and is already evident to varying extents in ACT schools. Chapter 5 concludes with a list of principles on which the Panel's conclusions and recommendations are based.

Chapters 6 to 15 address the major themes raised by the ACT community in submissions, interviews, visits and surveys. These chapters amplify the case for change and what should be done, not only in classrooms and schools but also in the leadership of education and indeed throughout the ACT community. These highly interrelated chapters illustrate the need for a system-perspective – one that acknowledges that change in one part of the 'system' affects all other parts of the 'system'. For example, consideration of 'Settings and Placements' (Chapter 7) raises obvious issues for 'Supporting Student Behaviour', (Chapter 9), 'Targeted Services and Supports' (Chapter 10), 'Protecting Student and Staff Safety' (Chapter 11), and 'Funding Issues' (Chapter 14).

The Panel acknowledges the diversity of ACT Public, Catholic and Independent Schools and the diversity within them. Each entity – school, special purpose unit, facility and/or program – needs to chart its own course with due attention to a wide range of interacting global, societal, political and educational contexts and influences. Throughout the report we make recommendations for improving support for students with complex needs and challenging behaviour. In addition, we summarise relevant evidence, identify implications that may apply in some settings, and reference materials so that the report as a whole may provide a helpful resource and guide into the future.

Quotes

The Panel has included de-identified quotes throughout the report to convey the range and diversity of perceptions and beliefs about the issues raised in submissions, surveys and visits. We sought to avoid using quotes that made specific allegations or that might identify any person. However, the Panel emphasises that accounts of experiences in the quotes have not been subject to independent verification. The Panel strongly cautions everyone against using these quotes in isolation, and/or drawing conclusions based solely on their contents without reference

to the broader context, the Panel's overall findings, and the potentially detrimental effects of misuse of quotes on those whom the report seeks to assist. Such use would be irresponsible.

The next chapter describes and illustrates features of the contemporary education context, ACT schools and the ACT community that are relevant to students with complex needs and challenging behaviour.

¹ ACT Government Minister for Education and Training, Expert Panel: Students with Complex Needs and Challenging Behaviour Terms of Reference, (2015) http://www.det.act.gov.au/__data/assets/pdf_file/0005/723443/150501-Expert-Panel-Terms-of-Reference.pdf

² ACT Government Chief Minister and Cabinet Directorate, Engaging Canberrans: A guide to community engagement, 2011, < http://www.timetotalk.act.gov.au/storage/communityengagement_FINAL.pdf>9

CHAPTER 2:

The ACT and its Schools

2.1 Introduction

This chapter contributes to an understanding of the context of the ACT school system and clarifies definitional issues. We examine potential causes and impacts of complex needs and challenging behaviour and note that the cause/s may not always be known. These students are from a range of families and circumstances and school may be unsatisfactory, distressing or overwhelming for them for a wide variety of reasons. We refer to educators' concerns about an increase in the proportion of students with complex needs and challenging behaviour in other jurisdictions and in the ACT.

The chapter outlines relevant features of the ACT and its Public, Catholic and Independent Schools including enrolments, trends in enrolments, and policy developments (such as increased school autonomy) that have implications for students with complex needs and challenging behaviour in our schools.

Importantly, this chapter reports examples of the perceptions of some students with complex needs and challenging behaviour about their school experiences, as well as the perspectives of other students, teachers, school leaders and parents/carers. These perceptions are included so that readers gain some sense of the current experiences of students in ACT Public, Catholic and Independent Schools in 2015 and appreciate the need for more thoughtful, 'child and young people-focused' support for student behaviour.

2.2 Students with complex needs and challenging behaviour

Definitions of students with 'complex needs and challenging behaviour' tend to focus on *either* complex needs *or* challenging behaviour. Definitions are not always consistent and they often highlight one or more facets, such as the risks to the person or others. The Panel took advice and developed the following definition of 'complex needs and challenging behaviour' to guide our work:

Any pervasive behaviour, or set of behaviours, regardless of cause (or even without any apparent or identified cause) which disrupts the capacity of the person, or other persons, to learn within the school environment, and which requires targeted or personalised interventions.

The Panel adopted a wide definition because we thought it necessary to focus on not only students with complex needs and challenging behaviour related to one or more diagnosed or recognised disabilities or conditions, but also those who have complex needs and challenging behaviours that are:

- indicative of multiple and interrelated causes, such as a co-occurrence of disability and a mental health condition;¹
- related to exposure to abuse, neglect or other trauma (including family violence);

- related to family or personal circumstances (including poverty, unemployment, social isolation, exposure to drug and alcohol use, mental health issues, family breakdown, sexual identity, cultural issues, illness);
- not able to be attributed to any specific condition or discernible causal factors.

Not all students with complex needs and challenging behaviour come from disadvantaged backgrounds or have a disability (although a significant proportion may fall within the scope of the broad definitions of disability in discrimination legislation, as discussed in Chapter 3). Furthermore, not all students with a disability or from disadvantaged backgrounds display challenging behaviour. The Panel noted that 'challenging' acknowledges that reactions to behaviour reflect differential tolerances: what challenges one person or setting may not challenge another.

Internalised and externalised behaviour

Most Australian teachers would classify 'acting out' behaviours, such as physical and verbal aggression, property destruction, disinhibition, atypical sexualised behaviour and impulsive behaviour as challenging.² However, not all challenging behaviour involves 'acting-out' or 'externalised' behaviour, with some children displaying 'internalised' behaviour, such as marked inhibition, dissociation, anxiety, depression, self-harm and poor social skills. The Panel's definition includes these students.

The student who sits silently in class, and who may not traditionally be seen as 'challenging', may not be experiencing school as a positive and supportive place, and may have poor attendance, participation, behaviour and learning. These students may have complex needs, but may not necessarily display behaviour that is overtly challenging.

The majority of submissions and comments received from teachers, school personnel and parents/carers focused on students with externalised/challenging behavior. This focus, and the amount of time the Panel had to undertake its work, led us to give relatively more attention to the impact and needs of those students who 'act out'. In our view it would be useful for future work to consider the particular needs of those whose complex needs are less evident. For example, students with depression have complex needs, which may lead to withdrawal or other behaviour that affects their participation and learning.

Understanding students with complex needs and challenging behaviour

Regardless of the cause, or impact, of a student's behaviour at school, it is not helpful to conceptualise students with complex needs and challenging behaviour as 'bad' or their behaviour as necessarily deliberate and requiring punishment. The Panel agrees that 'kids do well if they can'.³ Children and young people behave in ways that are challenging when 'the demands or expectations being placed upon them exceed the skills that they have to respond adaptively.'⁴

Most, if not all, students with complex needs and challenging behaviour do not 'choose' to become disruptive at school. Disability, social background and/or current life circumstances, including school life, influence how these students perceive and interact with the world, and it would be unfair or a mistake to believe that the problem is strictly 'in the student'.

Meyer and Evans note the importance of:

Shifting the emphasis from directly modifying the challenging behaviour – as though it were an illness that can be eradicated – to seeing the challenging behaviour as a reflection of a mismatch between the characteristics and needs of the child and the characteristics and needs of the systems within which that child is expected to function. 5

Many students with complex needs and challenging behaviour are confused, distressed, scared or overwhelmed by school (or by something else). As one submission noted:

Management of children's behavioural problems needs to be sensitive and responsive to what the child is trying to communicate. There is no 'one-size' approach that fits all children. Even within a specific diagnosis there is considerable variation in how children will react and behave given the difficulties they have. Management needs to be approached from the stance that 'this child would not be doing this if they had a better choice'. This is the best option the child has within their skill set at this given time. When viewed through a compassionate lens, it becomes easier to think about what this child needs from me right now to get into a state where they feel settled enough to focus on the work at hand or join in the activity. (Health Professional)

Additionally, many teachers, school leaders, parents/carers and students spoke about the importance of all schools – be they Public, Catholic or Independent – being safe places where all students are welcome, and where all can have fun and learn:

All kids have a right to go to school, but the challenge is how to do this safely and respectfully with an increasing population of students with complex needs and challenging behaviour, and decreasing resources. (Professional)

Early Childhood

While the Panel was established to explore the complex needs and challenging behaviours of students during their compulsory years of schooling, it must be noted that many of the challenging behaviours exhibited by students at school have a much longer history, and they seldom develop for the first time at school. The experiences that all children have during their lives before school enrolment have significant impact, and sometimes determine, a child's subsequent development and behaviour. To minimise the negative impact of these issues on children's behaviour and development, appropriate interventions must start at the time of their recognition or diagnosis – and certainly as early as possible. Supports offered should be tailored to meet the individual needs of children and young people and should be available early, when help is most likely to be beneficial, and before challenging behaviours become entrenched.

The contribution of education authorities across Australia in provision of supported early learning services prior to school entry varies between States and Territories, and the commitment changes frequently as government priorities change. Some States and Territories currently have significant investment in early childhood education, and the ACT has shown a commitment to early childhood services through the development of the five Early Childhood schools, and the three Child and Family Centres. Further work to strengthen these programs is vital, with particular focus on infants who are at risk, and/or from vulnerable families. Currently there appears to be a lack of knowledge about the use of referral and diagnostic services for potentially vulnerable children attending various child care facilities across the ACT. Children with complex needs and challenging behaviour in the child care setting may not have their needs recognised or acknowledged, and there is currently no mechanism to support schools with information and resources as these children move from the childcare setting into pre-school and kindergarten.

Information provided to the Panel from a number of ACT paediatricians highlights a trend in the young children seen by these specialists, who report that they are now seeing fewer children with physical health issues and a greater number with serious behavioural and emotional difficulties. The paediatricians' experience further supports evidence provided by school leaders, where 70% (65) of respondents indicated that the proportion of students with complex needs

and challenging behaviours is increasing. It would be beneficial for ETD to collect and monitor data from early childhood settings in relation to the prevalence of particular issues (such as disability, trauma and other emerging issues) in the cohorts of children in these settings, and to use this data to align services and supports with the needs of the population of students who will be entering ACT schools in future years.

A worldwide issue

Students with complex needs and challenging behaviour are in every school jurisdiction. The issues they pose are not restricted to the ACT. There is evidence of a worldwide concern about these students and of their increasing complexity. The UN Convention on the Rights of Persons with Disabilities also reflects an increased awareness of the rights and needs of children and young people with a disability. These issues are discussed further in Chapter 3 in relation to the Legal Context. Carpenter and colleagues refer to a 'global challenge' posed by increasing vulnerability because of disadvantage, deprivation and disability. ⁶

A recent Australian report found that 18.6% of students on average had a disability – almost three times more than previous estimates. There is evidence that the incidence of some disabilities is increasing. For example, the Australian Bureau of Statistics found that the proportion of people with Autism Spectrum Disorder (ASD) in Australia aged 0 to 39 in 2012 was 0.5% of the population, an increase of 79% from 2009. A study by the Center for Disease Control and Prevention found that the proportion of Americans with ASD in the 0 to 21 year bracket was 1%. Both reports note that the numbers peak in the 5–9 year bracket.

ACT school leaders who responded to the Panel's survey suggested that the percentage of students with complex needs and challenging behaviour in their schools was (on average) 15% (Public Schools), 10% (Catholic Schools) and 7% (Independent Schools). More than two thirds of the school leaders believed that the percentage of students with complex needs and challenging behaviour in their school is increasing.

An Education and Training Directorate (ETD) survey of school leavers in general (and not necessarily those having complex needs and challenging behaviour) provides an insight into the adequacy of school for many students. Parents gave a range of reasons for their child (in year 9, 10 or 11 in 2013) leaving school, including 'Not doing well at school' (57.3%); 'Didn't get on with the teachers and/or students at school' (34.9%); 'Wanted to do study or training that wasn't available at school' (31%); and 'Had an illness, disability or caring responsibilities' (28.5%). ETD should be congratulated for collecting and publishing this type of data. However, some of the reasons parents/carers gave for their child's leaving school raise questions about the responsiveness of schools to the needs of all students.

2.3 The ACT community

The ACT is a small but diverse community, with a standard of living quite distinct from most other parts of Australia. As the *Social Overview of the ACT 2009-2010* report notes:

The Australian Capital Territory is unique. The high standard of living in the ACT is unmatched by any other Australian State or Territory. Key comparative socio-economic features of the ACT include:

- The highest average income.
- The highest level of post school qualifications.
- The highest work participation rates and second lowest unemployment rate.
- The highest health status.

- The highest levels of life satisfaction.
- The highest levels of participation in sport, recreation and culture. 11

Or, as the ACT Government's 2008 Canberra Plan notes:

Canberra today is a thriving and dynamic city. On virtually all measures, our standard of living has improved – we are earning more, learning more and gaining in health and wellbeing.¹²

The Panel is unaware of any data that suggests that the socio-economic circumstances of the ACT in general have changed significantly since the release of these two reports. However, despite these comparative levels of advantage, there are ACT citizens who experience significant levels of disadvantage, including exposure to (or experience of) poverty, social isolation, homelessness, violence, disability, drug and alcohol use, mental health issues, family breakdown, and illness. A recent nation-wide survey of marginalised young people found that while 'most children report high life satisfaction', a quarter of children 'have a family member who has a disability, chronic illness, mental illness or drug or alcohol addiction'. This diversity within and across the Canberra community is, to one degree or another, reflected within and across ACT schools.

2.4 ACT schools

There are 131 schools in the ACT, comprising: 86 Public Schools, 27 Catholic Schools, and 18 Independent Schools. ETD is responsible for the operation of the 86 Public Schools, as well as the regulation of the 45 non-government schools. ETD also registers students for home education and approves and supports international students. ETD is responsible for preschools, early childhood schools, primary schools, high schools, colleges, specialist schools and education centres, and introductory English Centres. ETD

Catholic Education (CE) administers 56 schools, 6 of which have Early Learning Centres, in the Archdiocese of Canberra and Goulburn. 27 of these schools are located in the ACT. The CE provides services and policy advice in areas relating to spirituality and pastoral care, curriculum, policy, human resources, finance, technology, planning and infrastructure, and reporting and quality control to Catholic systemic schools. The CE also regulates the operation of Catholic systemic schools under the *Education Act 2004* (ACT). ¹⁶

The 18 Independent Schools in Canberra reflect enormous diversity in size, setting, infrastructure, ethos, faith, vision and pedagogical approach. The independent sector includes a school catering for disengaged young people of high school age, and Christian, Anglican, Catholic, Islamic, Steiner, Montessori and community schools. Independent schools also operate under the *Education Act*, and are regulated by ETD through the five-yearly registration cycle. Each Independent School is separate and autonomous, and is governed by its own school board. The Association of Independent Schools ACT (AIS) does not operate as a system authority, but brings together the collective views of the schools when required.¹⁷

There are, in reality, 20 distinct 'education systems' operating in the ACT: the Public system, the Catholic system, and 18 Independent systems (made of up the 18 Independent Schools). All of the Public Schools operate under the same or similar operational policies and procedures, as do the Catholic schools. However, each of the 18 Independent Schools has its own policies and procedures.

These 131 schools offer the children and young people of the ACT and their families a broad range of educational options, with many families able to choose between schools of varying size,

location, and pedagogical and philosophical bases, although the extent of choice will depend on financial capacity and other issues.

2.5 The ACT education system

The ACT education system has a unique position in a small jurisdiction in which there is considerable cross-sector collaboration. There is a more direct relationship between the community and the government, including the Minister for Education and Training. It is relatively easy for parents/carers and interested community members to make representations directly to the Minister, whereas in other jurisdictions these matters would more routinely be addressed within the relevant department.

The ACT has an attentive local media, and there can be a high level of media attention to issues in individual schools. It appears that this heightened visibility may contribute to a more cautious and sometimes defensive approach to policy and practice within the education sectors.

The Panel understands that ETD is currently developing a new *Schools Performance and Accountability Framework*. We were told that the framework will adopt the following approach:

Empowerment to make decisions and to self-manage is mirrored by accepting increased responsibility for resource allocation to improve student outcomes. School autonomy in ACT schools balances autonomy and accountability and is increasingly used in strategies for school improvement.¹⁸

The progression towards greater autonomy for individual Public Schools, while regarded as one aspect of contemporary good practice, has also increased the level of responsibility and accountability of school leaders. Some teachers and school leaders expressed concerns about the extent of support they might receive from system leaders if their decisions attracted unfavourable media attention. Some also raised concerns that they would be held accountable for negative outcomes in circumstances where they had limited resources and support to meet the needs of children and young people with complex needs and challenging behaviour.

The evidence suggests that a range of measures including improved teacher training and leadership development must accompany school autonomy and that autonomy alone is 'not the be all and end all'. ¹⁹ The implications of greater school autonomy for students with complex needs and challenging behaviour are further explored in Chapter 15 – Leadership and System Issues.

2.6 ACT students

In February 2015, according to the ACT School Census, there were 71,917 children and young people enrolled across 131 ACT schools. 20

Table 1: Number of students in ACT schools by sector and age					
	Pre-schools & Primary	High	College	Total	
Public schools	27,034 (65%)	9,947 (50%)	6,446 (63%)	43,427 (60%)	
Catholic schools	9,139 (22%)	3,914 (20%)	1,483 (14%)	14,536 (20%)	
Independent schools	5,666 (13%)	5,883 (30%)	2,405 (23%)	13,954 (20%)	
Total	41,839 (100%)	19,744 (100%)	10,334 (100%)	71,917 (100%)	

There appears to be considerable movement between the Public, Catholic and Independent systems depending on the age of the student, with a noticeable trend for high school students to move from the public system to the non-government system, but then back again for college.

The same Census also contains data on the number of 'special needs enrolments' (referring to those students who attend specialist disability units or programs or are allocated funding for inclusion support) in each of the education sectors.

Table 2: Special needs enrolment by education sector				
	Number of special needs enrolments	% of total sector enrolment		
Public schools	2,094 (72%)	5% (of 43,427 students)		
Catholic schools	452 (15%)	3% (of 14,536 students)		
Independent schools	380 (13%)	3% (of 13,954 students)		
Total	2,926 (100%)	4% (of 71,917 students)		

While approximately 70% of students with special needs are enrolled in Public Schools, there is not a large difference in the proportion of students with special needs students enrolled across the sectors.

These figures provide useful context; however, this group of students is not co-extensive with students with complex needs and challenging behaviour. As noted earlier, not all students with a disability have challenging behaviour and many students with complex needs and challenging behaviour do not meet the criteria for special needs enrolment and funding.

The implications of this issue are discussed in greater detail at Chapter 14 on Funding Issues.

The 2006 Population and Housing Census²¹ reports that in the ACT:

- 52% of high income families sent their children to Public Schools.
- 32% of high income families sent their children to Catholic Schools.
- 16% of high income families sent their children to Independent Schools.

For middle income families, the split was slightly different:

- 67% of families sent their children to Public Schools.
- 25% of families sent their children to Catholic Schools.
- 8% of families sent their children to Independent Schools.

And for lower income families:

- 77% of families sent their children to Public Schools.
- 17% of families sent their children to Catholic Schools.
- 6% of families sent their children to Independent Schools.

The diversity of children and young people attending schools

Given the diversity of the ACT community as a whole, it is not surprising that there will be a significant diversity of interests, abilities, personalities, behaviours and needs across the ACT's almost 72,000 students.

As teachers told the Panel:

In any class of 25 kids, I have 25 completely different people, and I need to be able to understand and respond to the unique and frequently conflicting circumstances of each and every one of them. I'm not teaching 'one class', I'm teaching 25 individuals.

Understanding each student's needs and personal stories are integral in teaching effectively.

Every child is different and what works for one doesn't work for another.

Personal accounts of complex needs and challenging behaviour in ACT schools

Students with complex needs and challenging behaviour may have a significant impact on the whole school community. Meeting the behavioural support needs of these students is critical, not just for their wellbeing and learning, but to enable schools to function effectively.

Perceptions of teachers and school leaders

The Panel conducted an online teacher survey in July–August 2015 (see Appendix E for full results). There were 1,145 respondents from Public, Catholic and Independent Schools, representing approximately 21% of all ACT teachers.

When asked whether they were currently working with students with complex needs and challenging behaviour (as per the Panel's definition), 83% (951) of teachers who completed the survey said 'yes', that they were; with 45% (361) of these teachers saying that they spend more than 40% of their day teaching these students.

When asked about what sorts of behaviours they experienced within their schools, many teachers spoke about students:

- being disruptive and distracting within classrooms;
- absconding or running away from classrooms and schools;
- damaging property;
- hurting themselves, other students or teachers.

For example, of the teachers who answered the survey questions:

- 34% (281) of teachers reported that they experience students 'disrupting the flow of a lesson' every day;
- 21% (175) of teachers reported that they experience students 'verbally abusing teachers' once or twice each week;
- 19% (155) of teachers reported that they experience students 'running away' once or twice each week;
- 16% (129) of teachers reported that they experience students 'being physically destructive' once or twice each week;
- 9% (70) of teachers reported that they experience students 'being extremely violent to other students' once or twice each week;
- 6% (52) of teachers reported that they experience students 'being extremely violent to teachers' once or twice each week.

Some teachers also reported:

being overwhelmed by the complexity of students they are required to teach;

- feeling unsupported, insufficiently trained, out of their depth, or alone;
- experiencing significant levels of stress and distress;
- being worried about their own safety, or the safety of others (including students);
- concern about the impact of the behaviour of students on the learning of other students;
- being physically and verbally assaulted, or other students being physically and verbally assaulted.

As one teacher said:

So much time is spent on behaviour management in some classes that I really get frustrated that those students who want to learn are constantly at a disadvantage.

The Panel also conducted a survey of school leaders (see Appendix F for full results). There were 95 respondents from Public, Catholic and Independent Schools. Sixty-nine per cent (65) of school leaders who responded stated that they felt that the proportion of students with complex needs and challenging behaviour was increasing.

School leaders reported responding to complex needs and challenging behaviours which include:

- physical violence (biting, kicking, punching);
- psychological issues (mental health issues, anxiety, depression, self harm);
- social issues (low self esteem, poor social skills, attention seeking behaviours);
- physical health needs (administering insulin, medications, allergies, feeding);
- learning difficulties (attention deficits, memory and information processing issues);
- environmental factors (trauma and abuse, cultural and linguistic diversity).

Perceptions of students

The Panel held a series of structured consultations with 275 Year 3, 6 or 9 students from seven ACT Public, Catholic or Independent Schools.

When asked if the behaviour of other students in class make it hard for them to learn, 87% (240) of students answered 'yes'.

When asked whether the behaviour of other students ever disrupts their own learning and, if so, how, almost all students, irrespective of age or school, said that the behaviour of other students was distracting or annoying, and made it hard for them to concentrate or learn.

Students identified a range of specific behaviours which, broadly, can be grouped as 'being loud or disruptive in class', including:

Mucking around; shouting and yelling out; being annoying; poking or prodding people; talking in class; dropping things on the floor; throwing pens or paper planes; banging desks or chairs; swearing or being rude; making homophobic comments; arguing with the teacher; start irrelevant conversations; people speak over me and other people; dancing or walking around the room; make up stuff and fight about it; the class never shuts their mouth. (Students)

Fewer students also identified more physical or potentially dangerous or distressing situations, including:

Pushing desks over; punching or kicking other students or teachers; slamming doors; hurting people; smashing things; fighting; being hit by lunchboxes; throwing chairs around the room; stealing things from other students; screaming and running in and out of the classroom. (Students)

Regardless of the level, type, or frequency of behaviour, almost all students commented that they were routinely distracted or could not concentrate in class. Comments included:

It's hard to focus; affects my learning; we can't hear the teacher; the noise level is way too high; I forget what I was writing; it stops the whole class from learning; I lose time on my work or don't finish my task; I don't know what I am supposed to be doing; it's hard for me to think and to do my work properly; it makes it hard to keep working; everyone starts yelling and screaming so I can't do my work and it gives me a headache; people call out in tests which makes me forget what I am writing; I struggle to learn; the whole class is delayed and valuable time is lost; people are behind on learning; I take my work home and do it faster; the volume of their voices can sometimes give me a headache; valuable lessons are thrown out the window; I have to leave and sit somewhere else or I won't get my work done; it only adds to my stress at this school; I learn less and I am not as focused. (Students)

Despite the majority of students reporting that the behaviour of others routinely interrupts their own learning or concentration, and that they find these disruptions annoying, it was rare to find students making negative or derogatory comments about the offending students.

The majority of students either understood that sometimes these students could not control their behaviour (they have a disability; you can't help it if you have anger issues; they have horrible homes), or just accepted it as a fact of life in a contemporary school (it is always like this; schools are chaotic).

The Panel employed a consultant with extensive experience with children and young people with various disabilities, including autism spectrum disorder, to interview 32 children and young people with a disability, either individually or in small groups. The sample of students attended, or had attended, ACT Public, Catholic or Independent Schools and included students with autism spectrum disorder, attention deficit hyperactivity disorder and oppositional defiant disorder. These students also spoke about being disrupted by other students, and sometimes being bullied and provoked:

When kids scream I just can't process. (Student with a disability)

Things they did to you can happen at both high school and primary school. They'd deliberately say something to make me angry. (Student with a disability)

Unfortunately I had deal with people difficult to handle at times. (Student with a disability)

One student admitted that he had joined in teasing other students in order to be accepted and now regrets having done so.

Perceptions of parents/carers

Some parents/carers of children with complex needs and challenging behaviour told the Panel that they had experienced:

- significant delays obtaining support and practical assistance;
- having to go through a process that they described as humiliating, repetitive and inconsistent to obtain advice and support that was often ineffective;
- a system designed around formal diagnosis, rather than actual need;
- feelings of guilt that their child was 'the problem';

• being pressured into accepting part-time schooling, or behaviour management plans that better suited the needs of the school than the students.

Some parents/carers of other children told the Panel that they had experienced:

- their children being hurt or distressed by the behaviour of other students;
- disruptions to their child's learning because of the behaviour of others students;
- frustration that the teaching of their child took second place to the management of students with challenging behaviours;
- secrecy or lack of information about what had happened within their child's classroom or school.

Many parents/carers said that they fully accept and support the right of every child, regardless of their background or behaviour, to attend whatever school they wished, but that there was a tipping point when the learning of their child was so disrupted that they feared for the long-term educational outcomes for, or safety of, their child.

2.7 Conclusion

The ACT has, overall, an excellent school system and our students achieve outstanding results on many measures. Our schools also support students who have complex needs and challenging behaviour and these students often struggle with schooling. Sometimes a student's complex needs and challenging behaviour are related to a disability or combination of disabilities and conditions; sometimes they appear to reflect socio-economic disadvantage or trauma; and sometimes, the causes are unknown. Nevertheless, it is clear that some students disrupt their own and others' learning and the good order of schools and classrooms.

The reality is that students with complex needs and challenging behaviour are part of the ACT's schools and community. These students contribute to the diversity of the educational landscape in the ACT and their needs must be met along with those of all other students. Ways to do this more effectively are explored in more detail in the later sections of this report.

Fortunately the ACT has a strong legislative framework to support the work of schools. This legislative and human rights framework forms an important part of the current context. As Commonwealth and ACT legislation specifies what 'must be done', it is explained and discussed in Chapter 3, the Legal Context.

¹Barry Carpenter, et al, Engaging learners with complex learning difficulties and disabilities: A resource book for teachers and teaching assistants (London: Routledge, 2015)6

² Synapse: Reconnecting lives, Get the Facts: Challenging and Complex Behaviours – an Introduction, (2015) http://synapse.org.au/information-services/challenging-complex-behaviours-an-introduction.aspx

³ Ross Green, Collaborative and Proactive Solutions: The Next Generation of Solving Problems Collaboratively, 2015 http://www.livesinthebalance.org/sites/default/files/One%20Page%20CPS%2011-12-12_2.pdf

⁴ Ibid

⁵ Luanna Meyer and Ian Evans, Literature Review on Intervention with Challenging Behaviours in Children and Youth with Developmental Disabilities, (Victoria University of Wellington: College of Education, 2006) 30

⁶ Carpenter, above n 1, 7.

⁷ Justine Ferrari, Hidden Toll of Student Disability, The Australian, November 3, 2014

 $^{^{\}rm 8}$ Australian Bureau of Statistics, Autism in Australia: Prevalence of Autism, 2012

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⁹ Centre for Disease Control, Community Report on Autism, 2014

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¹⁰ACT Government Education & Training Directorate, 2013 ACT year 12 graduates and school leavers: Where were they in 2014?, 2014 < www.det.act.gov.au/__.../2013-ACT-year-12-graduates-and-school-leavers- where-were-they-in-2014-updated-20150109.pdf>12

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¹² ACT Government, The Canberra Plan: Towards our second century, 2008

http://www.cmd.act.gov.au/__data/assets/pdf_file/0013/120217/canberra_plan_text_V5.pdf 7

¹³ Flinders University, Mind the Gap: significant inequality faced by a third of Australian kids, (2015)

http://blogs.flinders.edu.au/flinders-news/2015/09/29/mind-the-gap-significant-inequality-faced-by-a-third-of-australian-kids/

¹⁴ Act Government Education and Training Directorate, Annual Report 2013-

¹⁵ Act Government Education and Training Directorate, Directory of Schools, 2015

http://www.det.act.gov.au/school_education/directory_of_schools

¹⁶ Catholic Education, Our Role, 2015 http://cg.catholic.edu.au/about-us/our-role/

¹⁷ The Association of Independent Schools of the ACT, Home Page, 2013 http://ais.act.edu.au

 $^{^{\}mbox{\scriptsize 18}}$ Information directly provided by ACT Education and Training Directorate

¹⁹ Victorian Competition and Efficiency Commission, Making the Grade: Autonomy and Accountability in Victorian Schools: Inquiry into school devolution and accountability, (State of Victoria, 2013) 73-74

²⁰ ACT Government Education & Training Directorate, ACT School Census February 2015, 2015 http://www.det.act.gov.au/_data/assets/pdf_file/0003/714522/2015-Feb-Census-Publication.pdf 3-8

²¹ Australian Bureau of Statistics, Population and Housing Census, 2006 http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/CED801?opendocument&navpos=220

CHAPTER 3:

The Legal Context

3.1 Introduction

This chapter outlines the legislative context in which schools support students with complex needs and challenging behaviour. Human rights obligations and discrimination legislation establish the requirements that must be met by schools in providing educational opportunity for all students, including those with complex needs and challenging behaviour in ACT schools.

The *Human Rights Act 2004* (ACT) protects a range of human rights that are relevant to students with complex needs and challenging behaviours, to other students and to staff, and provides a framework for assessing particular approaches. Discrimination legislation at Territory and Federal levels promotes the inclusion of children and young people with a disability, while other laws regulate the management of risks in schools and dealing with personal information.

This chapter provides an overview of the legislative framework and notes areas that can raise particular concerns for school systems. The Panel makes recommendations about the need for increased consistency between ACT and Commonwealth legislation and for the government and non-government sectors to support schools with guidance about how to comply with their legal obligations.

3.2 International human rights obligations

Australia's international human rights obligations provide guidance on the support and teaching of students with complex needs and challenging behaviour. As discussed below, in the ACT, human rights are not merely aspirational, but are woven into our legislative framework. Students with complex needs and challenging behaviour have human rights relating to equality and inclusive education, and other students, families and staff also have relevant human rights that must be given consideration.

The right to equality in education is enshrined in the United Nations (UN) Convention on the Rights of the Child, which provides that *all* children have a right to access primary, secondary, vocational and higher education.¹

The UN Convention on the Rights of Persons with Disabilities elaborates on the rights of children with a disability to access an inclusive education on an equal basis with others. Article 24 mandates that:

Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.²

It also requires that:

Effective individualised support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

These requirements are an important context for ACT Government policy, and are reflected in the direct obligations in human rights and discrimination legislation set out below.

3.3 Legislative framework

The teaching and support of students with complex needs and challenging behaviour in ACT schools is governed by a range of intersecting ACT and Commonwealth legislation, including laws relating to education, human rights, discrimination, privacy, workplace health and safety, child protection, protection orders and family law. Schools also have an overarching duty of care under the common law to all students in their care, to protect them from foreseeable harm. A table of key legislative obligations appears in Appendix G.

During our consultation, some schools and teaching staff raised concerns about a lack of clarity and guidance regarding these competing obligations, particularly in relation to disability discrimination and the management of students with violent behaviours. As one teacher stated:

No one knows where that line is regarding the legislation, there is no guidance for schools, and a lot of fear about being seen to be discriminatory if we refuse to take any child. (Teacher)

Some families of students with complex needs and challenging behaviour also raised concerns about a lack of guidance regarding their rights, and inadequacies in the legal and policy framework in relation to issues such as the funding and supports available to their children.

Education Act 2004 (ACT)

The *Education Act 2004* governs the operation of all ACT Public, Catholic and Independent Schools in the ACT. It is based on a principle of inclusion, which is required to be applied by everyone involved in education of students in the ACT, that:

Every child has a right to receive a high-quality education.³

This is reinforced by the requirement that parents and carers enrol children of compulsory education age in school (if not registered for home schooling) and ensure that they attend school every day.⁴

The Act sets out criteria for suspensions, exclusions and involuntary transfers between schools and procedural requirements for each of these decisions, including approval and oversight. Parents or carers must generally be consulted before a student is suspended, and the student should have the opportunity to attend counselling if suspended for seven or more days in a term

Students may only be excluded if the student has had a reasonable opportunity to attend counselling, undertake relevant educational programs or receive other appropriate assistance.⁵

Human Rights Act 2004 (ACT)

The ACT was the first State or Territory in Australia to adopt a legislative charter of human rights, and remains one of only two Australian jurisdictions with legislation that imposes binding human rights obligations on public authorities. The *Human Rights Act 2004* (HR Act) reflects Australia's international human rights obligations under the International Covenant on Civil and Political Rights and is consistent with more recent human rights treaties, such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, which provide useful guidance regarding the content of these rights.

The HR Act protects a range of human rights that are relevant both to students with complex needs and challenging behaviour, and to other students and staff. These rights include: the right to equality; the right to protection from torture and inhuman or degrading treatment; the rights of children to protection; the right to privacy, family life and reputation; the right to freedom of

association; the right to freedom of expression; the right to liberty and security of person; and the newly added right to education.⁸

Although human rights are protected under the HR Act, the Act recognises that they may need to be limited in order to find an appropriate balance where rights conflict with each other, or to achieve other important objectives. However, these limitations must be reasonable and demonstrably justifiable in a free and democratic society. This can be seen as an issue of proportionality – limits on human rights will only be justified where necessary for important reasons; for example, to protect safety or the rights of others, not just for administrative convenience. The least restrictive alternative should be taken wherever possible. Limitations on some rights, such as the right to protection from torture, are not regarded as justifiable under any circumstances. In

The HR Act imposes direct obligations on public authorities to consider relevant human rights when making decisions, and not to do anything that would limit anyone's human rights (including rights of students, staff or others), unless these limits are reasonable and justifiable.¹¹

The ETD, ACT Public Schools and teachers (as public employees) are public authorities and subject to these obligations. ¹² In our view, Catholic Schools and Independent Schools are also likely to fall within the definition of a public authority as entities 'whose functions are or include functions of a public nature' exercised on behalf of the Territory. ¹³ The fact that these schools receive some funding from the ACT Government, and are regulated by the ETD suggests that they are public authorities. However, ACT Courts or Tribunals have not considered this issue. ¹⁴

Disability Discrimination Act 1992 (Cth)

The Commonwealth *Disability Discrimination Act 1992* (DDA) applies to all education providers in the ACT, including ACT Public Schools and Independent and Catholic Schools. The DDA prohibits discrimination in education on the basis of disability.¹⁵

Disability is defined very broadly in the DDA to mean:

- a) total or partial loss of the person's bodily or mental functions; or
- b) total or partial loss of a part of the body; or
- c) the presence in the body of organisms causing disease or illness; or
- d) the presence in the body of organisms capable of causing disease or illness; or
- e) the malfunction, malformation or disfigurement of a part of the person's body; or
- f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.¹⁶

This definition would cover many students with complex needs and challenging behaviour, including students with mental health issues, learning disabilities and behavioural disorders who may not currently be eligible for special programs or assistance.

Disability Standards for Education 2005

The Disability Standards for Education 2005 (the Standards) have been developed to clarify the obligations of education providers under the DDA. The Standards require education providers to make 'reasonable adjustments' for students with disabilities, in consultation with the students and their parents or carers, to allow them to access and participate in education on the same basis as students without disability, and to have opportunities and choices which are comparable with those offered to students without disability. The requirement to make

reasonable adjustments applies to: enrolment; participation in education; curriculum development and delivery; and student support services.

Under the Standards, an adjustment is considered to be reasonable if it balances the interests of all parties affected, taking into account all relevant circumstances, including the student's disability, the views of the student and parents/carers, the effect of the adjustment on the student and on anyone else affected (including the education provider, staff and other students), and the cost and benefit of making the adjustment. The Standards do not require education providers to make adjustments that are unreasonable. The Standards also include a defence where the necessary adjustments would cause unjustifiable hardship on the education provider.¹⁷

The Standards require education providers to develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability. Unjustifiable hardship is not a defence to failing to meet this standard.¹⁸

Discrimination Act 1991 (ACT)

In addition to the Commonwealth DDA and Standards, ACT schools have obligations under the ACT *Discrimination Act 1991* to avoid discrimination on the grounds of disability in the provision of education services. The *Discrimination Act* also defines disability broadly, in similar but not identical terms to the DDA. It includes:

An illness or condition which impairs a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour' or 'an intellectual disability or developmental delay.¹⁹

Although the *Discrimination Act* does not explicitly refer to reasonable adjustments, it has been interpreted to include an obligation to make reasonable adjustments for a student with a disability.²⁰

The *Discrimination Act* provides that it will not amount to unlawful discrimination to fail to accept an enrolment from a student with a disability if they would require services or facilities that are not required by other students, and this would cause unjustifiable hardship for the education provider. However, in contrast to the DDA and Standards, this exception does not apply once a student's application has been accepted and they are enrolled at a school. This inconsistency creates a potentially difficult situation for schools where they have accepted the enrolment of a student, but it later becomes apparent that the student needs a much higher level of support than anticipated, or a student's behaviour and support needs escalate during the period of their enrolment. In some situations, a school may be able to rely on another exception, where the action is necessary to comply with another Territory law, for example the *Work Health and Safety Act 2011* discussed below.²²

It creates considerable complexity for ACT schools to comply with two regimes, relating to disability discrimination in education, which impose similar but inconsistent obligations in relation to the same decisions and subject matter. This situation is not unique to the ACT, and there have been ongoing attempts to harmonise discrimination legislation at State and Territory and Commonwealth level. The Law Reform Advisory Council has recently reviewed the Discrimination Act, and its findings and recommendations are being considered by the ACT Government.

Recommendation 3.1: That the ACT Government, when responding to the recommendations of the Law Reform Advisory Council's review of the *Discrimination Act 1991*, consider issues of consistency between Commonwealth and ACT discrimination law when applied in the context of education services.

Work Health and Safety Act 2011 (ACT)

The Work Health and Safety Act 2011 (WHS Act) applies to all ACT schools. Under the WHS Act a person (including the school leader of a school) conducting a business or undertaking, has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers. They also have a duty to protect other people in the workplace, including students.²³

This duty requires schools to eliminate or minimise risks to health and safety so far as is reasonably practicable. ²⁴ In assessing what is reasonably practicable, all relevant factors must be considered, including the likelihood of a risk occurring, the degree of harm that might result, ways of eliminating or minimising the risk and the availability, suitability and cost of those options. ²⁵ Workers who are likely to be directly affected by a matter relating to health and safety must be consulted about these issues. ²⁶

It is not possible to make any workplace completely risk free. However, prosecutions under equivalent legislation have also confirmed that adequate risk assessment must be undertaken, and staff working with a student must be fully informed about the extent of the risks posed by that student.²⁷ It has also been held that it would not be consistent with the obligations of an employer to allow staff to be subjected to violence, without taking appropriate measures to minimise this risk, regardless of the dedication of staff or their willingness to tolerate this.²⁸

Information Privacy Act 2014 (ACT), Privacy Act 1988 (Cth), and Health Records (Privacy & Access) Act 1997 (ACT)

The privacy obligations under the *Information Privacy Act 2014* (IP Act), *Privacy Act 1988* (Privacy Act) and the *Health Records (Privacy and Access) Act 1997* (HRPA Act) are relevant to the support and teaching of students with complex needs and challenging behaviour, as a school may wish to share personal or health information about that student or their family with other professionals or agencies, or with the school community to allow them to support and assist that student. In such circumstances it will be necessary to seek parental consent to the sharing of this information, and in some cases, consent of the student, unless an exception applies.

The IP Act regulates the handling of personal information by public sector agencies including ACT Public Schools. Personal information is defined as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable'.²⁹ The Privacy Act applies to nongovernment schools and contains similar protections. The HRPA Act regulates the handling of personal health information and has a broader reach, imposing obligations on all ACT schools. Personal health information is defined as 'any personal information, whether or not recorded in a health record, relating to the health, an illness or a disability of a person'. School psychologists and other health professionals working within a school also need to comply with the HRPA Act in regard to sharing information with school leaders and staff.

Other legislation

Other legislation will also be relevant to the teaching and support of students with complex needs and challenging behaviour in particular situations. School staff have obligations as mandatory reporters of child abuse or neglect under the *Children and Young People Act 2008* and may also be required to provide information to the Director General of the Community Services Directorate about the safety and wellbeing of a student if requested.

Protection orders may be obtained by one student against another, or against a parent/carer or other person under the *Domestic Violence and Protection Orders Act 2008*, which may impose a range of requirements that need to be supported by a school, including physical separation, or

prohibitions on communication. Orders of the Family Court or the Children's Court may change or reallocate parental responsibility, and this is relevant in determining the appropriate people to communicate with in relation to a student.

Schools are also subject to obligations under the *Working with Vulnerable People (Background Checking) Act 2011* (ACT), which must be considered in obtaining appropriate supports for students with complex needs and challenging behaviour.

The criminal law will be relevant where criminal acts, including assault or sexual assault may have been committed by students or staff. Children and young people are not criminally responsible for their actions until they are ten years old, and there is a presumption (called 'doli incapax') that they do not understand the criminal nature of actions and are therefore not capable of committing a crime until age 14; however, this may be rebutted in certain situations. School leaders will generally exercise careful judgement about involving police in relation to the challenging behaviour of students, as in many situations issues may be best dealt with through targeted behaviour management strategies, particularly where a student has a disability. However, police will generally need to be involved in situations that present an ongoing risk to safety and cannot be resolved by the school, or where a serious injury or sexual assault has occurred.

The legislative framework for teaching and supporting students with complex needs and challenging behaviours is multilayered, and schools are subject to competing obligations (for example, to avoid unlawful discrimination against a student with a disability who displays violent behaviours, while also ensuring work safety for staff). It is vital that these obligations are translated into explicit, readily accessible policies, procedures and guidelines, to enable schools and staff to understand and comply with these legal requirements, and to reconcile these duties.

Recommendation 3.2: That ETD, CE, and each Independent School, develop practical and readily accessible guidelines to enable schools leaders and staff to understand and comply with their core legal obligations with respect to human rights, discrimination, work health and safety, and privacy; including how to reconcile potentially competing obligations.

3.4 Conclusion

This chapter overviewed key legislation that applies to ACT schools, highlighting the complex issues faced by school leaders who are required to comply with a range of interconnected legislative obligations.

The next chapter continues to explain the current context by examining the national and ACT Government policies that influence what happens in ACT schools. It also deals with policies that schools should implement to address the needs of students with complex needs and challenging behaviour. It draws attention to policies that appear to have unintended negative effects for teachers, teaching, and students, particularly those with complex needs and challenging behaviour.

¹UN Convention on the Rights of the Child (Article 28)

² UN Convention on the Rights of Persons with Disabilities (Article 24)

³ Education Act 2004 (ACT) s7(1)

⁴ Ibid s 10, and s 10A

⁵ Ibid s 36

⁶ Victoria subsequently enacted the Charter of Human Rights and Responsibilities 2006 (VIC)

⁷The Act specifically provides that international treaties, and the judgments of foreign and international courts and tribunals, may be considered in interpreting the rights in the HR Act (s 31)

⁸ The right to education is the first economic social and cultural right protected in the HR Act, and is currently more limited than other rights in the HR Act. It is stated that the right is limited to the immediately realisable aspects of non-discrimination and the right of parents to choose non-government schooling in order to ensure moral and religious education which conforms with their convictions (s 27A (2)). This right is not yet enforceable through direct obligations on public authorities (s 40B (3))

⁹ Human Rights Act 2004 (ACT) s28

¹⁰ Human Rights Committee, General Comment 29: States of Emergency (Article 4), (2001), [7]

¹¹ Human Rights Act 2004 (ACT) s 40B

¹² Ibid s 40(1)

¹³ Ibid s 40 (1)(g.)

¹⁴See eg Discussed by the President in CHC Affordable Housing v Dafalla & Elawad (RT 14/1099)

¹⁵ Disability Discrimination Act 1992 (Cth) s 22

¹⁶ Ibid s 4

¹⁷ Disability Standards 2005 s 10.2

¹⁸ Ibid s 8.3

¹⁹ Discrimination Act 1991 (ACT) s 5AA

²⁰ In Couper v ACT Housing [2004] ACTDT 4 (22 June 2004) the former ACT Discrimination Tribunal recognised the existence of an implied positive duty to make adjustments, to accommodate disability in order to avoid a finding of discrimination in areas of public life, other than employment

²¹ Discrimination Act 1991 (ACT) s 51

²² Ibid s 30

 $^{^{23}}$ Work Health and Safety Act 2011 (ACT) s 19

²⁴ Ibid s 17

²⁵ Ibid s 18

²⁶ Ibid s 48

²⁷ See eg Workcover Authority (NSW) (Inspector Stewart) v The Crown in Right of the State of NSW (Department of Education and Training, Department of Juvenile Justice and TAFE) [2002] NSWIR Comm 259 (10 October 2002), where the Crown was prosecuted for failing to inform a staff member at the Sunning Hill School in the Yasmar Detention Centre from the known risk posed by a young detainee, and failed to protect them from that risk. In considering the balance to be struck between the interests of the detainee in participating in education and the safety of staff, Justice Staunton stated that "... an employer's primary obligations must come down on the side of the best interests of the employees in providing them with a safe place of work."

²⁸ WorkCover Authority of New South Wales (Inspector Pompili) v Central Sydney Area Health Service [2002] NSWIRComm 44

²⁹ Information Privacy Act 2014 s8

CHAPTER 4:

The Policy Context

4.1 Introduction

This chapter describes the policy context in which schools support students with complex needs and challenging behaviour. The Terms of Reference required an examination of 'the policy framework, guidelines and protocols that support ACT schools in teaching students with complex and challenging needs' and an exploration of 'current policies and practices in other jurisdictions including proactive approaches that successfully promote attendance, participation and learning'.

Commonwealth education policies, particularly those that are formalised in Heads of Agreement and that include funding implications and accountabilities, are exercising considerable influence on Australian education in regard to all students. We refer to research on some unintended, negative consequences on students of the implementation of particular policies and foreshadow ways that school leaders may reduce these effects.

We briefly describe the general ACT Government policy framework that supports the diverse needs of the ACT community and examine policies in ACT schools that are highly relevant to students with complex needs and challenging behaviour. We summarise what we learned from policy in other jurisdictions.

We recommend that the Education and Training Directorate (ETD), Catholic Education (CE) and each Independent School develop detailed, explicit, accessible policies and practical guidelines in regard to students with complex needs and challenging behaviour. We encourage the Association of Independent Schools (AIS) support member schools to develop these policies.

4.2 Australian Government policy framework

The Australian Government plays a leadership role and sets the national school education agenda. The pivotal 2008 Melbourne Declaration expressed two national goals and these are echoed in other Australian education policy such as the Australian Professional Standard for Principals:

- Australian schooling promotes equity and excellence.
- All young Australians become successful learners, confident and creative individuals, and active and informed citizens.¹

The Declaration states that, among other things:

Schools should help all young Australians to have a sense of self-worth, self-awareness and personal identity that enables them to manage their emotional, mental, spiritual and physical wellbeing; have a sense of optimism about their lives and the future; develop personal values and attributes such as honesty, resilience, empathy and respect for others; have the knowledge, skills, understanding and values to establish and maintain healthy, satisfying lives; relate well to others and form and maintain healthy relationships; be prepared for their potential life roles as family, community and workforce members; and embrace opportunities, make rational and informed decisions about their own lives and accept responsibility for their own actions.

Other Australian Government education policies are also highly relevant to the work of the Expert Panel.

The Australian Curriculum states that all students are entitled to rigorous, relevant and engaging learning programs drawn from a challenging curriculum that addresses their individual learning needs. In particular, the 'Personal and Social Capability' curriculum includes: Learning to understand yourself and others; Managing relationships, lives, work and learning; Recognising and regulating emotions; Developing empathy for others and understanding relationships; Establishing and building positive relationships; Making responsible decisions; Working effectively in teams; Handling challenging situations constructively; and Developing leadership skills.

The *National Safe Schools Framework* has the following nine elements: Leadership commitment to a safe school; A supportive and connected school culture; Policies and procedures; Professional learning; Positive behaviour management; Engagement, skill development and safe school curriculum; A focus on student wellbeing and student ownership; Early intervention and targeted support; and Partnerships with families and community.

The *Parent Engagement in Children's Learning Program* provides advice for parents/carers about what they can do to help their child learn and enjoy school.

The Student Resilience and Wellbeing Policy supports schools to collaborate with their community to provide students with safe, supportive and respectful learning environments to develop student resilience and wellbeing.

The Australian Early Development Census measures the developmental progress of children as they start their first year of full-time school and tracks the developmental progress of groups of children in the community.

The *National Education Reform Agreement* (NERA) is a highly influential policy. The Heads of Agreement between the Commonwealth and the ACT Government on NERA was signed in 2013 and commits both governments to:

- a) implement the most ambitious reform program in Australia's history to improve the educational outcomes of students across five key areas: quality teaching; quality learning; meeting student need; empowered school leadership; and transparency and accountability;
- b) allocate funding so that the students and schools with greater need get more resources; and
- c) provide a sustainable funding model for the provision of education into the future.²

The Panel noted that:

- The Melbourne Declaration frequently refers to 'all' students and the NERA and associated funding mechanisms, specifically mention 'students with disabilities, students with limited English language proficiency, Aboriginal and Torres Strait Islander students, and low SES students'. Clearly, the Commonwealth intends to facilitate the learning of every student.
- The Commonwealth's bilateral agreement with the ACT contains specific funding commitments from both the Commonwealth and ACT governments. The Commonwealth's injection of funds is contingent on, among other things, the ACT's pursuit of outcomes specified in the National Plan for School Improvement Implementation Plan that addresses the five outcomes mentioned above. The bilateral agreement commits the ACT to outcomes that include 'increases in students performing at or above minimum, proficient and high standards in NAPLAN' and 'proportion of

- students from low SES and Aboriginal and Torres Strait Islander backgrounds at or above standards increasing'.³
- Particular aspects of Australian Government policy are given greater attention at different times in different documents. For example, the broad, student-centered goals of the Melbourne Declaration are less prominent in the NERA, at least in respect of the performance indicators, with the NERA's being more focused on a restricted set of literacy and numeracy outcomes for primary and middle school students. The prominence in the NERA of literacy and numeracy results is important to note in a context where research has found that although national testing programs offer some benefits, their effects on vulnerable students can be negative, particularly in regard to confidence and wellbeing.⁴
- In regard to the Australian curriculum, its sheer size has reportedly impacted on the independence of schools to offer a more tailored curriculum that addresses the specific local needs of school populations⁵, including student personal development.
- It is clear that by linking funding to policy implementation and accountability, the Commonwealth is exercising a high degree of influence over education policy in the States and Territories, schools, the way teachers teach, what they teach and what happens in classrooms in every State and Territory. Research shows that some school leaders and teachers react to such policy pressure by focusing on a narrow set of curriculum outcomes and this then limits their support for students in regard to values, inter-group relations and how to negotiate social relationships. These skills are clearly important for some students, and demonstrably crucial for many with complex needs and challenging behaviour. Research also shows how a rigorous testing regime can affect essential student—teacher relationships: 'Apart from stress, the secondary effect here is that a disengaged student experiences a teacher who is unable to use her full repertoire to re-connect him with the educative process.'

The centrality of each student's personal wellbeing and relational needs as the basis for academic learning is developed further in Chapters 5 and 6. In Chapter 15 we make recommendations about the way school leaders can, through thoughtful, evidence-informed planning, assist teachers to respond to their students' wellbeing needs and simultaneously achieve academic outcomes and address Government priorities.

4.3 ACT Government policy framework

The overarching ACT Government policy framework applies to ACT Public Schools, and to other government organisations assisting children and families with complex needs, such as the Health Directorate and the Community Services Directorate.

According to the Canberra Social Plan 2011, '[c]ommunity inclusion is a central priority of the ACT Government' and the ACT Government commits to 'enhance educational opportunities for every student': 9

The ACT Government will continue to provide quality services that are responsive to the diverse needs of citizens. This will include new and flexible ways to align our effort, which will be intensified to meet high, multiple and complex needs of the most vulnerable in the community. Systematically addressing barriers to access remains a priority of the Canberra Social Plan 2011.¹⁰

The ACT Government *Human Services Blueprint* includes a commitment to:

Better utilise government investment in social outcomes. It will enable community, health, education and justice systems to work in alliance to join up support to people and families.¹¹

ACT Government is currently finalising a Children and Young People Commitment through which:

All organisations that service young people will work together to ensure no young person is lost from education, training or employment.¹²

Policy in ACT Public Schools

ETD has developed a large collection of policies that apply across all ACT Public Schools. Many of these policies are available to students and parents/carers on the ETD website, ¹³ and some are accessible only to ETD employees. Schools must apply ETD policies and procedures. Where discretion is available, schools may choose to create school-based procedures based on ETD policies to suit their particular needs. These must be consistent with the ETD's policy and any procedural requirements or guidance.

Policy in ACT Catholic Schools

Catholic Education (CE) has developed some policies that apply across all ACT Catholic Schools. Each individual Catholic School will also develop complementary policy and procedure documents at school level. In order to be registered as a non-government school under the *Education Act 2004*, Catholic Schools must demonstrate, among other things, that they have appropriate policies for the safety and wellbeing of their students.¹⁴

Policy in ACT Independent Schools

Independent Schools are responsible for their own policy development, and their policies will reflect the particular ethos and philosophy of each school. In order to be registered as a non-government school under the *Education Act 2004*, each Independent School must also demonstrate that they have appropriate policies in place for the safety and wellbeing of their students.

A comprehensive policy framework

The Panel wrote to ETD, CE and each of the 18 Independent Schools to request a copy of the policy framework informing their response to complex needs and challenging behaviour. There was significant variation in the range of issues covered in the policies received, and in the level of detail and guidance offered by the policies.

The Panel believes that gaps in policies may place students and/or schools at risk. We propose that a comprehensive policy framework for responding to complex needs and challenging behaviour should address the following issues:

- behaviour support, including school wide approaches (reinforcement for positive behaviour/achievement, and consequences for minor and major breaches of code of conduct) and targeted approaches (behaviour support plans, referrals, assessments, case management);
- bullying prevention, and addressing bullying and violence;
- child protection policy;
- code of conduct (statement of behaviour expected of students);
- communication with students and parents/carers;

- complaints resolution policies (sometimes called 'grievance' or 'dispute resolution');
- conflict resolution between students;
- counselling and pastoral care services in school;
- critical incident management and reporting, or emergency management;
- curriculum delivery/adjustment (individualised learning);
- human rights and protection from discrimination;
- management of medicine and eating and drinking support in school time;
- mental health promotion, prevention, early intervention;
- playground supervision of students;
- professional learning;
- reporting on student achievement and progress to students and parents/carers;
- risk management;
- responding to violent and dangerous student behaviours of concern;
- school engagement, or education participation (enrolment and attendance; preventing student disengagement);
- support for students with a disability;
- suicide intervention and response;
- suspension, exclusion and transfer of students;
- work health and safety;
- working with vulnerable people checks.

The Panel notes that ETD has developed policies covering most of these areas, and that many Public Schools have developed their own guidelines within the broader ETD policies on some issues, and these are often published on school websites. Catholic Schools also have detailed policies covering some of these topics. There is wide variation in approach among Independent Schools. Nevertheless in all sectors there are some gaps in key areas such as responding to violent and dangerous behaviours, which would include clear guidance on the use of restrictive practices.

4.4 Lessons from policy in other jurisdictions

The Panel's analysis of policies, practice and professional learning across Australian jurisdictions identified three major themes: a) adoption of whole-school approaches to behaviour; b) teamwork; and c) the engagement of external, expert support.

Whole-school approaches

In many jurisdictions responses to student behaviour are located within a whole-school approach to positive behaviour. Most policies about student behaviour management are found within, or are strongly connected to, policies about school culture and student engagement. Commonly, schools are required to develop policies about expectations about behaviour and behaviour management in consultation with their school community. A number of jurisdictions have implemented the School-Wide Positive Behaviour Support framework to assist schools to

plan and implement practices across the whole school to promote positive behaviour and wellbeing, with targeted approaches for students with higher levels of need. In Chapter 9, Supporting Student Behaviour, we recommend the adoption of School Wide Positive Behaviour Support in all ACT schools.

Teamwork

A team approach to individualised planning for students with complex needs is adopted in most jurisdictions. While the specific framework for developing plans for individual students differs, the focus on individualised planning to effectively engage the student and promote positive learning outcomes is consistent. The obligation to make reasonable adjustments for students with disabilities is also uniform, although policies in some jurisdictions extend this approach to students with a broader range of needs such as social—emotional or mental health needs. Some guidance for schools is based on templates and basic directions, whereas others are more detailed and embedded in a broader, staged response to individual learning needs and challenging behaviour.

Engaging external, expert support

Most jurisdictions take the view that schools cannot, and should not, manage the behaviour of students with complex needs on their own. Our search revealed a wide variety of services and supports across the jurisdictions. While not uniform, they are embedded in school sectors, government departments, community service organisations and specialist services. Critical to the success of schools in managing and retaining students with complex needs is schools' awareness of, and capacity to access, expert advice, support, consultancy, coaching, mentoring and targeted professional learning. Guidance for schools in accessing the supports is variable across jurisdictions. Service cooperation approaches such as 'Team Around the Child' or 'Schools as Community Hubs' offer particularly useful structures for schools to access the expertise and input they require. Chapters 10 (Targeted Services and Supports) and 12 (Collaboration Among Agencies) deal with these issues.

Responding to challenging behaviour and protecting safety

Currently there is a lack of comprehensive policy and a framework in the ACT on the continuum of restrictive practices and this important issue is addressed in a recommendation in Chapter 11 (Protecting Student and Staff Safety).

More generally, the Panel believes that it is crucial that ACT schools and staff are supported with clear and comprehensive policy guidance about responding to student behaviour in general, and students with complex needs and challenging behaviour in particular.

The NSW Association of Independent Schools provides member schools in their jurisdiction with policy guidance and professional development materials on behaviour, disabilities and inclusion. The AIS might follow the example of their NSW counterparts and develop similar resources locally, perhaps by adapting NSW resources, or working in collaboration with ETD.

The Panel notes that the ETD is currently refining its behaviour policies and education authorities in Tasmania¹⁵ and Victoria¹⁶ have developed detailed, practical guidance materials that could be emulated. These states have developed policy guidelines about responding to challenging behaviour and protecting safety, including the use of restrictive practices, techniques to de-escalate volatile situations and post incident recovery and response strategies.¹⁷

Recommendation 4.1: That ETD, CE, and each Independent School, review their policies and procedures with respect to students with complex needs and challenging behaviour to ensure that all schools have a comprehensive suite of relevant policies and procedures.

4.5 Conclusion

This chapter overviewed a broad range of policy issues that affect students with complex needs and challenging behaviour. We reviewed Australian Government policy agreements that require States and Territories to pursue agreed educational outcomes. We provided evidence that the implementation of some policies can have unintended, negative consequences for classroom practices, student—teacher relationships and student wellbeing — factors that are of extreme importance for vulnerable students.

We noted the ACT Government's support for inclusion, for enhanced educational opportunities for every student, and flexibility in meeting the needs of the most vulnerable in the ACT community.

We reviewed policies in ACT government and non-government schools and found that while overarching system policies applying to member schools in the Public and Catholic system are generally detailed and offer clear guidance, there are some gaps in their coverage. Within the Independent School sector, some schools have detailed policies, while others have less detailed policies and have gaps in policy coverage. In all sectors, a lack of clear policy guidance in specific areas will make it more difficult for school staff to respond consistently and to implement best practice. In areas such as restrictive practices a lack of specific guidance and oversight can put staff and students at risk.

We found that policies of other Australian educational jurisdictions in regard to students with complex needs and challenging behaviour tend to emphasise whole-school approaches to positive behaviour, teamwork and the engagement of external expertise and support. The Panel supports these approaches and addresses them in other chapters of the report.

The Panel recommended that ETD, CE and AIS support member schools to develop detailed, explicit, accessible policies and practical guidance materials to direct their support and response to students with complex needs and challenging behaviour. We referenced exemplars from other states.

This chapter concludes the overview provided in the first four chapters of 'what is' – the features of the ACT context that have an impact on students with complex needs and challenging behaviour and the way schools and teachers respond to them. Chapter 5, Student-Centred Schools, outlines an evidence-informed approach to student need and behaviour – one that focuses on learning but which is ambitious, holistic, child-focused and personalised. This case for 'what could be' is derived from human rights principles, policy, and research on child and adolescent development, pedagogy, neuroscience, and family and community studies. The vision presented in the next chapter underpins the conclusions and recommendation of this report.

¹Australian Institute for Teaching and School Leadership, Australian Professional Standard for Principals and the Leadership Profiles,

< http://www.aitsl.edu.au/docs/default-source/school-leadership/australian-professional-standard-for-principals-and-the-leadership-profiles.pdf?sfvrsn=4>6,4

http://www.cmd.act.gov.au/__data/assets/pdf_file/0010/460198/hoa-schools-reform.pdf 1-2

 $< https://docs.education.gov.au/system/files/doc/other/review_of_the_national_curriculum_final_report.pdf > 5.$

⁸ ACT Government, Canberra Social Plan, 2011

⁹ Ibid 32

¹¹ ACT Government, Human Services Blueprint, 2014,

 $< http://www.communityservices.act.gov.au/__data/assets/pdf_file/0010/599860/Human-Services-Blueprint-Final.pdf > 2 \\$

² ACT Chief Minister, Treasury, and Economic Development Directorate, Heads of agreement between the Commonwealth of Australia and the Australian Capital Territory on National Education Reform, 2013

³ Ibid 12

⁴ Nicky Dulfer, John Polesel and Suzanne Rice, The Experience of Education: The impacts of high stakes testing on school students and their families, (Whitlam Institute, 2012) p.9

⁵ Australian Government, Review of the Australian Curriculum- Final Report, 2014

⁶ Michaela Minarechová, Negative Impacts of high-stakes testing, (2012) 3 (1), Journal of Pedagogy, 82, 91-94

⁷ Barbara Comber, 'Mandated Literacy Assessment and the reorganisation of the teachers' work: federal policy, local effects', (2012) 53(2) Critical Studies in Education, 119, 129

¹⁰ Ibid 42

¹² ACT Government, above n 8, 33

¹³ ACT Government Education and Training Directorate, Publications and Policies, 2014 <www.det.act.gov.au/publications_and_policies>

¹⁴ Education Act 2004 (ACT) s88

¹⁵ Tasmania Government, Department of Education, Respectful Schools, Respectful Behaviour, 2014 http://tas-education.org/doe/respectful-schools/Respectful-Schools-Respectful-Behaviour.pdf

¹⁶ Victoria Department of Education & Early Childhood Development, Effective Schools are Engaging Schools: Student Engagement Policy Guidelines, Promoting student engagement, attendance and positive behaviours in Victorian government schools, 2009 https://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/segpolicy.pdf

¹⁷ Victorian Education and Training, Responding to Violent and Dangerous Student Behaviours of Concern, (2015), < http://www.education.vic.gov.au/school/principals/participation/Pages/behaviourofconcern.aspx>

CHAPTER 5:

Student-Centred Schools

5.1 Introduction

ACT schools strive to give effect to a student-centred vision. However, while some schools are successfully implementing this vision, a range of competing priorities and other obstacles have limited progress in some schools.

This chapter outlines a case for the pursuit of an ambitious, single-minded, 'whatever it takes' student-centred vision that gives priority to each student's needs in education policy and practice in ACT schools. The vision is derived from policy and research on child and adolescent development, pedagogy, neuroscience, and family and community studies. It reflects human rights principles and the values and aspirations of the Melbourne Declaration on the Goals of Australian Schooling. We list principles derived from the above research and from the literature on 'system change'. These principles provide the rationale for the conclusions and recommendations of the report.

The evidence strongly indicates that thorough, pervasive and unrelenting focus on student needs will benefit all students, particularly those with complex needs and challenging behaviour. The Panel believes that outstanding student-centred practice should become a hallmark of ACT schools. Key points made in this chapter about a 'determined student focus' are further developed throughout the report.

The Panel knows that schools must respond, react and intervene decisively in some circumstances, for example, to meet a student's immediate health needs or to protect student and staff safety. Other chapters deal with these issues. In first expressing a positive vision and set of principles the Panel signals its priority for a proactive approach to complex needs and challenging behaviour - one that extensive research has shown will significantly reduce but not eliminate the need for reactive measures. The latter are necessary, secondary and complementary.

5.2 Strengthening the emphasis on student-centred schools

Many ACT schools and classrooms are facing difficulties in responding effectively to support students who disrupt their own and others' learning. Evidence suggests that the number of these students is increasing, reflecting greater numbers of students whose behaviour may be affected by factors such as trauma, social disadvantage or disability.

As noted in Chapter 2, the ACT data from the Australian Early Development Census shows that 22% of ACT students starting school are 'developmentally vulnerable' and that there are pockets of disadvantage in the ACT.²

The 2015 ACT School Census shows a 70% increase in the number of students with special needs enrolled in ACT Independent Schools in the period 2011–2015, and a 64% increase in ACT Catholic Schools in the same period. ACT Public Schools showed an 18% increase in the period 2011–2014. ACT Public School enrolments of students with special needs dropped in 2015 but

this is due to the fact that in 2015 early intervention students were not counted as the program moved to National Disability Insurance Scheme (NDIS) responsibility. The Panel also notes the worldwide increase in the incidence of autism spectrum disorder.³

In Chapter 2 and Appendix E we provide examples of the nature and extent of behaviour that teachers in government and non-government schools deal with every day. ACT school leaders believe that there is an increasing proportion of students with complex needs and challenging behaviour in their schools.

Research shows that the most powerful effects of the *school* on learning relate to features such as classroom climate, peer influences, and the lack of disruptive students in the classroom.⁴ When considered together, the above facts pose a confronting question: if so many of our students have complex needs and challenging behaviour, what are the implications for the ways in which we currently 'do school' for these students, and for all students in the ACT?

There is no doubt that ACT schools perform well on a wide array of performance indicators. However, a rapidly changing society and major policy reforms are changing the nature and demands of schools and classrooms, and it is vital that school systems change and adapt to meet the needs of all ACT students. As one parent stated:

If we as a society demand that each child attends school, then we need to ensure that these schools cater for the wide diversity of children, and that none of these children are made to feel inadequate, unwelcome or alien when they attend school each day. (Parent)

5.3 Pursuing a student-centred vision

Some stakeholders told us about a student-centred vision in the following ways:

An holistic approach to schooling where pedagogy meets circumstance would be a start. (Teacher)

Be calm. Take it slow. Get to know the student first. Build a strong relationship. Perhaps, after that is accomplished and the student trusts you, some teaching and learning can begin to occur. (Teacher)

A contemporary examination of the overarching principles, policies and frameworks that underpin the services provided in the ACT to students with complex needs and challenging behaviour is a positive step toward ensuring the students and their carers are provided consistently with the best support, care and treatment to promote optimal outcomes. (Organisation)

Identify individual needs

Chapter 3 outlined the right of children and young people to receive a high-quality education. ⁵ However, each child starts school and comes to school each day with varying capacities to participate, behave and learn. A student-centred approach takes into account the specific needs of each student in their family, peer and community contexts. ⁶

A child focus considers the child's physical health, mental health and emotional wellbeing, relationships, material wellbeing, safety and learning needs. It recognises that students are unique in their preparation for learning and that they differ in terms of their biological and sensory structures and functions, intellectual capacity, communication ability, mental health and psychological wellbeing, goals, motivations, emotions, social capital, personal agency beliefs, relationships, social support and environmental circumstances. Children and young people need to be physically well equipped to learn, including being able to sleep well each night, have adequate nutrition, and have their health needs met. They must also feel safe.

Provide safe and orderly environments

Improving the safety and wellbeing of children is a national priority. For many students schools are their safest and most trusted environment. The National Safe Schools Framework describes a safe and supportive school as one where:

The risk from all types of harm is minimised, diversity is valued and all members of the school community feel respected and included and can be confident that they will receive support in the face of any threats to their safety or wellbeing.¹⁰

A safe and orderly school environment helps students feel safe, supported and able to engage in school. 11 Key aspects of an environment that supports behaviour are relationships, pedagogy, structure and expectations. 12 Together these provide dependability and security. In an accepting, dependable school environment where rules and limits are known and implemented, students can be expected to take responsibility for their behaviour most of the time, and in most, but not all circumstances, students are able to do that.

Give priority to relationships

Research shows that teachers who had high-quality relationships with their students had considerably fewer discipline problems, rule violations, and related problems over a year than did teachers who did not have high-quality relationships with their students. Hattie reports the importance of teacher/student relationships on learning outcomes, including non-directivity, empathy, warmth and encouragement. In classes where the relationships between teachers and students are good there is also more engagement, fewer resistant behaviours and higher achievement outcomes. Advanced to the control of the co

Marzano cautions against leaving teacher-student relationships to chance or to the personalities involved¹⁵. As elaborated in Chapter 6, some students find relationships challenging and teachers need to adapt their attempts at 'relationship-building' to those students' needs. By using strategies supported by research, and by being attuned to student need, teachers can proactively influence the dynamics of the classroom and develop the relationships that will support participation in learning.¹⁶

Foster wellbeing

Research has found that primary and secondary students say that their wellbeing at school would improve if changes were made to pedagogy, school environment, relationships and their opportunities to have a say. ¹⁷ In most schools, the priorities of wellbeing and academic success compete for time, attention and resources, yet the research demonstrates the benefits of wellbeing initiatives being part of school's 'core business'. ¹⁸ There are many benefits for school communities that invest in relationships and wellbeing. ¹⁹

Demonstrate in practice the links between wellbeing, learning and behaviour

Wellbeing, learning and behaviour are intimately connected. There is a dynamic (and essential) relationship between student wellbeing and academic outcomes. ²⁰ Researchers who studied schools that had improved the attainment and behaviour of disadvantaged students concluded that over time, growth in wellbeing and in academic attainment are mutually supportive and produce positive long-term outcomes. ²¹

The general approach to creating more engaging schools is summarised in the Education and Training Directorate's *Engaging Schools Framework* and in Catholic Education's *Wellbeing and Inclusion* Strategy.

Personalise learning

Researchers have found that many schools do not focus primarily on whether *every student* is learning and making progress but focus instead on how the *school* is performing. When this occurs, the achievement of personalised learning 'falls through the cracks'.²²

Schools that are successful in engaging all students are adopting personalised approaches to learning by

Designing and implementing institutional practices and support mechanisms that take the unique characteristics and educational needs of each student into consideration.²³

Hattie has shown that about 50% of the variance in achievement is 'what students bring to the table',²⁴ so it makes sense for teachers to know their students well, find out what motivates them, and capitalise on each student's unique strengths to support their learning and behaviour.

The most effective classroom managers do not treat all students the same but employ different strategies in response to their individual behavioural needs.²⁵

Teach to engage and support behaviour

Differentiation in response to student need is a philosophy and mindset that helps personalise curriculum and instruction and promote student engagement and behaviour. ^{26,27} Csikszentmihalyi observes that:

If educators invested a fraction of the energy they now spend on trying to transmit information in trying to stimulate the students' enjoyment of learning, we could achieve much better results.²⁸

Put simply, students who are interested and engaged and enjoy being at school are less likely to misbehave – but still might!

In a synthesis of research on effective pedagogy, Alton-Lee²⁹ stressed the need to: focus on student achievement (including social outcomes) and facilitation of high standards for all students, including those with special learning needs or vulnerabilities; establish caring, inclusive and cohesive learning communities; create effective links between school and other cultural contexts; and to promote learning strength, self-knowledge and student self-regulation.

Good teaching certainly supports behaviour but good teaching alone will not solve all behavioural issues.

Teach social and emotional skills

Research shows the many benefits of developing students' social and emotional skills such as creativity, motivation, communication skills and persistence.³⁰ Non-cognitive skills can be taught and they can make a difference to social/behavioural outcomes and for student achievement. That is, these outcomes are important in themselves and they also have a positive impact on increasing achievement.³¹

According to the Organisation for Economic Co-operation and Development, raising levels of social and emotional skills – such as perseverance, self-esteem and sociability – can improve health-related outcomes and subjective wellbeing, as well as reduce anti-social behaviours:

Results show that conscientiousness, sociability and emotional stability are among the important dimensions of social and emotional skills that affect children's future prospects. Social and emotional skills do not play a role in isolation, they interact with cognitive skills, cross-fertilise, and further enhance children's likelihood of achieving positive outcomes later in life.³²

Although the findings above are evidence-based, they are generalisations and do not necessarily apply to every student. For example, some students with autism spectrum disorder may find social interaction very difficult, and may struggle with these issues, despite the implementation of school-wide social skill programs. As indicated below, their distinctive needs must be appreciated and pedagogy and programs must be tailored to their needs.

Use distinct pedagogies when students need them

Evidence-informed 'universal strategies' that focus on how students have *similar* needs are highly recommended as a foundation for teaching practice; however, they will not be sufficient to meet the needs of some students because their specific needs are *different* to those of most students. Nevertheless, teachers report that many strategies for meeting the individual learning and behavioural needs of some students; for example, strategies for students with autism that involve the use of visuals, explicit timetables, social stories and capitalising on their strengths, are beneficial for many other students.

Some students may require individualised approaches and strategies. For example, a teacher who does not understand common features of autism spectrum disorder may not interpret the child's behaviour through an 'autism lens'³³ and may interact with students in ways that isolate, frustrate, antagonise and/or provoke them.³⁴ A teacher who does not appreciate cultural differences may unwittingly undermine a relationship or provoke shame or hostility because of culturally insensitive management of behaviour.³⁵ A teacher who is unaware of the effects of trauma on children who have been abused or neglected may not appreciate the intense shame some feel and that 'affect disregulation' may account for an aggressive outburst that seems unprovoked or over reactive.³⁶ The fact that some students need 'distinct pedagogies' raises major implications for professional development, supervision and support for teachers, particularly those in specialised settings.

Focus on prevention and proactive approaches

The general benefits of intervening early, before secondary issues emerge, are confirmed by evidence and are well understood by the community. Proactive, early support improves school or educational performance, lowers criminality rates, reduces child abuse and neglect notifications, reduces breakdown in family relationships and reduces public expenditure on the lifetime costs of care and support.³⁷

In the preschool years, support for children at risk of neglect and harm is regarded as an essential element of a wider solution to protect these children.³⁸ Effective schools proactively identify problems at an early stage and work to address them before students become disengaged.³⁹ Schools should give priority to the needs of those students who may be at risk of marginalisation, exclusion or underachievement and adopt practices that are proactive and preventative.^{40,41}

Adopt systems thinking

Contemporary social—ecological models of human development illustrate the powerful influences of the interacting contexts that surround us. What happens for a child at school

reflects the dynamic influences of political, policy, community and society contexts. What happens for the child is also influenced by powerful, proximate contexts such as parent/carer, family, classroom and peers. Approaches to complex needs and challenging behaviour must acknowledge that these contexts are ever changing and that each encounter with a student is unique. As

A social—ecological model also suggests that it is almost impossible for individual practitioners to instigate and sustain changed practices without involving and affecting others. This 'systems thinking' addresses the dynamic linkages and interactions between the components in the organisation, both vertically and horizontally. ⁴⁴ One implication of systems thinking is that even the most promising approaches for students with complex needs and challenging behaviour will be ineffective and short-lived unless supported by coherent policy, processes and guidelines that provide clear directions and support for them within the 'system'. Systems thinking appreciates that what does, or does not, happen in one part of the system or for one group (such as students with complex needs and challenging behaviour) will impact elsewhere. For example, and as explained in Chapter 9, when the rigorous implementation, within a school, of a model such as Positive Behaviour Support starts with a thorough remodeling of 'Tier one' supports, every teacher and every student cannot fail to be affected.

Actively seek, listen, and respond to the views of students

Every child and young person has a basic human right to participate in decisions that affect them, and to have their views taken into account and given due weight in accordance with their age and maturity. The many benefits of consulting with students are well known and include increased engagement, motivation and behaviour, particularly of marginalised students.⁴⁵

Research shows that listening to student voice leads to a decrease in student behaviour problems:

The more educators give students choice, control, challenge, and collaborative opportunities, the more motivation and engagement are likely to rise.⁴⁶

If schools really want to become 'student-centred' then they must hear the voices of those whom schools seek to serve and listen to views that they perhaps would rather not hear. 'Student-centred schools allow hidden information to find legitimate forums for expression.' ⁴⁷

Follow 'Universal Design' principles

As a student-centred approach must still be implemented in a group context such as the classroom or school, the principle of Universal Design (UD) or Universal Design for Learning (UDL) becomes important. Mitchell describes UD as:

The design of products and environments to be usable by all people, to the greatest extent possible, without the need for subsequent adaptation or specialised design.⁴⁸

UD involves planning and delivering programs with the needs of all students in mind from the outset. It applies to all facets of education: 'from curriculum, assessment and pedagogy to classroom and school design.'⁴⁹ So, for example, a UD approach to complex needs and challenging behaviour might involve the implementation of a school-wide approach based on a model of Positive Behaviour Support.⁵⁰ Such universally designed approaches are more inclusive than specialised programs for particular groups of students. When special programs are established without reference to their 'fit' with the school's overall philosophy and practices, they have many disadvantages.⁵¹

Universal design and differentiation are complementary approaches that support schools to become more student-centred. Universal design is a *proactive strategy*, while differentiation is a

reactive response to individual needs. They each attend to issues of personal interest, engagement, experience, culturally-shaped ways of seeing the world, and strategies for action.

Together, they can provide a powerful combination of strategies to reach the needs of all students as they work to successfully reach the goals of instruction.⁵²

Collaborate at all levels

The analysis of policy in Chapter 4 showed the priority that some school systems in Australia are giving to teamwork and collaboration in supporting students with complex needs and challenging behaviour. Exemplary schools collaborate and form wider relationships to find new ways to meet student wellbeing needs.⁵³

Behaviours at school are often a response to issues and stresses that are occurring in other contexts and need to be resolved outside of the school environment. Collaboration within the school, but also with partners outside of the school, is required to meet the broad psychosocial needs of children and reduce their problematic behaviours.⁵⁴ Cross-agency collaboration on very complex issues requires agencies to:

Abandon their own agenda in favour of a common agenda, shared measurement and alignment of effort. 55

Effective schools demonstrate high levels of collaboration between teachers and parents/carers because parents/carers are central to the student's physical, emotional, intellectual and social development.⁵⁶

Implement change by building on current good practices

The progressive realisation of a student-centred vision requires that leaders attend to the factors that influence system change.⁵⁷ A key element is 'incentive', and effective leaders know that:

Gaining an awareness of the personal benefits associated with making a change is the critical first step towards changing behaviour.⁵⁸

Major benefits for teachers of teaching in more student-centred ways are increased job satisfaction, motivation, engagement and effort.⁵⁹

An explicitly communicated framework for implementation will show the logical links between implementation, rationale (linking constructs) and intended outcomes. For example, the strategy might be to improve student behaviour by resourcing particular program components (such as multidisciplinary teams, and/or school-wide behaviour programs and/or better professional development for classroom teachers). Strategic leadership makes these connections clear and also attends to the emotional and political factors that are harder to achieve, such as convincing others of the need for change, gaining senior management consensus, developing a groundswell of support, and building stakeholder support and willingness to act. ⁶²

5.4 Principles

The foregoing analysis of policy and research provides justification for the principles that underpin the conclusions and recommendations of this report. Although the principles have been developed with attention to the specific needs of students with complex needs and challenging behaviour, all are applicable to every student. The principles summarise the components of a student-centred vision in ACT schools and possible strategies for implementing it.

- 1. All ACT children and young people have the right to a high-quality education. Children and young people with complex needs and challenging behaviour have the right to access education on the same basis as other students.
- 2. Services, supports and methods for responding to the behaviour of children and young people in schools should be compliant with legislation and be age and culturally appropriate.
- 3. Everyone has the right to be safe at school. Schools have a duty of care to all students and to staff, and must consider the needs and rights of everyone within the school. Measures taken to protect safety must include preventive approaches and must be consistent with the human rights of children and young people.
- 4. Serious challenging behaviour may reflect: a lack of behavioural skills; an emotional impact of disrupted family life; economic and social impacts on the child or family; psychological factors such as trauma, depression and other mental health issues; neuromedical issues such as disability, and chronic health conditions. As each behaviour may indicate different causes, each requires a specific, personalised response.
- 5. Responses to student behaviour should take into account that behaviour is affected by contexts and environments, and that challenging behaviour may reflect a mismatch between the characteristics and needs of the child or young person and the expectations of, and support provided by, their environments.
- 6. Schools exist primarily for the benefit of students and students should have a voice in shaping school culture, policies and practices.
- 7. Pedagogy and curriculum should promote engagement and good behaviour and should be personalised and differentiated to respond to student strengths and interests.
- 8. School leaders, teachers and support staff should have the skills and resources to meet the learning and behavioural needs of children and young people with complex needs and challenging behaviour.
- 9. Some children and young people will require specialised expertise and wrap-around supports. To be effective these collaborations must ensure that services are aligned, through shared understandings and goals, to meet the individual needs of children and young people and their families.
- 10. Just as students need to operate within a supportive school environment that respects their rights and meets their needs, so do teachers. They should have access to quality advice and supportive supervision to assist them to support children and young people with complex needs and challenging behaviour.
- 11. Students need to know that they matter and that teachers and other staff care about them. Supportive relationships are fundamental for students with complex needs and challenging behaviour. Developing sensitive, positive relationships with these students, families and other service providers will assist them to behave and to learn.
- 12. Children and young people with complex needs and challenging behaviour are members of families, classes, schools and the broader ACT community, and should feel that they belong in, and are valued by, the community. Approaches that draw upon the whole-of-government and the community are needed to best meet the needs of these children and young people.
- 13. All children and young people have strengths, and a strengths-based approach helps students with complex needs and challenging behaviour. Schools should create the conditions for these students to see and feel real success.

- 14. Acceptance and valuing are achieved, in part, by providing children and young people who are at risk of being marginalised with settings and processes that are highly valued by society; for example, high quality teachers, settings and status.
- 15. Schools should use their resources flexibly and in evidence-informed ways that best meet the needs of every student in the school.
- 16. In developing programs and services to develop student-centred schools, a sound leadership strategy is to 'conserve the best and transform the rest'. 63

5.5 Conclusion

This chapter outlined an evidence-informed case for a 'children and young people focus' to be the primary focus in ACT schools. This focus benefits students with complex needs and challenging behaviour, and all other students. The Panel appreciates that this is what most teachers and schools do, or try to do, every day. However, as a student-centred vision provides the foundation for learning and behaviour, we therefore recommend policy priority for it and urge its far more strenuous pursuit.

Key points covered in this chapter include:

- justification for schools to give priority to a thorough, student-centred vision that is perceived as such by students;
- justification for strategies that promote that vision;
- a listing of principles on which the conclusions and recommendations of this report are based.

Implicit in this chapter is the view that a student-centred vision is not achieved 'once and for all' but is something that schools should work towards, and get better at, every day. In the next ten chapters we illustrate how this can be done with reference to the significant issues and concerns raised by students, teachers and the community. Subsequent chapters provide examples of ways these principles could influence future supports for students with complex needs and challenging behaviour. In the next chapter, Chapter 6, we make recommendations about the strengthening of crucial relationships and the creation of school cultures and contexts that that are engaging for students and that better support appropriate behaviour.

Finally and importantly, the Panel believes that serious attention to the issues posed by students with complex needs and challenging behaviour offers an *opportunity* and a *challenge* to the ACT community and its schools to further exemplify its inclusive vision.

Early in the consultation process one person wrote: 'Students are not the problem; they are the solution.' This 'reframe' suggests that a student's behaviour may tell us something – perhaps how they are. The Panel believes that students with complex needs and challenging behaviour pose a more challenging, but ultimately helpful consideration – how our schools are.

If schools are interested in educating all students well, we contend that they must attend to the margins, those vulnerable students who have little parental guidance, and no voice in school affairs...These students challenge the curriculum and its standards, the teachers' normal instruction routines, and the motivational strategies that stimulate learning and compliance in the classroom. They present educators with a grand opportunity to create new learning for themselves and examine their invitation to learning for all students. These students constantly challenge the equilibrium and boundaries of the classroom and their diversity calls out for the school to change. They are the engines of reform. 64

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⁶⁴ Leonard Burrello, Carl Lashley and Edith Beatty, Educating all students together: How school leaders create unified systems. (Corwin Press, 2001)2

CHAPTER 6:

School Culture and Relationships

6.1 Introduction

Positive school cultures that are child-centred and inclusive improve engagement and learning outcomes for all students, and are particularly important for students with complex needs and challenging behaviours. School culture is shaped by the approach of school leaders, and the values, attitudes and practices of all staff, and their interactions with students and families. Positive and supportive relationships are at the heart of an inclusive child-centred school culture, and are the foundation for preventing and addressing challenging behaviour.

The National Safe Schools Framework highlights the importance of positive, caring and respectful student/peer relationships, student/teacher relationships, and teacher/teacher relationships as a key component of developing a supportive and connected school culture.²

This chapter addresses the role of the school culture in supporting students with complex needs and challenging behaviour, including school leadership, inclusive practices and the quality of relationships among school leaders, teachers, students and their families.

We make recommendations for developing positive school cultures and for prioritising high-quality relationships to support the behaviour of all students in ACT schools.

6.2 School culture

School culture refers generally to the beliefs, relationships and attitudes, both written and unwritten, that shape and influence every aspect of how a school functions.³ School culture is not static but is constantly being constructed and shaped through interactions, reflection and new learning, and is conveyed through school communications and practices. It relies on shared understandings about what is important and why.

The National Safe Schools Framework (NSSF) states that:

In a safe and supportive school, the risk from all types of harm is minimised, diversity is valued and all members of the school community feel respected and included and can be confident that they will receive support in the face of any threats to their safety and wellbeing.⁴

A 'supportive and connected school culture' is one key element of the framework, and includes a 'clear demonstration of respect and support for student diversity in the school's inclusive actions and structures'.

Perspectives on cultures in ACT schools

Many submissions emphasised the role of school culture in supporting all students, including students with complex needs and challenging behaviour (with and without a disability). A number stressed the importance of school leaders and teachers communicating with clarity and integrity about their school's philosophy and vision, particularly in regard to the issues of

diversity and inclusion, and developing a narrative that is consistent across the school and its community:

I believe that the culture of a school and the attitudes of staff greatly impact on a school's ability to deal with challenging students. (Teacher)

All roads to school improvement begin and end with efforts to foster a safe and engaging whole school climate. (Organisation)

In school visits to both sectors the Panel observed considerable variation in the way that beliefs, relationships and attitudes are enacted in relation to the inclusion of students with complex needs and challenging behaviour. This variation was also reflected in submissions and interviews. Some submissions and interviews highlighted the positive and inclusive cultures that have been created in particular ACT schools:

The culture of inclusiveness is pervasive. We proudly witness him learning and growing and being a part of his school community. We would like to see all kids with disabilities be given the same opportunity for truly inclusive education in an inclusive school community. (Parent)

These kids bring opportunities, they add to our school community. They help other students to accept and understand difference and diversity. It is refreshing to spend time with these students. (School leader)

However, some submissions drew attention to perceived deficiencies in the cultures of some schools and their responsiveness to students' diverse needs:

We also found that many of the mainstream teachers and principal at the school were not sufficiently aware of, or understanding of, the needs of these students to provide an appropriate mainstream environment that encouraged integration and inclusion. (Parent)

It is evident that widespread cultural change is required in order to foster a supportive and appropriate response to the unique needs of these students. Principals should be supported and encouraged to foster an inclusive culture at their school. (Peak body)

The variation between schools reflects a number of factors, but is particularly shaped by the attitude and approach of school leaders, supports for staff and the quality of relationships that are developed within the school community. These issues are discussed further below.

Frameworks and resources

ACT schools have access to a range of relevant frameworks, resources and guides for developing a positive school culture and support for students. As discussed in Chapter 3, discrimination and human rights legislation provides a legal framework which requires ACT schools to ensure equality and to make reasonable adjustments for students with a disability.

In the Panel's view these legal obligations should be regarded as the platform for a broader approach to building positive school cultures that are inclusive of all students. Inclusive practice requires the creation of child-centered school environments and systems that pro-actively cater for the broad diversity of students at school, regardless of disability or diagnosis. It requires identifying and addressing barriers to participation in education, and seeking to meet the individual needs of each student.

The NSSF provides all schools with a vision and a set of guiding principles to assist school communities to develop positive and practical student safety and wellbeing policies. Supportive and connected school culture, positive behaviour engagement, a focus on student wellbeing and student ownership, and partnerships with families and community are all elements of the NSSF. The Panel is aware that ETD is currently working on detailed supporting documentation for

Public Schools to use with the NSSF. CE informed the Panel that it is also working on a model based on the NSSF, which includes student and staff wellbeing.

ETD's Engaging Schools Framework provides a complementary framework for Public Schools to support good practice in the areas of valuing, understanding and having high expectations of every student, strengthening relationships, enriching connections with communities and building an engaging school culture.

ACT Public Schools introduced the Australian School Climate and School Identification Measurement Tool in 2014. The tool gathers information from staff, students, parents/carers and carers about the school's social climate, day-to-day experiences, the strengths of the school and future challenges. This promising initiative, undertaken in collaboration with the Australian National University, is in the early stages of implementation but should provide useful information to monitor the improvement of school climate and culture. Chapter 15 draws attention to the fact that good data, such as that from the Australian School Climate and School Identification Measurement Tool, becomes useful only when incorporated into a system of continuous, quality improvement and when that data leads to a response.

KidsMatter (for primary schools) and MindMatters (for secondary schools) are free initiatives of the Australian Department of Health to improve the mental health and wellbeing of children and young people through their schools. BeyondBlue and the Principals Australia Institute support the initiatives. Both initiatives offer online modules and a range of useful, evidence-based resources for all schools, with a strong focus on prevention, and developing positive school cultures to improve student wellbeing and sense of belonging at school.

Some ACT schools have implemented the KidsMatter and MindMatters programs, and leaders at several schools visited by the Panel spoke positively of the contribution these programs have made in helping their school to improve supports for students with complex needs and challenging behaviour. In our view, the programs provide helpful and systematic guidance for schools to improve school culture and relationships, and assist all students. When utilised as part of an overarching strategy to support student behaviour, these resources support and provide implementation guidance for the positive approaches the Panel proposes in this chapter and in Chapter 9.

Recommendation 6.1: That ETD, CE, and each Independent School, encourage all school leaders to implement KidsMatter (for primary schools) and MindMatters (for high schools) as part of their overall strategy to support positive school culture, student wellbeing, and behaviour.

6.3 Role of school leaders in shaping culture

School leaders are crucial in shaping the way in which school staff think and talk about students with complex needs and challenging behaviour, and their families, as this influences how behaviour is interpreted and responses enacted. They can also drive the implementation of school improvements in practice. As noted in the Australian Professional Standard for Principals, a key role of school leaders is to 'embrace uncertain, complex and challenging contexts and work with others to seek creative and innovative solutions that support quality outcomes for all'.⁶

Effective school leaders establish a positive culture by communicating to their teachers a commitment to students with complex needs and challenging behaviour:

The Principal needs to have good will and attitude as well as being prepared to accept that his or her school may have difficult kids in their school and they will have to rise to the occasion. (Parent)

Most school leaders who spoke with the Panel reported difficulties in meeting the needs of all students at their school within the constraints of existing funding, services and supports. However, some leaders maintained positive attitudes, and made it clear that meeting the social and emotional needs of all students (including those with very challenging behaviours) was core business, and recognised their role in supporting teachers to do this. These leadership attitudes often appeared to translate into a more accepting school culture. As one school leader noted:

It is one of the reasons I like working in public schools, that we do need to be able to take on the most challenging students, these students test us and we need to be up to that challenge. (School leader)

Some school leaders spoke to us about the importance of 'consciously bringing the whole staff on board to build culture' and how it was necessary to change school culture from 'managing students' to 'teaching students'.

In contrast, some school leaders suggested that meeting the needs of some students with complex needs and challenging behaviour placed unreasonable demands on the school and that the management of more extreme behaviours should not be the role of mainstream education. These attitudes of leadership appeared to the Panel to affect the flexibility of the school to respond appropriately to student behaviour, staff perceptions of the extent to which they should adapt traditional approaches to behaviour management, and the strategies used to promote appropriate behaviour and respond to inappropriate behaviour.

A key task of school leaders in creating a positive and inclusive school culture is to communicate with the different stakeholder groups, including students, parents/carers and teachers, to enable them to understand and invest in new ways of thinking about student diversity and to support change. Riehl notes that:

The development of inclusive structures and practices must be accompanied by new understandings and values or they will not result in lasting change. Principals are key agents in framing those new meanings.⁷

As well as shaping vision and attitudes, school leaders play a vital role in overseeing the practical implementation of cultural change, which requires the development of skills, knowledge and new ways of doing things. This work is usually done best through collaborative teams:

Effective principals establish collaborative teams, bringing together key stakeholders who represent different perspectives and roles in the school community. The team provides leadership throughout a continuing cycle of planning, implementation, and evaluation in the school change process.⁸

The KidsMatter and MindMatters programs also suggest that leaders establish an 'action team' to develop an implementation plan and to guide the school community to bring about whole-of-school improvements in mental health and wellbeing. School leaders need to resource and support these teams to keep the implementation process on track.

6.4 Relationships and communication among school staff

Shared responsibility for students

Many teachers talked about the benefits of a team based approach, in which staff share responsibility for all students, support each other and have good systems for communication between staff:

It is important that there is a shared ownership of all students and a focus on student abilities. Even our most challenging students make small steps that we celebrate. Not that

we don't get frustrated and burnt out, but we have a very collaborative and supportive team that supports each other. (School leader)

Strategies that are working well for us: staff keep annotated logs of student behaviours and triggers; relief folder has notes on each student so that relief staff can quickly get up to speed; awareness of staff members to call for help; awareness of ways of diffusing a situation; awareness that not one size fits all. (School staff team)

In their submission an association supporting parents/carers of children with Autism Spectrum Disorder highlighted the need for schools to properly brief all staff working with a student on the student's needs (not just the main classroom teacher). They also suggested schools consider designing systems to facilitate a seamless transition from year to year within the school:

So the school continues to build on their expertise and knowledge of what works for each child, rather than starting afresh each year as the child moves into new classroom environments. (Community organisation)

A supportive and reflective staff culture

Many teachers told the Panel that they sometimes felt overwhelmed in trying to meet the needs of students with challenging behaviour, and of the class as a whole. As noted by the Victoria Child Safety Commissioner, when teaching students with complex needs such as trauma:

Teachers may need extra help, in terms of both time and energy in the classroom, and support and reflective space outside it.⁹

This applies to all students with complex needs and challenging behaviour. Typically they require a great deal of time and energy from teachers to build a rapport with them, monitor and respond to their behavioural support needs, differentiate curriculum and learning, and collaborate effectively with parents/carers and other service providers.

Research shows the importance of supporting teachers if they are to be successful in actively building relationships with their students, and consistently adopting positive behaviour strategies:

When staff find managing student behaviour difficult, or have particular issues working with a specific student, appropriate responses include: partnering them with a more experienced teacher to help develop their skills and deal with the student(s) more effectively; organising regular professional coaching sessions where staff talk about behaviour that has occurred and how the teacher handled/could have handled it; or arranging for teachers to sit in and observe one another's classes. ¹⁰

Teachers need to feel able to talk to their colleagues and school leaders when they are struggling with the demands of challenging behaviour; help-seeking should be seen as a professional expectation and a strength. ¹¹ Teachers clearly value a workplace culture where help-seeking is supported:

Setting up an environment where people feel that they can ask for support and they are listened to. (Teacher)

Teachers often feel unable to seek support as they don't want to be seen as incapable of doing their job. We are all struggling with our increasing work load but we are too scared to say it is too much for fear of repercussions. (Teacher)

The necessary consequence of seeking help is willingness to accept feedback, to reflect on one's practice, and openness to doing things differently. Some school leaders experience challenges in supporting their teachers to undertake continuous improvement:

Many of the issues I deal with day-to-day are caused by staff mishandling simple situations. I don't know how one deals with this issue beyond slow, small gains, especially when staff resist training and/or the measures in training. (School leader)

School leaders have a responsibility to assist teachers to have positive interactions with students with complex needs and challenging behaviour, including:

- using professional supervision, observation, collaborative teaching and peer coaching approaches to help teachers identify strategies to change the way that they interpret and respond to student behaviour;
- supporting teachers when they find work challenging, and helping them to see and focus
 on the positive side of their work and the outcomes that they achieve with students;
- providing formal and informal forums where teachers can debrief on day to day situations and seek advice on how to handle them; and
- partnering more and less experienced teachers together to get them to work as peer coaches or mentors.12

Chapter 13 describes a range of professional development strategies to assist teachers and school leaders to work with students with complex needs and challenging behaviour, and their families.

6.5 Building relationships with students

Research shows that positive relationships between teachers and students are one of the most important factors in influencing student learning outcomes and behaviour, and effects are increased where high-quality teacher—student relationships are combined with high expectations of all students.¹³

Hattie notes that:

The manner used by the teacher to treat the students, respect them as learners and people, and demonstrate care and commitment for them are attributes of expert teachers. By having such respect, they can recognise possible barriers to learning and can seek ways to overcome these barriers.¹⁴

Research indicates that most students learn best when they have a positive relationship with their teachers and they see their teachers as: acting in a clear and consistent manner; being warm and supportive; having a high expectation of their behaviour, potential and performance; positively encouraging attendance, effort and performance; making realistic demands of them; and providing support to help them understand what is required of them and come to terms with material.¹⁵

Understandably, it can be more difficult for teachers to develop good relationships with students with challenging behaviour. Research suggests that these students tend to develop more conflictual and less close relationships with their teachers than other students. ¹⁶ However, children and young people with complex needs and challenging behaviour can be significantly influenced, both positively and negatively, by the relationships they develop with their teachers, and supportive relationships are particularly important for these students:

Teacher–student relationships are important to virtually all students. However, high-quality teacher–student relationships appear to be most significant for students who are at risk for school problems based on early behavioural and learning issues.¹⁷

Studies have shown that young people with frequent and intense behavioural problems show less defiant behaviour when they have positive perceptions of their teachers and see them as trustworthy. By contrast, persistent teacher—student conflict in primary school can increase the risk of negative externalising behaviours in later years. 19

Although teacher—student relationships are powerful moderators of classroom behaviour²⁰ they should not be oversimplified. Sometimes teachers may need to 'step back' and give a student 'space'. The pursuit of a warm relationship with a student may not be what the student needs or can cope with at a particular time. As a good relationship is a sensitive one, warm connections should not be vigorously pursued, because to do so could be counterproductive for the teacher and the student.²¹

Students' perspectives on good teachers

Throughout the report, and for many good reasons, the Panel makes the case for listening to students. We arranged a series of structured consultations with 275 students from seven Public, Catholic and Independent schools (see Appendix C for full report). ACT students told us that a 'good teacher' is:

Fair; strict but not mean; flexible; able to give consequences; respects students; gives you a second chance; wants to be there; makes learning fun; fun but doesn't waste time; doesn't just cut us off, hears your opinion before shutting you down; teaches with stories, not just boring facts; explains and helps; explains what you are supposed to be doing in class; doesn't mind wrong answers; doesn't embarrass you in front of others; explains until everyone understands; challenges you in a supportive way.

Many of the students emphasised the importance of teachers being authoritative and maintaining a calm and productive classroom environment, as well as being friendly and caring about them.

Students with a disability also talked about positive relationships with teachers:

My relationship with teachers is an equal relationship; they do their best to accommodate for my needs.

However, they also spoke about difficulties where teachers had high demands but did not have such positive relationships with them:

Sometimes getting bossed too much by the teachers; some of the teachers push the students too hard; he pushed me to my limits; some of the teachers are a bit annoying when they don't listen; teachers who don't know what has been going on in your life and still having a go at you.

Teachers' perspectives on engaging with students

Throughout interviews, submissions and survey responses, many teachers expressed the importance of *knowing* the students, building trust, listening to them and establishing rapport:

I think it's all about relationship; if these students know you care about them, they are more willing to work for and with you. (Teacher)

I think you need to know the student. From there, you can establish what is likely to work or not. Having a rapport is so important. Mind you in a time poor profession, I think this will become more and more challenging. (Teacher)

Helpful to know about the student's life outside of school e.g. what their family life and relationships are like, what events escalate or trigger their challenging behaviours in different settings. (Learning support assistant)

In a research report on the benefits of School-Wide Positive Behaviour Support (outlined in Chapter 9), a teacher commented on the changed mindset that comes in part from talking to students about behaviour:

I used to be a stand-up at the front of the class, blah blah, I'm the boss and this is what you do: I don't do that any more. $(Teacher)^{22}$

Teachers confirmed that building relationships with students with challenging behaviour is not always easy. When faced with apparent rejection by students, some teachers and other professionals working in schools spoke of the need to take responsibility for the relationship, and make a deliberate effort to work through challenging behaviour:

So many angry kids in our system and I have to constantly remind myself that the kids that are the hardest to love are the ones that need it the most. (Teacher)

Student engagement is the responsibility of the teacher not the student. (School leader)

However, teachers also told the Panel that it could be difficult to find time to engage with all students on an individual basis and to form high-quality relationships with them — an issue raised in Chapter 15 in regard to National Assessment Program — Literacy and Numeracy (NAPLAN) and the unintentional effects of Commonwealth policy on some teachers and schools:

I think many full time teachers feel they just don't have the time to find out the backgrounds of all their students and then be able to provide the right kind of lesson content, lesson support and follow up required by students with challenging behaviour. (Teacher)

Teachers need more time to program and spend 1:1 time with the child. (Teacher)

There are generally so many resources required and extra time and effort needed to build relationships and solid foundations to make a difference in changing and managing needs and behaviours. This on top of a teaching load and other administrative duties can make teachers feel overwhelmed and unsupported. (Teacher)

Approaches to improve relationships

Most teachers recognise the value of building relationships with each student, but can find it difficult to prioritise when there are competing demands on their time. Having time to focus on relationship-building is particularly important for teachers working with students with complex needs and challenging behaviour. Some aspects of relationship-building relate to the quality of the daily interactions with students in the class and playground, and may not be time intensive. However students with complex needs and challenging behaviour may require more time to allow teachers to work with them individually and to communicate with their families and other services. As one teacher stated:

It is an absolute pleasure to come to work, even when facing challenges knowing that we truly have a whole school approach and that classroom teachers are supported with additional planning time to help them achieve consistent and exciting learning experiences, and assistance in terms of 'mental health 10 minutes' breaks or additional adults assisting specific children. (Teacher)

This may require a careful rethinking of the priority of some of the administrative burdens placed on teachers and how they prioritise time more generally, different uses of resources such as additional staffing support, and more flexibility and resourcefulness in the use of funds, as discussed in Chapter 14.

To improve relationships it is helpful for teachers to:

- be aware of the explicit and implicit messages being conveyed to students;
- create a positive climate in the classroom by focusing on improving relationships with students, and relationships among students;
- be aware that they are modelling behaviour for students, whether intentional or not;
- persevere in building relationships with difficult students;
- proactively promote a positive social experience rather than waiting for negative behaviours and interactions to occur.²³

It is also important for executive staff and school leaders to form strong relationships with students with challenging behaviour, as they are often called upon where students need additional support and their behaviour cannot be managed in the classroom. Experienced school leaders told the Panel that it is vital to build that relationship when the child or young person is calm, so that they can draw on that trust and rapport when the student is distressed:

There is an investment in complex children in terms of time, relationships and priority at the school. The Executive team make an effort to positively engage with these children throughout the school day to ensure that we have credit in the bank when we need to engage in relation to negative behaviours. (School leader)

Restorative approaches

Restorative approaches help manage the impact of student behaviour and assist students to develop greater empathy for others. ²⁴ These approaches can work in conjunction with positive behaviour support programs that teach pro-social skills, and more targeted interventions to reduce challenging behaviours.

Some ACT schools (primary and high schools) have adopted a school wide restorative approach, and use restorative practices to resolve behavioural issues, including conflict between students. Schools visited by the Panel reported that it worked well for many students with complex needs and challenging behaviour, although processes may need to be adapted to have regard to students' particular needs (for example, simplified for students with cognitive impairment).

As discussed in Chapter 13, approaches that are responsive to individual needs, such as experience of trauma, cultural background, particular disabilities or disorders should also be considered when seeking to improve relationships.

Focusing on school engagement

Children with complex needs and challenging behaviour are at greater risk of disengaging from school, with students with emotional and behavioural disorders having a particularly high rate of early school leaving. ²⁵ Students with a disability and students in out of home care (who often feature among the children and young people sometimes displaying challenging behaviour) also have comparatively low rates of school completion. ²⁶ School disengagement can lead to lifelong disadvantage, and is a risk factor for poor physical and mental health outcomes, unemployment and involvement in the youth justice system. ²⁷

Many of the students with a disability who were consulted by the Panel reported enjoying and feeling connected to their schools, but others expressed a level of disengagement from their education. When asked what they liked about school some provided responses including:

Not really anything; I would rather do anything else...read, see a movie, play a game...; the worst time in my life; I don't like doing school work. (Students with a disability)

Approaches that foster a sense of belonging are critical to help students with complex needs and challenging behaviour to engage in their learning:

If we fail to realise the importance of creating an environment where students feel they belong, where they are safe, where their voice is respected and where they are encouraged to learn... then we will struggle to actively and meaningfully involve students in the process of learning. When students are not involved and believe the teacher doesn't care, they are more likely to misbehave.²⁸

While it may be necessary to respond to challenging behaviour to protect the student and others, and sometimes behaviour cannot be managed within the classroom, it is important that responses to students with challenging behaviour do not further erode their emotional connection to and sense of belonging at the school. As discussed further in Chapter 11, minimising the use of suspensions and exclusionary withdrawal, where possible, can help to avoid a cycle of exclusion and school disengagement. Positive relationships with teachers and peers are an important mediating factor in encouraging students to stay at school, even when they find school work challenging, and to persevere in seeking to regulate their behaviour.

Student participation in decision-making

Participation of children and young people in decision-making is another important element of building relationships with students, and it is supported both by law and best practice. Students should be consulted, both in relation to school decisions which affect them individually and general decisions about school programs, activities and school change.²⁹ ETD encourages ACT Public Schools to foster student voice and participation within school communities.³⁰ There is a range of resource materials available to support schools to consult with children and young people, and to foster student participation and leadership.³¹

Two schools described to the Expert Panel their practice of developing personalised 'learning plans' with all students (not just those with a disability), as a tool for teachers to get to know their students, to talk to them about their views and allow them to identify their own goals for learning.

Recommendation 6.2: That ETD, CE, and each Independent School, develop and promote tools to assist all schools to meaningfully and regularly consult with all students about (a) their experiences at school; (b) decisions that affect them at school; and (c) the operation of the school.

6.6 Schools building relationships with parents/carers

The importance of the relationship between teachers and parents/carers cannot be overemphasised. Research indicates that parent/carer and family involvement in their child's learning is associated with reduced challenging behaviour.³² Staff should communicate with parents/carers in a way that nurtures positive relationships, and staff need to get to know their students, and the students' families, in order to identify how best to support them.³³

Parents' and families' ability to support their child to learn is significantly improved when they have a positive relationship with their child's teachers and school. Therefore good practice in this area involves: working hard to establish a positive relationship with their students' parents and families; trying to address factors that can act as barriers to parent engagement; and working with parents to encourage them to engage with their children at home in a way that reinforces what they are doing at school and encourages them to learn.³⁴

The more meaningful and active the communication between school and parents/carers, the better. Ideally, parents/carers should be involved in making key decisions about their child's education in partnership with the school, rather than simply being informed about school decisions. This should include collaborating in the development and evaluation of specific plans and programs for their child.³⁵

Parents/carers' perspectives on relationship building

Some parents/carers described ways in which school leaders and teachers took time to form relationships with them and to value their views and ideas:

The teachers that I have found the most approachable let me talk to them about any strategies that I have up my sleeve that they can try. The ones who have approached me after a day and go, 'Wow, what a day, your child has done x, y and z. I am not sure what to do, do you have any ideas?'. (Parent)

A few fabulous Assistant Principals who have taken the time to get to know my son, anticipated and adapted for issues and communicated well with my son and ourselves. Some lovely teachers (particularly Year 3 and 4), who listened to us and managed my son with warmth, humour, sensitivity and encouragement so that he flourished. Teachers who made time (and picked the right time) to discuss issues and improvements with my son with 'sandwich compliments'. (Parent)

This school has an outstanding leadership team and dedicated teachers. They are inventive and creative, ever prepared to go the extra mile. Communications are wide open and constant. (Grandparent)

Other parents/carers expressed disappointment or frustration with their experience of communication with their school:

I consistently feel out of the loop in regard to information regarding [my child's] schooling and get the impression that I should just feel grateful that he gets to go to preschool at all. (Parent)

As a parent, I would recommend that the Department take greater care not to make parents of students with disabilities feel like a resource burden. We bear the lion's share of the caring responsibilities and could do with a hand, not a battle. (Parent)

Barriers to parental engagement

A range of barriers prevent some parents/carers engaging with schools: a lack of understanding of the education system; negative past experiences of school; lack of confidence or comfort in engaging with school staff; financial stress; overwhelming caring responsibilities; lack of transport; lack of childcare; long work hours or inflexible schedules; poor health or disability; limited English; limited education, or a lack of knowledge and skills to support their child to learn effectively.³⁶

Carer stress, in particular, can significantly impact on parents/carers' capacity to communicate with the school. In addition to the physical, financial and social demands of caring for a child with a disability or challenging behavioural issues, these parents/carers can experience ongoing emotional challenges throughout the whole period of their child's education:

Children with special educational needs can be a source of both joy and emotional distress. As well as accepting their children, some parents might also reject them or be overprotective as they experience feelings of shock, denial, disbelief, anger, guilt, depression and shame at various times.³⁷

Some teachers demonstrated awareness of the impact of these barriers to parental engagement:

It is important to build a close relationship with parents so home environment can be better understood and we can work with the families to help them understand how schooling fits into their child's life. Some parents have had a difficult personal experience with schooling and improving the relationship between home and school can make them feel more welcome and able to approach teachers and work with them to benefit the student. (Teacher)

Parents of children with high needs are often unable to support the school. (School leader)

However, this recognition is not universal, and the Panel believes that some schools should provide social awareness training to help teachers understand the challenges that are faced by families with complex needs, and how attitudes act as barriers to parents/carers being able to engage with staff and support their child to learn.

Engaging with parents/carers when it doesn't happen easily

Some parents/carers may not come to the school gate, and may not return phone calls, despite multiple approaches by the school. Building relationships and fostering communication will not be easy in every situation, and good practice is to:

Recognise that building strong home—school relationships takes time and effort and that this effort often needs to be initiated by the school.³⁸

All schools experience challenges in engaging diverse groups of parents/carers, and there are several existing resources offering strategies to assist schools to engage with parents/carers/families and establish strong home—school partnerships. ³⁹ However, there is still scope for capacity building and a way to improve practice may be simply to reframe 'hard to engage' parents/carers as those whom we have 'not yet successfully engaged'. ⁴⁰

Perhaps foremost, schools should *ask parents/carers* how schools could become more accessible. For example, by establishing advisory or consultative groups with parents/carers to identify effective ways to facilitate communication, or working groups with staff and parent/carer representatives to develop a school wide policy and strategy for how the school will engage with parents/carers.⁴¹

In submissions, one school leader suggested the creation of a home—school liaison officer to build relationships with families. An advocacy organisation suggested ETD could fund third party advocates to facilitate communication; for example, where the parent/carer, or child has a disability or other complex needs. This may be helpful and can reduce conflict where relationships with parent/carers have become strained.

Chapter 13 discusses a range of professional development strategies to assist teachers and school leaders to work with students with complex needs and challenging behaviour, and their families.

ETD informed the Panel of the ACT Government initiative, Progressing Parental Engagement in the ACT. This initiative is being led by the ETD in partnership with the Australian Research Alliance for Children and Youth, CE and the AIS. A key aspect of the research is working with, and listening to, ACT parents/carers, families and the wider community about what matters most to them in their children's learning. The project will result in: (a) a shared understanding and definition of parental engagement, (b) a suite of fact sheets and resources for schools and parent/carers that support implementation of evidence-based best practice in schools for all parent/carers, with a fact sheet for schools specific to engaging with families of children with a disability, and (c) a survey instrument to facilitate baseline monitoring of the quality of parental engagement in ACT schools. Draft resources reviewed by the Panel appeared to be very useful and should be progressed.

Recommendation 6.3: That ETD, CE, and each Independent School, develop and promote practical resources to assist all schools to effectively engage with parents of students with complex needs and challenging behaviour.

Children and young people in out of home care

For children in out of home care (kinship care, foster care or residential care), the Director General of the Community Services Directorate (CSD) holds parental responsibility under Care Orders made by the Children's Court. In these situations, teachers can discuss minor or daily parenting matters with the child's carer; but in order to discuss health issues, or major or long-term parenting matters, schools must communicate with Child and Youth Protection Services (CYPS) and/or the community organisation that is managing the child's foster placement or residential placement.

Interagency collaboration is discussed in more detail in Chapter 12. We note that ETD has informed the Panel that they have recently established an Improving Educational Outcomes Committee with the Office for Children Youth and Family Support in which CYPS are based. We are told the Committee includes senior officials from both agencies, and from the nongovernment out of home care providers, and that they 'are working on maturing existing systems to improve educational outcomes' for children and young people in care. The Panel welcomes this initiative and looks forward to any announcements of outcomes achieved by this Committee, particularly in regard to the impact of policy on outcomes at school level.

The Committee will likely be aware that in Victoria and New South Wales there are partnership agreements, or memoranda of understanding, between the education authority and the child protection authority. ⁴² In Victoria, the agreement also includes the Catholic Education Commission of Victoria and Independent Schools Victoria. These documents establish clear and practical procedures to facilitate communication, and support children and young people in out of home care to maintain engagement in education. They clarify and coordinate each organisation's roles, and provide detailed guidance to staff in supporting children. It would benefit ETD, CE, AIS and CSD to negotiate a similar agreement in the ACT.

Recommendation 6.4: That ETD, CE, and AIS, negotiate a partnership agreement or Memorandum of Understanding with the Community Services Directorate to better meet the needs of students who live in out of home care, drawing on models such as the Victorian 'Out of Home Care Education Commitment'.

6.7 Communication with the wider school community

It is important for schools to communicate with the wider school community about the ways in which students with complex needs are being supported, and their challenging behaviour managed. Plainly there needs to be careful consideration of privacy obligations, but it is possible to do this.

Effective schools convey the message that it is a community responsibility to work together to support all students, and the school is committed to doing so. Good practice also involves school leaders talking to the school community about the systems in place within the school to manage challenging behaviour. This provides reassurance for all parent/carers that their children are safe. Additionally, this creates another resource that can be used by the school, as informed parents/carers can talk to their children at home about what is happening at school, and contribute to a supportive school environment.

Some parents/carers of children with challenging behaviour expressed sadness or distress at what they perceived to be negative judgements of other parents in their school. School staff should be proactive in dispelling confusion or prejudice and create a safer and more tolerant environment for all.

Other students need information

It may be appropriate in some circumstances, and with consent of the student and parent/carer, to talk sensitively with other students about a particular student's difficulties. This should be done in a way that is appropriate to the developmental level and understanding of other students. As noted in relation to students with experience of trauma:

The child may be causing disruption, which can be annoying for others. If other children don't have any information about this, they can make it more difficult by marginalising the traumatised child. Other children may be upset if they perceive that this child is receiving special treatment. With the agreement of parents, carers and the child, it may be useful to give some overview of the effects of trauma on children. This needs to be done sensitively and with regard to confidentiality, in cooperation with the child's therapist or case manager. 43

There are indications this is happening successfully in some ACT schools:

The school gives my son choices about how much information on his condition is shared with the class, how we manage issues with the school and a clear understanding of the consequences of his behaviour and discussion of triggers, how people felt etc. after the storm passes. (Parent)

The families of other students in the class are satisfied that we are managing the situation and express gratitude about many aspects of the way we provide opportunities for students to express how they feel and suggestions they [students] would like to make. (Teacher)

The Panel was told by several parent/carers and students that 'people talk' following behavioural incidents at schools, either literally at the school gate, or electronically through social media. One parent stated that it was difficult for their child to return to school knowing so many of the students had been communicating by social media about what had happened. A more proactive approach of talking with students about these issues and reinforcing expectations of privacy and sensitivity may assist to reduce such harmful use of social media. This illustrates that responsibility for issues associated with students with complex needs and challenging behaviour is not just for schools alone; it is a whole-of-community obligation.

Other parent/carers need information

The Expert Panel received submissions from parents whose children have been affected by challenging behaviour at school. Several parents expressed support for the inclusion of diverse students at their school, but also expressed a clear desire to be informed about the way challenging behaviour is managed, and for information to allow them to communicate with their own children about their school experiences:

I am a parent of a child in a small primary school that seems to have its fair share of students with complex needs and challenging behaviour. My children do not fit into this category, but are affected by children that could be described in this way. One of the things that I have noticed in the way these issues are handled, at least in our school, is that there has been virtually no communication with parents in the classes where such kids are located that helps us to understand the issues of these children and communicate with our kids about what is going on. As parents we need to be informed in a basic way about what the special needs other children may have, where it is possible and appropriate to convey some description of what the child's challenge is. This would help us to sensitively discuss this with our children, and in turn help the integration process. (Parent)

Privacy and health records legislation restrict the disclosure of personal health information about a student or their family without consent, with only limited exceptions. However, in many cases children and young people with complex needs and challenging behaviour, and their parent/carers, may consent to the sensitive and appropriate sharing of limited information for the purpose of assisting other students and their families to be more understanding and supportive. Where it is not possible to obtain consent for specific information sharing, it is often possible to share general information about the needs of students within the school, without identifying any particular student. For example, a school newsletter could include a discussion about an issue such as trauma, and provide an overview for parent/carers about how these experiences can affect student behaviour, and how students are supported within the school.

Communication following incidents

Communication is particularly important following an incident. Schools may need to help parent/carers to support the adoption of a restorative (rather than a punitive) approach to student discipline. Good practice involves schools being 'proactive in contacting parents when their child has been involved in an incident (either as an instigator or an involved party) and explaining the action that the school is/has taken and the reason for it'. ⁴⁴ Where another student has been injured or affected by a student with complex needs and challenging behaviour, it is important that the family understands the complexities involved and how the school will ensure that future risk is addressed:

The child and their parents will need to be listened to attentively and given an explanation of the [other student's] behaviour that does not compromise confidentiality. They will also need an understanding of the school's plan to manage such incidents in the future. Parents may need several meetings to feel thoroughly heard in these issues. Other children who have witnessed a challenging incident may need an opportunity to talk about the incident and be reassured that they will be safe in the future.⁴⁵

After a challenging event, teachers should allocate time to debrief with all staff involved; review the behaviour support plan or individual learning plan with the student, parent/carer and support workers/professionals (did the plan work in the way it was intended? could anything else have been done?). 46

Given the fact that sustained and positive relationships between schools, students and parent/carers can help reduce challenging behaviour, it is appropriate for schools to ensure their communication procedures following incidents are as effective as possible. One school leader highlighted the importance of responding quickly to an incident or disagreement, and speaking with everyone involved, in order to resolve the situation and restore relationships:

Gathering accurate information about a situation or problem was vital, speaking to the student as soon as possible to establish more detail about a problem or event, seeking advice and information where necessary from other staff and parents, addressing problems promptly rather than letting things build up for too long, all these things were important. Mediating in tense situations between a teacher and a student was vital. Being seen to be fair and reasonable was also important, so that both students and teachers felt that they could trust you and that you would not automatically 'take sides' against them. (School leader)

The Panel believes that fair and timely investigation of behavioural incidents and sensitive communication with all affected parties is an important aspect of managing relationships, and creating a culture where all students feel valued and safe.

6.8 Conclusion

This chapter examined the perspectives of students, school leaders and teachers, and parents/carers about the network of relationships that can help to achieve a connected and supportive school environment. Key points covered in this chapter include:

- Creating a child-centred and inclusive school culture that proactively seeks to meet the needs of all students is an important foundation for supporting students with complex needs and challenging behaviours.
- School leaders shape school culture, the attitudes actions of staff, and their interactions
 with students and families. Frameworks and resources such as KidsMatter and
 MindMatters will help schools to develop positive and inclusive school cultures.
- School leaders should help to frame teachers' understanding of and attitude towards students with complex needs and challenging behaviour. Relationships between school leaders and teaching staff, and among teachers, are vital in providing support, coaching, opportunities for reflective practice, and identification of teachers' need for assistance to manage very challenging behaviour.
- The importance of teachers developing supportive and effective relationships with students with complex needs and challenging behaviour. Positive relationships improve student learning, reduce incidence of challenging behaviour and foster engagement at school.
- Strategies for developing relationships include: making efforts to get to know students and their interests and strengths; creating a positive and supportive class climate; listening to and valuing students' perspectives, and taking into account their views about school and classroom issues that affect them.
- As relationships are a priority, time must be invested in them, especially relationships with students with complex needs and challenging behaviour.
- Relationships with parents/carers and families are critical in supporting student behaviour. Despite the undoubted difficulties in effectively engaging some parent/carers, teachers and school leaders must go 'the extra mile' to develop these relationships.

- Some parents and carers of children with complex needs and challenging behaviour report very positive and collaborative relationships with schools, while others feel that schools do not respect their views and suggestions.
- Strategies to develop better relationships with parents and carers include: understanding the stress that parent/carers may be experiencing; persevering in establishing contact and trust with parents who may face a number of communication barriers; valuing their knowledge and expertise about their children, and finding ways to communicate regularly, emphasising successes as well as concerns.
- It is important for schools to consider relationships and communication with other parent/carers and the school community as a whole, to build support for diversity, and to help manage understanding and perceptions of safety at the school.

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CHAPTER 7:

Settings and Placements

7.1 Introduction

This chapter explores issues relating to educational settings and placements for students with complex needs and challenging behaviour, the inclusion of these students in mainstream classrooms, and placements in specialised settings and alternative programs. In this chapter we identify gaps in the availability of appropriate settings, and ways in which settings and placements could be improved to facilitate child-centred practice that is inclusive of all students.

We note the gap in services and settings for students who do not have a recognised disability but who have very challenging behaviour that is not well supported in mainstream settings. We recommend a whole-of-government approach to ensure the availability of a range of options for these students to provide the support and therapeutic intervention that they require.

We recommend improvements to the placement process for students in learning support units and greater consultation with schools and teaching staff to ensure compatible placements of students in these units.

7.2 Inclusive settings

During the Panel's consultation, many participants noted the importance of inclusion, and inclusive schools, generally referring to the inclusion of students with recognised disabilities, such as Autism Spectrum Disorder (ASD), in mainstream schools.

Students with complex needs and challenging behaviour are a heterogeneous group. Some of these children and young people have a recognised disability, and their behaviour is associated with their disability, while others display challenging behaviour that reflects exposure to trauma or other very difficult circumstances. For some students there may be no clear diagnosis or discernible explanation for their behaviour, but they may require significant support and adjustments to manage in a classroom setting.

The Panel considers that inclusive practice must focus less on a particular diagnosis of disability or disorder and more on the individual learning and support needs of each and every student. As discussed in Chapter 6, a positive and engaging school culture that prioritises high-quality relationships to support wellbeing and learning has benefits for all students.

Inclusive practice has advantages not only for students who are 'included' and who may develop greater social skills and self esteem, and have improved academic opportunities with a diverse peer group, but also for other students who may gain an appreciation of diversity, equality and social justice, and develop greater empathy for their peers.¹

A parent stated:

I personally welcome integration of children with various special needs into a normalised environment, it is both good for them and can be for the other children to appreciate that other kids deal with all sorts of things and as a community we need to help and support them. (Parent)

Conversely, specialised placements based on behavioural needs may reduce the impetus for schools to develop more positive cultures and to become more receptive to the needs of the diverse children and young people in the community. As Burrello et al. note, perhaps the most problematic consequence of placement in specialised settings is that:

It compartmentalises responsibility for the education of these students. The school as an organisation is relieved of responsibility for those students and as a result is not required to adapt itself to their diversity.²

The creation of a student-centred and inclusive school culture requires more than simply placing students in a mainstream setting and making individual adjustments. Appropriate school design and infrastructure are key factors in creating welcoming, inclusive environments and deescalating volatile situations (as discussed in Chapters 8 and 11).

While supporting greater inclusion for all students, the Panel also recognises the benefits of specialist placements for some students with a disability who have higher support needs, and the current continuum of settings and placements, which offers flexible options to meet individual needs. The Panel also supports alternative education settings for students at risk of disengagement from secondary school. These settings provide a valuable safety net and individualised learning for those students who might otherwise lose the opportunity to complete their education.

Placements and settings in ACT schools

Students with complex needs and challenging behaviour attend ACT Public Schools, Independent Schools and Catholic Schools throughout the ACT.

The Education and Training Directorate (ETD) policy provides for a continuum of settings and placements for students who meet specified disability criteria:

A range of educational services and settings will be provided to accommodate the diversity of curriculum, resource, environmental and support needs of students with a disability. This will include special provisions, such as special schools and support units/classes, where parents/carers and professionals agree such placements are in the best interests of the students.³

In 2015, of the 2,926 students who fall within the ETD criteria for disability, 2094 attend ACT Public Schools. Of these students, 713 students are enrolled in Learning Support Units or Centres within ACT Public Schools⁴ and 319 attend Specialist Schools for students with a disability,⁵ while the remaining students are in mainstream settings with some level of funding for additional support.

Catholic Schools and Independent Schools generally provide 'mainstream' settings only (apart from the Galilee school and Anglicare Youth Education Program). Independent Schools offer a range of approaches and philosophies (and variation in class sizes), which can provide alternative approaches for students with complex needs and challenging behaviour.

The Connect10 and Achievement Centre programs offer placements for a small number of students with complex needs and challenging behaviour in Years 7–8 and in Year 10 at high school, but there are gaps in the provision of alternative settings.

Mainstream settings

Most students with complex needs and challenging behaviour in ACT schools are in mainstream classrooms. Placement in mainstream classes may reflect parental preference or the student may not meet criteria for specialist disability placements. The level of additional support available to meet the needs of these students in mainstream settings varies considerably.

ETD provides inclusion support for students who meet disability criteria. These criteria prescribe a level of intellectual disability, language disorder, physical disability, hearing or vision impairment, pervasive developmental disability, mental health disorder or chronic medical conditions. These criteria are narrower than the definitions of disability in Commonwealth and Territory discrimination legislation, and many students with complex needs and challenging behaviour will fall outside the ETD criteria, including some students who have serious emotional and behavioural disorders. The level of funding for supplementary support for students who do meet these criteria is determined through the Student Centred Appraisal of Need (SCAN) process.

A report prepared for Education Ministers in 2014 estimated that up to 18.6% of students in mainstream schools across Australia would meet criteria for disability under the *Disability Discrimination Act*; however, specific funding is allocated by the Commonwealth Government for inclusion support for only 5.1% of students.⁷ Funding is further discussed in Chapter 14.

Perspectives on mainstream settings

Parents/carers' perspectives

Many parents and carers praised the care and dedication of individual teachers in mainstream classrooms, across all sectors, and some reported extremely positive experiences at particular schools:

Currently, my child appears to be really enjoying his daily experiences at [High School], and I do believe it is due to the teachers building a relationship with him, and with us, and also due to the schooling program offering such various subjects and opportunities for him to engage in his schooling through varied activities, eg: engaging, PE activities, enrichment activities, cooking, band opportunities (even when he is not particularly skilled with instruments). We have found them very inclusive and encouraging of all children, building on their strengths and interests. (Parent)

However, other parent/carers reported concerns about their children not being fully included or participating with other students, because of their complex needs and challenging behaviour. Some parent/carers described their children missing out on excursions, camps and classroom activities because of behavioural issues. Others felt that the supports provided to their child isolated them from other students:

A common view of inclusion is to have the disabled student shadowed by an LSA and engaged in tasks away from the class, or the student is intentionally left out of classroom activity. (Parent)

Many parent and others noted that despite the policy of inclusion, in practice it was difficult to achieve or sustain the inclusion of students with high behavioural support needs in mainstream classes:

We feel a bit stuck. Our daughter is doing very well in the mainstream setting... and she is developing friendships, but requires that one-on-one assistance to make it through the day safely. The school is willing for us to send in carers for 2 hours every day, and I know that many other schools would not allow this. (Parent)

This is a laudable ideology, but successful implementation requires a much greater level of awareness, training and support than is currently available in mainstream schools. (Advocacy group)

Some parent/carers of children with complex needs and challenging behaviour spoke about their feelings of helplessness and frustration when a mainstream placement was not successful for their child. This was particularly difficult where their child did not meet disability criteria for specialist placements, and there were no alternative setting or other options available to meet their child's needs:

I have great concern for children such as mine who do not fit into the box and struggle to cope in a general high school setting. (Parent)

A number of parent/carers spoke to the Panel about their children with complex needs and challenging behaviour receiving repeated formal and informal suspensions, and their experiences of being called frequently to pick their child up early, while others reported that they had been asked to agree to part time attendance. One parent reported that the cycle of suspensions began when their child was five years old, in kindergarten. Some parent/carers discussed feeling that they had no option but to seek a transfer to another school for a fresh start, but this became increasingly difficult:

Overburdened schools close ranks and make it impossible for parents to continue their child in the system. Eventually parents are forced to give in and move on to repeat the same drama over in one school after another until they give up and home school, or the child gives up and drops out completely, often following the predictable path of the socially marginalised. (Parent)

Perspectives of teachers and school leaders

School leaders and teachers in the government and non-government sectors expressed strong support for inclusion of students with a disability and special needs in mainstream schools, and for creating a culture that is inclusive of all students. As one teacher stated:

I absolutely support the right of any child to attend their local school and will do whatever is possible to ensure that children who attend my school have access to a respectful, inclusive and quality education. (Teacher)

However, some expressed concerns about the difficulties of meeting the needs of some students with very challenging behaviour (including students with and without disability) in mainstream classrooms, and the effect on other students:

At the heart, is the elephant in the room — every child has the right (and under law is required) to go to school and we value individual rights and, above all, the rights of a parent choose a school for their child. This is now posed against increasing community concern that groups of children in classes and their teachers need to be safe. Finding the balance is always hard, especially where parents want their child to be in a mainstream class. (School leader)

Principals and school communities are experiencing marked difficulty with a very small percentage of students exhibiting complex needs and extremely challenging behaviour. In recent times this has resulted in crisis situations for some schools. Students are sometimes placed in settings which are not optimal for their needs because of parent preferences. As a result of less than optimal placement, some students act-out or exhibit signs of distress. (School leader)

There are more challenging behaviours in classrooms and students are mainstreamed without extra help. We are asked to differentiate in the classroom and have more content to teach and assess more often. I feel sorry for many of the mainstream students who have to put up with these challenging behaviours in the classrooms and their learning is disrupted. (Teacher)

A number of school leaders and teachers raised the idea of a 'tipping point', in terms of the number of students with complex needs and challenging behaviour who could be well supported within a mainstream classroom or school. Most schools work successfully with a small number of students with very challenging behaviour, but struggled as numbers increase. Many felt that there was an inequitable distribution of students with complex needs and challenging behaviour in Public Schools. There are more students with a disability in the public system, and it is likely that there are greater numbers of students with complex needs and challenging behaviour in this sector. The Panel did, however, receive many submissions raising concerns about these issues in Catholic Schools and in some Independent Schools.

Students' perspectives

Many responses from students showed a great degree of empathy and understanding for students with complex needs and challenging behaviour:

Some students have mental problems and may lose their temper at other students or teachers. I don't think it is fair, but I understand that they may be feeling this way. (Student)

Nevertheless, the majority of students reported that the behaviour of other students made it hard for them to learn 'most days'.

Students with a disability who participated in consultations also referred to difficulties concentrating and learning in mainstream classes as they were affected by the disruptive or inconsiderate behaviours of other students:

Obviously the other kids disturbing the class a lot, which is normal; Other people in the classroom who mess around and do silly stuff; When the classroom is noisy it is hard to do your work. (Students with a disability)

Service gaps

The information received by the Panel indicates that the current approaches and levels of support are not meeting the needs of all students with complex needs and challenging behaviour. Although human rights and discrimination legislation and policy provides a helpful framework, there are gaps in the supports, resources and training available to meet the needs of all students and to ensure that they remain engaged at school. One teacher stated the dilemma as follows:

The problem is that you pass legislation to ensure all students attend school and don't address the underlying issues. We now have an entrenched group of young people who are lost to education and we have alienated their families with very heavy-handed communication processes and back this up with minimal support and no whole of government approach. (Teacher)

The Panel believes that even the most challenging behavioural concerns can be successfully addressed or reduced through a range of evidence-based interventions, including teacher training and coaching, and implementation of programs such as school-wide positive behaviour support, as well as more targeted, collaborative interventions and increased staffing supports. However, we also recognise that it may be exceptionally difficult to meet the needs of a particular student with very violent behaviour in a particular mainstream environment. In these situations the needs of all students must be considered. Disability discrimination legislation recognises that it will not be discriminatory to fail to accept the enrolment of a student with a disability in a particular educational setting where the adjustments required would cause unjustifiable hardship to the school. However, in such cases it is critical that an appropriate

alternative placement is found for the student that will meet their educational and behaviour support needs.

Students with challenging behaviours who do not meet disability criteria

While some students with a disability may have options of specialist placements in units or specialist schools, there are currently no specialist settings for students in the ACT who do not have an intellectual disability or ASD, but who have very challenging behaviours that are not responsive to systematic interventions in a mainstream classroom setting. As discussed further in Chapter 9, an evidence-based approach to positive behaviour support, including functional behaviour analysis, trauma-informed approaches and additional staffing support should allow these students to be more successfully included in mainstream education, and this should be the primary focus of intervention.

It appears that there is a small number of students with very challenging behaviour in the ACT School system who are currently not receiving an adequate education, as they cycle through repeated suspensions, are reduced to part time attendance, or are transferred between successive schools, with each struggling to meet their needs. It is difficult to quantify the numbers of these students, as available suspension statistics do not identify how many times an individual student is suspended, and do not include informal suspensions (where a parent/carer is called to take a child home) and reduced hours.

The Panel was told that some students with very challenging behaviour significantly affect the learning of other students and compromise the safety of staff and students, when not adequately supported. Allowing students and teachers to be placed at ongoing risk, without taking effective steps to minimise this risk, is inconsistent with the duty of care owed to students and the work health and safety obligations owed to teachers and others in the workplace.

The ACT Public School system once provided six behaviour management centres for primary schools spread across five locations in primary schools. These were reviewed in 2003 and subsequently disbanded, with the commitment that supports would be improved for these students within mainstream schools⁸. The 2003 Review found weaknesses in the behaviour management centre model, particularly in relation to isolation of the classes within non-supportive host schools, lack of expert staff and inadequacies of the therapeutic supports provided. The Review also noted difficulties with the inflexibility of the 20 week programs, and lack of success in reintegrating students into their home schools:

The current behaviour units have become a series of separate programs with limited effect in changing the learning environment of the home class. Many students have limited success in reintegration, largely because of very limited involvement of classroom teachers in the process.⁹

The Review suggested replacing the six centres with two behaviour management classes placed together in a central location, to cater for students with serious behaviour disturbance. It was suggested that the units have specialist staffing develop a team approach, including the referring school. This suggestion was not implemented.

Other states such as NSW have adopted a 'behaviour school' model (now called learning centres) for students with challenging behaviour. Such models have received mixed reviews. Critics have highlighted the lack of reintegration of students in behaviour schools into mainstream schools:

While NSW behaviour schools were initially established as a short-term intervention response, government reports note that enrolments of up to four years are not uncommon and that less than half of students referred to these settings return to their home school. It is not yet understood however whether students' lack of return to mainstream schooling is due

to a failure in the ability of behaviour schools to effectively rehabilitate disaffected students or the resistance of home schools to allow and support students' return – or a combination of both.¹⁰

They have also questioned the lack of academic rigour of these programs and the concern that:

Low intellectual demand and decreased focus on academic learning in behaviour schools could in turn be contributing to a widening of the gap between these young people and the academic curriculum with far-reaching implications for re-entry to mainstream schools, opportunities for future study and gainful employment.¹¹

More fundamentally, it is of concern that the existence of such schools can undermine the aim of inclusion and remove the impetus for mainstream schools to become more skilled at supporting all students. The number of students enrolled in behaviour schools in NSW more than doubled from 498 in 2001 to 1204 in 2013, 12 suggesting an increasing reliance on these specialist settings as a safety valve for mainstream schools, and a net widening effect, which may not be in the best interests of students.

Nevertheless, it has been argued that evidence-based interventions for students with serious behavioural issues require expertise, time and consistency and can be implemented with greater fidelity in a small group specialist setting. ¹³ Some research suggests that students with behavioural disorders have positive experiences in more personalised, small group environments with supportive teachers. ¹⁴

The Panel believes that reform efforts should be primarily focused on improving the capacity of mainstream schools to engage and support students with emotional and behavioural issues, rather than establishing new specialist placements.

Nevertheless, it is vital that all students in the ACT have access to a school setting that welcomes and supports them and meets their needs, even where these needs are substantial. Students and their families should not simply 'run out of options' or be encouraged to agree to part time schooling where a student displays extremely challenging behaviour. In keeping with the objectives of the *Education Act*, the ACT Public education system must strive to provide a high-quality education that is accessible to all students within the ACT community. Providing appropriate intervention for these students as early as possible and ensuring that they remain engaged in education is likely to have long-term benefits for the students and for the broader community.

In the Panel's view, a strategy must be developed and implemented by the ACT Government to provide a range of options for education and appropriate therapeutic intervention for those primary school students with extreme challenging behaviour and who do not meet criteria for existing specialist education settings. A whole-of-government approach for these students, drawing on the resources and expertise of the ACT Health Directorate and the Community Services Directorate (CSD), is likely to be most effective for these students.

The option of a therapeutic education program for a small number of primary school students with very challenging behaviour should be carefully explored, bearing in mind the risks and possible benefits of such an option.

Recommendation 7.1: That the ACT Government, in consultation with ETD, the Community Services Directorate, and ACT Health, develop and implement a range of options to ensure that primary school students with very challenging behaviours are able to access an appropriate educational setting (or combination of settings), that provides them with appropriate behavioural support and therapeutic intervention.

7.3 Specialist units and centres

Specialist Disability Units and Centres are located in ACT Public primary schools, high schools and colleges, and aim to provide integration with mainstream students. These are divided into Learning Support Units (LSU), Learning Support Units – Autism Specific (LSU-A) and Learning Support Centres (LSC):

- LSUs are small classes of up to eight students. Students must meet the ACT Student Disability criteria for intellectual disability or ASD to be placed in these programs. ¹⁵ There are currently 207 students enrolled in LSUs in 11 primary schools, eight high schools and four colleges across the ACT. ¹⁶
- LSU-As are small classes of up to six students. Students placed in these settings must meet the ACT Student Disability criteria for ASD. There are currently 166 students in LSU-As in 15 primary schools and nine high schools.
- LSCs are classes for students with a significant learning delay, a mild intellectual disability or who meet the ACT Student Disability criteria for ASD. There are currently 340 students in LSCs located in 14 primary schools, eight high schools and two colleges.

A table with the location of each unit and centre appears at Appendix H.

Although they have the same broad criteria, units in different schools have varying approaches regarding integration with mainstream classes. Some units operate relatively independently and are physically isolated from mainstream classrooms, with lower levels of integration, while others are connected to a mainstream classroom and work closely with their buddy class. Others integrate students with mainstream classes for some subjects or activities. Placements in the units and centres are completed through the Central Placement Panel, rather than through general school enrolments.

Experiences of specialist units

ETD does not currently publish the location of the specialist units and centres on its website, although it provides information to parent/carers on request. Several parent/carers reported that it could be difficult to find information about the options offered at different schools and how to access them:

There is no information or advice provided about how to access these units, we only became aware by accident, despite having engaged the services of the ACT government to support us in managing our son's Asperger's diagnosis. (Parent)

The Panel heard a range of different views from parents and carers about their children's experiences in specialist units. Many parent/carers expressed a preference for highly integrated units, and saw these as a good combination of specialised small group support within an inclusive mainstream environment:

My child's school is in a very unusual situation where I feel it has the 'best of both worlds' in how their classrooms are set up to cater for our children. My child has been given the security and learning opportunities of a small classroom environment with LSA support, and the opportunities to work with the mainstream classes based on an experienced teacher's knowledge of how much she can cope with. The ability to withdraw to a small classroom environment and continue to learn has been vital. (Parent)

Others parent/carers raised concerns about isolation and lack of friends and role models within the small group environment, particularly where the group included students of widely varying abilities:

The shift from a mainstream environment which was failing her, to being surrounded by children with disparate and often severe needs in her small class still leaves her with feelings of isolation and frustration. She is now in a group with whom she has little in common. (Parent)

From the accounts of parent/carers and teachers, it appears that some individual schools make the decision to place students with very challenging behaviour into their specialist unit/s, as a way of reducing the impact of their behaviour in a school community, although they might not meet the formal placement criteria of intellectual disability or ASD. In some cases this might represent a pragmatic approach to placement and this may be in the interests of the student (given a lack of other options), but in other cases it appears that such placements in units are detrimental both to the student with behavioural issues and other students:

I have come across schools where students are simply placed into Learning Support classes, and become a behavioural management problem for those teachers who are already dealing with students with special needs. This is not an adequate solution and it really does not support these students and can be seen as rewarding by them. (Teacher)

Some parent/carers also raised concerns about a lack of academic aspiration for students in the units, and expressed fears that their children would achieve lower learning outcomes in this setting:

My daughter has been placed in a Learning Support Unit with children with serious intellectual and physical disabilities, while she has behavioural problems as a result of trauma. She is not learning anything there. They have low academic expectations and she is bored. The standard of her work is deteriorating and she is going backwards. (Parent)

The perspective of teachers

Special education teachers working in Specialist Units and Centres raised a number of issues including the need for further professional development and support and training for Learning Support Assistants. These issues are discussed in detail in Chapter 13.

Many of these teachers raised concerns about the way that students are allocated to the Specialist Units and Centres by the Central Placement Panel without any opportunity for school leaders or teachers to have input into the placement decision, which they consider can lead to placements that are inappropriate or disruptive:

We can have a group in a Unit that is just working together really well, and everyone is learning and making progress, and then this is completely disrupted by another student with challenging behaviours who is added to the mix without consultation. No one considers the group dynamics. (Teacher)

The way students are placed into LSUs urgently requires review, methods are haphazard and border on ridiculous. There is no consultation with the schools, no understanding of the current situations or cohort of students in the units, no consideration for capacity to deal with further extreme behaviours, no consideration of the needs of the students currently in the LSU and no consideration of teacher capacity. (Teacher)

ETD informed the Panel that the Central Placement Panel consists of Disability Education staff who have knowledge of placements and availability, and Senior School Psychologists and Disability Education Partners from each school network, who have knowledge of the individual students and the units within their schools. They state that the Central Placement Panel works collaboratively to provide a best fit for each student which includes:

- identifying individual needs;
- the available settings;
- parental preferences;
- the distance between the setting and the student's home;
- what school the child's siblings attend;
- friendship group requests;
- and the current student profile in the unit.

The Central Placement Panel may approach individual schools and families for further information. At the completion of this process schools and families are notified of the outcome and Disability Education Partners begin working with schools on the transition process.

While it appears that the process takes into account many relevant factors, the consistent concerns raised by teachers and school leaders in several units in different schools indicate that there is a greater need for negotiation with schools that take responsibility for these placements.

Although units have much smaller class sizes than mainstream classes, it is expected that teachers in these units will manage a wider range of behavioural issues. These teachers report that with the move towards mainstreaming, many students in the units now present with more significant disabilities and more extreme behaviours.

Some special education teachers told us that they felt supported and enjoyed their work in units; however, a small number reported feeling isolated and unsafe. While mainstream teachers can generally call on executive staff for support with behaviour management, some teachers reported feeling an expectation that they manage the behaviour within the unit. A small number reported feeling ill-equipped to respond to the violent behaviour of students with severe disabilities or to protect or support their Learning Support Assistants and the other students:

I was teaching in an autism unit. During this time I worked with a number of students with extremely challenging behaviours such as biting, spitting and physically attacking staff and students. I sought help from my executive team with very little result other than referring me to the school counsellor. (Teacher)

The level of violence increased and I expressed concern to the school that due to the physical environment, that at times the only way to maintain safety was to physically put ourselves between [student] and [other students]. I stated that this was unacceptable and posed a risk to us and everyone else in the unit. I am happily working again but in a specialist school. The students are challenging but the support and behaviour management plans work. I will not consider teaching in a unit within a mainstream school again. (Teacher)

7.4 Improving practice in specialist units

Units that are closely integrated into mainstream settings can provide the 'best of both worlds' for students who require small group support but can participate in mainstream classes as far as possible, and have opportunities to mix with mainstream peers. However, there is a risk of isolation of students and teachers in units, particularly where these are not physically adjacent to mainstream classrooms and where there is not a high level of involvement with the school's overall program.

A key factor in the success of units is ensuring a compatible mix of students. While capped enrolments in each unit and the many factors that must be considered to find a placement that meets parent/carers' and students' needs (including location) make the process complicated, the Panel believes that more recognition of the views of the school about a proposed placement would assist to reduce risks associated with incompatible placements, and allow schools to better prepare for the enrolment of students with very challenging behaviours. As there are many competing interests, action needs to be taken to resolve them in a principled way.

Recommendation 7.2: That ETD consult stakeholders and develop and publish a policy and procedure regarding the placement of students in Learning Support Units and Centres, covering issues including: timing, eligibility criteria, and rights of review of placement decisions.

Recommendation 7.3: That the Centralised Placement Panel provide information about the profile and needs of prospective students to the relevant ACT Public School Principal, and consult with schools before reaching a decision to place a student in a Learning Support Unit.

7.5 Specialist schools

The ACT Public School system includes five specialist schools for students with a disability:

- Cranleigh and Malkara School are specialist primary schools for students with a moderate to profound intellectual disability, or ASD, who require intensive levels of support.
- Turner School operates as a primary school with a predominant enrolment of mainstream students and a substantial (approximately 25%) enrolment of students with disabilities. Students with disabilities at Turner attend units or mainstream classes (or a combination).
- The Woden School and Black Mountain School are specialist secondary school settings for students in years 7 to 12 with an intellectual disability or ASD.

Perspectives on specialist schools

Parents/carers' perspectives

Parents and carers shared with the Panel a range of experiences with specialist education, and expressed differing views on separate schools for students with a disability. Most parents/carers considered it important to have specialist schools as part of a continuum of options, even if they would prefer greater inclusion for their child. Many reported positive experiences and highlighted the resources and expertise available at specialist schools and the ability of staff to manage the extremely challenging behaviours without recourse to suspension or exclusion from the school. As one foster carer stated about a specialist primary school:

The school also has a 'buck stops here' attitude where no matter how challenging the behaviour, they will find a solution, collaborating as needed. The most important thing is that the school has been willing to collaborate with me, trauma educators and other parties to come up with the best programs and supports for the child. At the moment that has led to

a program focusing on his needed skills, self regulation, interpersonal communication etc. rather than the usual school focus. (Carer)

Some parent/carers and advocacy bodies felt that the ACT Public School system as a whole encouraged the segregation of students with higher needs through a lack of appropriate supports in mainstream environments. One parent suggested giving parents and carers more control over the use of funds allocated to support their child:

I think that ultimately we should close the special schools which don't encourage inclusion, and reinvest the money spent on these schools on individual support for students in mainstream settings, and independent settings of the parent choice, subject to reasonable guidelines. I would like more control over the funds, and to be able to employ teaching staff who are qualified and professional for my son. (Parent)

The perspective of teachers

Teachers at specialist schools generally reported feeling supported by their leadership teams and having adequate facilities and resources to manage students with complex needs and challenging behaviour.

One teacher who had worked in specialist and mainstream schools felt that specialist schools compared favourably with units and classrooms in mainstream schools:

When I think about my experience while working in a specialist primary school in Canberra, it appears we have adequate resourcing to accommodate student needs. There are small class sizes; funding for staffing such as LSAs, therapists and other support staff; appropriate professional development opportunities; IT support and access; purpose built teaching and learning spaces; appropriate play spaces to accommodate safety and learning; and opportunities and resources to give students access to community programs. (Teacher)

Another staff member at a specialist school told the Panel that her dream was that eventually the school would not need to exist at all as a specialist school. She thought that ideally all students would attend mainstream schools, being part of a real community nearer to where they live, and specialist staff could operate as a 'satellite support system' for staff in mainstream schools.

The Panel recognises that specialist schools are seen as a valued part of the continuum of settings for students with moderate to profound disabilities in the ACT, and that they enable provision of specialist facilities and services for students with high physical and behavioural needs that may not yet be feasible to provide in a mainstream setting. Nevertheless, future planning in this area should acknowledge the importance of choice and control for students with a disability and their families, consistent with the philosophy underpinning the NDIS. Specialist schools should continue to pursue opportunities for greater integration of their students with students in mainstream schools. It would be advantageous if specialist schools continued to expand their role as centres of expertise in teaching students with a disability, and be supported to share this expertise with mainstream schools and units, through formal as well as informal mechanisms.

7.6 Alternative secondary school settings

The ACT Public School system provides some alternative programs and settings during high school years for students who are disengaged or at risk of disengagement from mainstream schools. Although not targeted only towards students with complex needs and challenging behaviour, many students who attend these programs face significant social and economic disadvantage, and their behaviour reflects these difficulties. These programs operate in Years 7—

8 (Achievement Centres) and Year 10 (Connect10). The Galilee School is an Independent High School which takes enrolments from young people involved in the care and protection or youth justice systems. The Youth Education Program is an alternative high school program run by Anglicare, targeted to young people who have disengaged or are at risk of disengaging from high school.

Achievement Centres

There are currently three Achievement Centres based in Wanniassa, Campbell and Canberra High Schools, which each serve a larger catchment of neighbouring high schools. Students are referred by their home school, or can self refer, during Years 7–8. The centres cater for students who have experienced difficulty in the transition to high school or are at risk of disengagement from school. Most students enrolled in the program have complex needs and/or challenging behaviour.

The centres operate on a 'displacement' model, where students attend the Achievement Centre program for 20 weeks for intensive support, then return to their home school. The teacher to student ratio is high, with three educators and a maximum of 18 students enrolled in each program. At times these enrolments have not been full, so students have had more individualised attention. The program focuses on supporting students' development in literacy and numeracy, as well as in social and emotional learning, building confidence and resilience, and preparing students for successful re-engagement with their home school.

Students at one Achievement Centre expressed very positive feelings about the program. A number referred to negative experiences they had had at their home schools, and talked about feeling welcomed and accepted in the small group environment of the centre. Others spoke about the importance of explicit and individualised teaching. One student stated:

I've learned more here in a week than in all of Year Seven. (Student)

Teachers spoke about the strengths of the model at that centre, which had a team of staff who had experience in working with 'at risk' young people, as well as strong skills in teaching literacy, numeracy and art, and who were comfortable managing challenging behavioural issues in a small group environment. They emphasised the importance of a rigorous assessment of each student's educational strengths and weaknesses at the beginning of the program to pinpoint learning needs, as well as building strong relationships with students and their families. The reduced student to staff ratio allows teachers to take a case management role for each students, and they focus intensively on building skills and confidence without the pressure of the curriculum.

While students may make significant gains while in the program, and re-engage with learning, the relatively short duration of the Achievement Centre program is a drawback, as it can be hard to maintain the progress made during the program when a student returns to their home school, where multiple teachers and larger class sizes offer less personal attention. As one teacher noted:

Schools needs to see the period that they are away as more than a respite for the class and teacher, and use that time to prepare for re-entry, changing the environment and planning how to make the curriculum work better for that student. Unfortunately this doesn't always happen. It's not enough to change the student and then send them back to the same environment. (Teacher)

Achievement Centre staff write a report on the needs of each student and provide this to mainstream teachers when the child is returned to the school, but it is not clear that mainstream

teachers are able to implement the required level of support for individual students to maintain their engagement. There is an advantage for students returning to the high school which hosts the Achievement Centre, as they continue to access informal support from centre staff when they return to the mainstream classrooms.

This interaction between the Achievement Centres and the home schools makes evaluation of the success of the centres difficult, as the effectiveness of the model depends on a high level of commitment of the home school to support students on their return.

Teachers spoke about the gap in alternative placements and programs for this group of students during high school, and the lack of options between the Achievement Centres and Connect10 programs:

So often Year Nine students fall into a pit. There are islands of support in Year Seven and Eight, and then again in Year 10 but nothing at all in the other age groups. (Teacher)

The future of the Achievement Centres is currently uncertain, and teachers spoke of a lack of consultation or information from ETD about a review of the program. Staff suggested that rumours of closure of the Achievement Centres have affected numbers of enrolments in the program, creating a negative cycle which then impacts on its ongoing viability, although ETD have indicated that numbers have remained relatively stable.

Connect₁₀

The Connect10 program has been highlighted in the Canberra Social Plan as an example of the government's 'innovative and flexible ways of keeping young people engaged with learning so they can make the most of their future'. ¹⁷

The program operates at Lake Tuggeranong College, University of Canberra, Senior Secondary College Lake Ginninderra and Dickson College. As at January 2015, 21 students were enrolled in the program across the three campuses. 18

The Connect10 program accepts students in Year 10 (and occasionally from Year 9) who have disengaged or are at risk of disengagement from school. While in the program, students focus on completion of Year 10 Certificate, transition to Years 11 and 12, vocational learning, employment or re-engagement with high school. The program has a reduced student to staff ratio, and focuses on building relationships with students and supporting them to meet their personal goals.

The Panel visited a Connect10 Program and spoke with students, parents and staff. All of the students reported difficult experiences at their previous schools, and some told us that they had experienced multiple suspensions. Students told us that in a big school setting they were able to go unnoticed and that 'no one knew' what was going on for them at home. They all agreed that they were much more connected in the smaller setting of Connect10 and felt supported and motivated to attend. Having a reduced teacher to student ratio meant that they were able to get help, and they appreciated having the same teachers throughout the day.

Parents were also very positive about the program:

I can't praise Connect10 highly enough, it has been the saving grace for my child who would otherwise have completely disengaged from school. (Parent)

This was our last chance, we are so grateful that we found out about this program. (Parent)

Parents expressed concerns about the lack of public information and promotion of the program and that their child only found out about it through word of mouth from another student.

Connect10 needs to be more accessible so others don't miss it. They need clear eligibility criteria and objectives, we feel that it is kept too quiet, perhaps because there are more students who would like to attend than they have places for. (Parent)

Parents and students expressed concerns about transitions out of the program and that college would be less personal and supportive:

We have some concerns about what will happen at the end of the year when our child transitions to college, which will be a different ball game, but at least they are in the same school, and can come back and have a safe place to visit with the teachers here. (Parent)

Teachers echoed these concerns, noting that previous students have struggled in bridging the gap between Connect10 and college. They told us that in the previous year, of 12 students at the program, 10 completed their Year 10 certificate. All 10 started Year 11, however only two remained due to drop out. They stated that they felt this was due to the vast difference in expectations, culture, and support offered when they entered the college environment.

Teachers also spoke of challenges around the funding model for Connect10, and the future of the program. They noted that this uncertainty makes it challenging to build relationships with other services.

7.7 Other alternative programs

Galilee school

The Galilee school is an Independent High school, years 7 to 10, partially funded by the CSD in partnership with Communities@work. The school provides an education setting for young people with complex needs and challenging behaviour, some of whom are part of Child and Youth Protection Services (previously Care and Protection Services) and who are disengaged from the mainstream educational environment.

The Galilee school facilitates the Secondary School Respite and Enhancement Program, which offers an alternative to mainstream schooling by providing opportunities for young people to work in a workshop setting, focusing on wood work or metal work projects. Secondary core subjects such as English, Mathematics or Science can also be studied.¹⁹

The school currently has 24 students and reports that they have had a significant increase in referrals from ETD's Network School Engagement Team program. The school currently has a number of students who present with mental health issues, including anxiety and depression, and staff have undertaken ongoing training in relation to Intensive Behaviour Support (trauma), and Positive Behaviour Support, to address the needs of these students.

Galilee school students showed evidence of positive socialisation, supportive and affirming relationships with staff, and stated that they value the ability to access flexible curriculum options. The school reported a renewed focus on educational programs and pedagogy and feel that they have 'moved away from the youth drop-in centre environment of the past'. The school also stated that they are hoping to gain 'in principle approval for another campus' to assist a larger group of young people with a particular focus on developing pathways to education and employment.

Youth Education Program

The Youth Education Program is an alternative high school program run by Anglicare, funded by ETD to take 15 students. The program supports young people who have disengaged or are at risk

of disengaging from high school and provides an opportunity for them to gain a certificate in adult learning, which is a Year 10 equivalent, or to complete vocational training.

A research report found that students generally had a positive attachment to the program, and some travelled from across Canberra to attend, which indicated a commitment for many students who were experiencing significant disadvantage.²⁰

The program shares a similar issue of uncertainty of funding, which ceases at the end of 2015, with the report noting that:

The staff here also experience this sense of 'surviving' with job uncertainty, lack of resources and indecision by the ACT Department of Education [sic] as to the future of the program, impact on their ability to deliver the excellence and consistency of care that they aspire to in order to benefit their students.

Other programs

A range of short-term and longer term programs are conducted within school settings, including Canberra College Cares, which is an alternate education and support program for pregnant and parenting students seeking to complete their Year 12 certificate; and Flexible Learning Options, which are introductory vocational and other flexible courses offered to high school students to assist them with pathways to employment and further education.

The Cottage Day program is run by the Child and Adolescent Mental Health Services for young people aged between 12 and 17 with mental health diagnoses, and aims to reduce the severity of mental health symptoms and to achieve functional gain in the areas of schooling, social functioning and fostering life skills.

The Murrumbidgee Education and Training Centre is a school operated within Bimberi Youth Justice Centre for young people who are detained at the centre on remand or under sentence. The Centre provides a range of programs including certificate courses, tutoring and transitional support back into the community.

The Canberra Hospital School is an ETD facility operating within the Canberra Hospital. The school caters for school age children accessing the hospital, and their siblings, and children can be from any education sector or jurisdiction. The school aims to connect students with their learning while they are unable to attend their home school. Students voluntarily attend the school and are able to participate in a range of educational activities appropriate for their year and ability level or are supported to complete work provided from their home school.

7.8 Improving practice in alternative programs

Many young people in alternative programs have had experiences of not belonging or being known or valued in mainstream schools, and this highlights the need to improve the culture of mainstream schools so that they are more engaging and supportive for all children and young people.

The following comment of Sir Ken Robinson raises a similar issue to that raised by the Panel in Chapter 5 – 'Does the behaviour of some students tell us as much about our schools as it does about them?':

Alternative education programs designed to get kids back into education have certain common features, and they work. What's interesting to me is that these are called 'alternative' education. When all the evidence around the world is that if we all did this there'd be no need for the alternatives.²¹

Nevertheless, alternative education settings serve an important role as a safety net for young people who are at risk of disengaging from secondary schools in the ACT, and who may otherwise lose the opportunities to complete their education.

As noted in the *Putting the Jigsaw Together* report:

Flexible learning programs enable young people to attain educational credentials as well as confidence, knowledge and skills necessary for work, life and further learning. Flexible learning programs do this for young people who, without such programs, would be far less likely to be able to achieve these outcomes.²²

Overall, the Panel considers that the alternative education settings available at secondary school level in the ACT Public School system provide periods of high-quality intervention and support for a small number of students who are disengaged or at risk of disengaging from schooling, and this target group includes a high proportion of students with complex needs and challenging behaviour.

However, these settings are currently fragmented, and do not appear to fit within a coherent framework for the provision of flexible learning options to engage students throughout secondary school. Both the Achievement Centre and Connect10 programs provide intensive support and personalised learning and they achieve tangible outcomes in improving engagement with learning while students remain in the program, but these islands of support are not connected in a clear pathway for students. It appears that many students are unsuccessful in returning to mainstream education after completing these programs, and the reality is that some will require this level of intensive support on an ongoing basis throughout high school and college to fulfil their potential.

Currently these alternative education programs appear to be operating under significant constraints caused by uncertainty about future funding.

It is important that ETD takes a principled and transparent approach to policy in this area, and that it provides information about the evaluation and decisions regarding the future of these programs to staff involved in these programs and to referring schools. The Panel believes that ETD should develop a coherent approach regarding the provision of alternative education programs and flexible options, which provides a clear pathway for students at risk. The larger issue of 'system planning' for all services for students with complex needs and challenging behaviour is addressed in Chapter 15.

Recommendation 7.4: That ETD publish information about support and education options for students at risk in the ACT Public School system, including the location of programs, operational philosophy, curriculum offered, criteria for enrolment, and referral process.

Recommendation 7.5: That ETD develop and implement a coherent strategy for the provision of alternative education programs and/or other flexible learning options, for students at risk of disengaging from secondary school. This strategy should ensure that, if required, such students have access to an appropriate alternative education program throughout their secondary schooling, building on the positive features of the Achievement Centres and Connect10 programs.

7.9 Conclusion

This chapter reviewed the issues of settings and placement in ACT schools. Key points covered in this chapter include:

- There is need for a broad understanding of inclusion, and the benefits of inclusion of diverse students in a mainstream environment. When done well and adequately resourced, inclusive practice can have advantages for everyone.
- The perspectives of students, teachers and parent/carers about the inclusion of students with complex needs and challenging behaviour in mainstream classes in the ACT suggest that there are a number of students whose behavioural support needs are not being met appropriately. This is having an adverse impact on those students, and on others within schools.
- There are gaps in the supports and settings available for students who do not have a recognised disability but who have very challenging behaviour. Whole-of-school approaches and targeted interventions should assist many of these students. However, a small number of students are not having their educational needs adequately met in mainstream classrooms, and a whole-of-government approach is required to provide appropriate therapeutic interventions and options for these students.
- Units within mainstream schools can offer a flexible and individualised approach for students with a disability, allowing students to learn and socialise with mainstream students as far as possible. However, there are a number of barriers to this happening effectively.
- Teachers and students in some units can be isolated from the mainstream classes and may be exposed to greater risks of aggressive student behaviour. High levels of training and support must be provided to teachers working in units, and schools should have input into the allocation of students into the units to reduce risks associated with incompatible placements (see Chapter 13).
- Specialist schools for students with a disability generally appear to have a positive approach to supporting very challenging behaviours and have cultures that resource and support teaching staff to work effectively with these students. It is important that these schools continue to further develop inclusive practices and share expertise with mainstream schools.
- A number of high-quality alternative education programs are available for secondary school students at risk of disengaging from mainstream schools. However, there are gaps in the coverage of these programs and most are operating under conditions of uncertainty regarding their future.
- The way in which the various program options cohere and contribute to an overall strategy for students with complex needs and challenging behaviour is unclear. (This issue is addressed in Chapter 15, 'System' Issues.)

¹David Mitchell: What Really Works in Special and Inclusive Education (Routledge, 2008) 27

² Leonard Burrello, Carl Lashley and Edith Beatty, Educating all students together: How school leaders create unified systems. (Corwin Press, 2001) 4

³ ACT Education and Training Directorate, Students with a Disability: Meeting their educational needs, (2008) http://www.det.act.gov.au/_data/assets/pdf_file/0017/34370/Students_with_a_Disability_updated.pdf.pdf 2

⁴ Figures provided by the Education and Training Directorate, current as at 14 October 2015. These figures include students in units within Turner Primary School.

⁵ Based on the February 2015 Schools Census. Enrolment figures for Cranleigh, Malkara, Black Mountain and the Woden School. This figure does not include students at Turner Primary School.

⁶ ACT Education and Training Directorate, above n 3, 3

⁷ Justine Ferrari and Rick Morton, 'Hidden Toll of Student Disability, The Australian (Melbourne) 3 November 2014, National Affairs

⁸ Robert Conway, Review of the provision of alternate settings in the ACT Government education system, (2003) http://pandora.nla.gov.au/pan/43536/20040723-0000/www.decs.act.gov.au/publicat/pdf/conway.pdf

⁹ Ihid 47

¹⁰ Elizabeth Granite and Linda Graham, 'Remove, rehabilitate, return? The use and effectiveness of behaviour schools in New South Wales, Australia' (2012) 9 (1); International Journal on School Disaffection, 39, 46

¹¹ Ibid

¹² NSW Department of Education and Communities, Specialist Schools Supporting Behaviour, 2013
https://www.det.nsw.edu.au/media/downloads/about-us/statistics-and-research/key-statistics-and-reports/specialist-schools-supporting-behaviour.pdf>

¹³ Timothy Landrum, Melody Tankersley, and James Kauffman, 'What is special about special education with students with emotional or behavioural disorders?' (2003) 37(3) The Journal of Special Education, 148, 152-154

¹⁴ Markku Jahnukainen, 'Experiencing special education: former students of classes for the emotionally and behaviourally disordered talk about their schooling' (2001) 6(3), Emotional and Behavioural Difficulties, 150, 157-158

¹⁵ ACT Education and Training Directorate, Interim ACT Student Disability Criteria,

 $< http://www.det.act.gov.au/__data/assets/pdf_file/0009/17829/Interim-Disability-Criteria-2015.pdf > 1.0009/17829/Interim-Disability-Criteria-2015.pdf > 1.0009/17829/Interim-Disability-Disability-Criteria-2015.pdf > 1.0009/17829/Interim-Disability-Criteria-2015.pdf > 1.0009/1$

 $^{^{16}}$ Canberra public schools with disability education programs in 2016. Document provided by ETD

ACT Chief Minister, Treasury, and Economic Development Directorate, Canberra Social Plan 2011, (2011)
http://www.cmd.act.gov.au/__data/assets/pdf_file/0010/216559/2011CanberraSocialPlan_Print_Version.pdf>35

¹⁸ ACT Education and Training Directorate, Canberra Public Schools Census: August 2015 (Preliminary) (2015) < http://www.det.act.gov.au/__data/assets/pdf_file/0020/770204/August_2015_Census_Publication_Prelim.pdf> 5

¹⁹ Communities@work, Galilee School: Respite and Enhancement Program, (2015), https://youth.commsatwork.org/galilee-school

²⁰ Anglicare Youth Education Program, Barriers to Education, Australian Catholic University, information provided by Anglicare NSW South, NSW West, and ACT

²¹Sir Ken Robinson, TED talk: How to escape education's death valley, (2013)

https://www.ted.com/talks/ken_robinson_how_to_escape_education_s_death_valley?language=en>

²² Kitty te Riel, Putting the jigsaw together: Flexible learning programs in Australia –Final Report, (2014) http://dusseldorp.org.au/wp-content/uploads/2014/09/Victoria-Institue-1-7-MB2.pdf>18

CHAPTER 8:

Physical Environment and Infrastructure of Schools

8.1 Introduction

In Chapter 5 (Student-Centred Schools) and elsewhere in this report, we have highlighted the influence of 'context' on the quality of students' educational experience. The current chapter considers the contribution of the physical context and school infrastructure in supporting students with complex needs and challenging behaviour. The design and infrastructure of schools can contribute to or detract from an inclusive environment, help reduce challenging behaviour, and/or or create difficulties for teachers seeking to manage complex needs and behavioural risks.

In this chapter we explore the perspectives of teachers, parents/carers and students about current school environments, and how these could be improved to better support all students. The Panel makes recommendations regarding issues to be considered in design briefs for new schools, and refurbishment of existing schools. We also recommend measures to ensure that all schools have safe and appropriate spaces for students, with sensory processing issues and other complex needs, to access when they wish to withdraw or reduce stimulation. As explained in Chapter 11, the design and use of these spaces must be carefully considered and monitored to ensure consistency with human rights and discrimination obligations and support students' learning and behaviour.

8.2 Universal design for inclusion

Universal design involves the creation of accessible buildings and infrastructure that can be used by a diverse range of students, reducing the need for individual adjustments, through the removal of physical and other barriers to participation and inclusion.

Inclusive school design goes beyond a one-size-fits-all model, considering all users and addressing any barriers that might deny anyone – children with SEN (special education needs) and disabilities, disabled staff and visitors – access to services. ¹

Good design can improve conditions for all students.² As Mitchell notes:

What constitutes good design of indoor physical environments for learners with special needs is also good design for all learners.³

He identifies the need for particular attention to physical space and equipment; temperature, humidity and ventilation, lighting, acoustics, stimulation and safe classrooms. A focus on these factors can improve learning outcomes.

While 'universal design' is the goal, the achievement of an absolutely, universally-designed environment for every 'complex need and challenging behaviour' is very difficult. The term refers to a wide range of students with a wide range of needs. Students with a disability alone — a subset of 'complex needs and challenging behaviour' — have vastly different needs in regard to cognition and learning, behaviour, emotional and social development, communication and

interaction, and sensory and physical development. Sometimes the needs of students are incompatible; for example, the acoustic environment may be adequate for some and overstimulating for others. However, students with complex needs and challenging behaviour will generally need environments that include: flexible classroom spaces to allow small group work and one on one support from a teacher or learning support assistant; access to adjacent calming spaces; and spaces where sensory stimulation and acoustics meet their specific needs.

The UK Department for Education and Employment has developed a set of principles to guide inclusive school design and these address the following:

- access;
- space;
- sensory awareness;
- enhanced learning;
- flexibility and adaptability;
- health and wellbeing;
- safety and security;
- sustainability.⁵

8.3 Perspectives on school environments

Schools strive to meet the learning, wellbeing and access needs of all students as well as the physical and emotional safety of everyone within the school. 'We don't know of an outstanding school that doesn't continually seek to make small improvements to its aural, visual and behavioural surroundings'. However, many ACT schools are working within the constraints of existing buildings and spaces which were not designed to meet the needs of a diverse student population.

The Panel noted that a range of creative school building adaptations and uses of available space were in place in ACT schools and that many schools saw all spaces as potential learning spaces. Nevertheless, we learned from submissions, interviews and visits about the difficulties ACT schools in both sectors are experiencing in accessing safe and flexible spaces to meet student needs within current building designs.

Mainstream schools are not built with students with complex needs in mind e.g. classrooms are too small for a full class if a student needing extra staff to support them, an electric wheelchair, or a standing frame or specially made desk and chair etc are part of the class. There still needs to be adequate and safe movement around the room for all students and staff. (School)

Many participants noted concerns with the open plan classrooms that are a feature of some ACT primary schools. While these classroom designs can allow greater flexibility and opportunities for team teaching by combining several classrooms in a larger open plan area, the increased noise from surrounding classes can be distracting for students who have difficulty focusing, or who have hearing or sensory issues:

My child is easily distracted, and has had more difficulty focusing in an open plan classroom with four classes in one large unit. When I visited the class I had trouble hearing the teacher because of the noise from adjacent classes. My son also tends to wander between classes, and it can be difficult for his teacher to keep track of him in this environment. (Parent)

Modifications such as sound absorbing partitions and different approaches to teaching may be necessary to reduce noise pollution in existing open plan classrooms and allow students with complex needs and challenging behaviour to focus and learn.

Playground spaces need particular attention, as with a higher number of students in spaces, and without the regular routines of classrooms, unpredictable behaviours can escalate. Teachers and parents/carers told the Panel that break times in the playground were often the most difficult times for students with complex needs and challenging behaviour:

These students are often fearful of playground break times due to overwhelming anxiety created through sensory overload from multiple sources. An unstructured playground environment is an unpredictable jungle experience. (Teacher)

One parent told us that they were often required to collect their child at lunch time as the school was generally able to meet their child's needs in the classroom, but was not able to provide adequate support and supervision in the playground, and incidents would often occur at this time.

McGrath notes that playground design can be part of a positive behaviour management strategy:

One very effective aspect of prevention is the development of very attractive and stimulating playgrounds for students. These playgrounds feature lots of equipment to share, plenty to go around, lots of different spaces for quiet activities, more energetic activities, along with really effective supervision by staff.⁷

8.4 School design and safe/sensory spaces

Submissions and interviews identified that students with complex needs and challenging behaviour may benefit from having access to a safe space, which they can use voluntarily, to allow them to reduce stimulation and to calm down when they become disregulated or overwhelmed.

Some school leaders described difficulties with accessing appropriate safe or sensory spaces within mainstream school buildings. They informed the Panel that offices of the leadership team, the learning support teacher or another classroom were often used for this purpose if available. Schools tend to utilise any area that is available or can be converted. However, these ad hoc options often create difficulties where they are required for other teaching and work commitments and can result in loss of space for another competing activity, while still not creating a truly appropriate and safe space. In particular, they may contain furniture and office equipment that may be damaged or pose a risk to others when students are disregulated. By contrast, spaces that are allocated specifically for calming and de-escalation provide greater safety and security:

At our school we have a range of calm down places, one of which is a contained Relax Room which is equipped with sensory and other materials carefully designed for all children with particular items to meet the sensory and preference needs of all certain children. At times children who are injuring others are removed using Team Teach methods – a specific set of strategies which pretty much all of the staff, including LSAs, have been trained in. (School)

A number of parents/carers and peak bodies also noted the need for appropriate withdrawal spaces:

These children need their own space where they cannot destroy the belongings of others, resources and hurt people. The challenging children give us feedback that they value quiet

spaces that they can call their own and not be disturbed, but the school and all other schools I have worked in do not physically have these areas. (Teacher)

I have nothing but praise for the extraordinary job that the teachers and Learning Assistants do in managing these challenges and every time they have to manage this with my son, they have kindly problem solved and calmed him down, so he has been able to rejoin the class at some point. But this happening in the classroom is not the best environment for anyone. (Parent)

Having a quiet space and time for my girls to be away from people with no social communication, is a very important part of their daily anxiety management. (Parent)

Examining the physical environment and ways in which it can be conducive to the deescalation of challenging behaviour. There should be an identified safe person in each school, a safe place for students who are feeling overwhelmed. (Peak Body)

As well as school design, classroom infrastructure can support student coping strategies. Schools and teachers identified a range of spaces and equipment currently being used within the classroom. These spaces were predominantly used for individual or small group learning or when students self-regulated their withdrawal, recognising their need for a calm, quiet space. Most of these spaces were identified through prior negotiation with the student as part of a behaviour management plan.

Behaviour Response Plans can include the appropriate use of a withdrawal space for students who can self-regulate. (School)

These 'spaces' in classrooms included: tents (both specifically designed sensory tents and commercial tents); adjacent, unlocked rooms; 'nooks and crannies' with pillows and cushions; low stimulation spaces (lowering sensory stimulation in classrooms can help children who readily become overwhelmed and behaviourally disregulated), and areas with student specific calming or focusing equipment. These safe spaces included a range of sensory equipment and furnishings (beanbags, hammocks, bubble tubes, soft music) to assist in calming students with sensory needs.

As discussed in Chapter 11 it is essential that the design of these spaces/structures within classrooms be carefully considered and that their use is monitored, even when used on a voluntary basis by the student, to ensure that practices are consistent with and respectful of students' human rights, dignity and privacy. Some structures or spaces such as tents or a space under a desk may be acceptable for younger students but may be seen as stigmatising or degrading for older students. If a structure would not be considered age-appropriate for a student without a disability, it is unlikely to be appropriate for a student with a disability, regardless of cognitive capacity or developmental stage. This is particularly relevant where a student will be observed by other students while using a space or structure. The appearance and connotations of some structures may make them inappropriate for any student, regardless of the circumstances in which they are used.

In crisis situations it may also sometimes be necessary to move a student to a designated safe space to protect the safety of students and staff. However, as discussed in detail in Chapter 11, the use of involuntary withdrawal, and the restrictive practice of seclusion, has the potential to breach students' human rights and discrimination law, and should only be undertaken where necessary to protect safety. These practices must be subject to strict guidelines and oversight.⁸

8.5 Students leaving school grounds

The Panel was told about students who leave the school grounds, often moving to dangerous locations such as busy roads. Their actions can be particularly concerning when the student is

distressed and fearful, and their judgement about personal and road safety is compromised. Younger students and students with a disability may also place themselves at particular risk in leaving school grounds. Schools have a duty of care to students, and must seek to protect them from harm that is reasonably foreseeable.

Some stakeholders mentioned school fencing programs to the Panel, and we note controversy on aesthetic grounds and the limitation of the use of school facilities by the community. However many parents/carers of students with complex needs and challenging behaviour support the use of fencing around the school perimeter to keep their children safe:

The environment wasn't safe.My child is an escape artist, can open childproof locks and is constantly doing dangerous things. (Parent)

It is important that issues including safety, community practice and norms, and the views and needs of other stakeholders are also considered in decisions about fencing. Issues regarding restraint of students for their own safety, or the safety of others, are considered in detail in Chapter 11.

8.6 Special requirements and Learning Support Units

The Panel was told about the inadequacy of some classroom spaces for Learning Support Units (LSUs) in cases where purpose-built units were not available. Sharing facilities with other programs can cause difficulties, particularly for students with Autism Spectrum Disorder (ASD) who may experience sensory overload where a learning space is inappropriate to meet their needs. The Panel heard an example of students in LSUs sharing half the classroom space with the (after school) school band program and the consequent disruption to the arrangement of furniture and belongings – often with unsettling effects on some students. A school gave an example of the distress caused to a student with ASD when the demountable classroom shook and reverberated when people walked up the stairs to enter it.

Some teachers spoke to the Panel about the lack of classroom adjustments in special units and the need for bigger classrooms to meet their students' needs. They told us about units that were physically isolated, that made it difficult for staff and students to access support, and that created an impression of exclusion. This was particularly the case in demountable units separate from the mainstream school buildings. Parents/carers also raised concerns about isolation:

As the school struggles to integrate him into the mainstream, what we found was that [my child] being attached to the LSU-A meant that he forfeited his right to be in the mainstream kindy class. The LSU-A kids were kept in a separate building, separate room far away from the rest of the school. He belonged to the unit, not the kindy class, so he was not in kindy class very much. (Parent)

Other school leaders told us about the increased risks from students with very challenging behaviour where the environment of the unit was not appropriately designed, as teachers or students may become trapped in a particular area with a violent student and not easily access assistance.

Inclusive use of space

One school with integrated LSUs reported the success they were having with classrooms organised with learning areas around the room, the library reading nook in the middle of the room and no designated front and back of the class. The classroom was complemented by safe/quiet spaces. Connecting smaller spaces or quiet rooms to mainstream classrooms (for example, with sliding doors) was seen as positive by a number of teachers and parents/carers.

Last year [my child] was in a small classroom that had a large sliding access to the mainstream classroom. This allowed the small group teacher to work seamlessly with the mainstream class and teacher during appropriate sessions, but could close the door if [my child] and her class mates needed more intensive teaching with no distractions. (Parent)

Another school reported that they had created three spaces within one classroom. This allowed for the differing needs of students and provided quieter more private learning spaces with low stimulation as well as a more traditional learning space.

The Panel also noted the innovative work schools are doing to create inclusive playgrounds that have a range of spaces and creative equipment (musical areas, sandpits, puppet play areas, special gardens, etc.) that promote interaction with mainstream students. Some schools reported that managing some children would be much more difficult if enclosed 'active breakout courtyards' adjacent to classrooms were not available.

Other schools have created individual or small group play areas both inside and out. School leaders commented positively about the effect of these arrangements and spaces but noted that they required teachers to be on a very high number of playground duties per week to provide the required supervision for the students using them.

8.7 Improving school design

While recognising that schools and individual teachers currently use spaces creatively, priority should be given to providing purpose built spaces to meet needs appropriately and consistent with principles of inclusion, human rights and safety.

New schools need to be designed to meet requirements for inclusion, including consideration of: low sensory areas; acoustic separation; safe and calming spaces with easy access that are both internal and external (courtyards and playground areas); fencing; medical procedures areas; improved visual access to safe withdrawal/sensory areas, and smaller learning areas that connect with main classrooms.

Classroom designs that reduce noise and sensory overload, and which allow appropriate movement, are particularly important:

There is increasing evidence that children with ADHD concentrate and learn more effectively when they are moving. Strategies for enabling children to move in the classroom that do not impact on others in the classroom should be considered. (Parent)

A Panel member reported a visit to a NSW Catholic School that has taken an innovative approach to classroom redesign to use space with greater flexibility.

We use our learning spaces to empower our students to want to learn anywhere and anytime. Students take more responsibility for their learning and movement. We better cater for students' differing learning styles and as such there is a real attempt to personalise learning. In this contemporary model, students are able to move to areas where they feel more comfortable, work with their friends and choose resources that will assist them to find the information they require. This environment provides a strong sense of connectedness between learners; it allows many opportunities for cross-age tutoring and multi-age learning, promotes a strong sense of social responsibility and enhances relationships within the school.⁹

The 2013 Architectural Forum showcased a range of innovative spaces in schools and demonstrated how architecture could reduce stimuli for children with sensory issues and promote social interaction. Quiet rooms, where students could meet with a teacher or calm down if overstimulated, were incorporated into designs.¹⁰

Every bit of space, in a city where every inch counts, was productive: built-in benches in the hallway provided a place for a teacher and a student to have a private conversation outside of the classroom.¹¹

There are a number of current studies into school learning environments, which ACT systems and schools should monitor. They include the University of Melbourne's *Evaluating 21*st *Century Learning Environments: ARC Linkage project*¹² and *Towards Effective Learning Environments in Catholic Schools: An Evidence Based Approach.* Both studies aim to develop 'new approaches to learning environment evaluation and evaluation tools that can be used to develop an evidence base to inform both the design and the pedagogical use of learning environments'. 14

The student consultations conducted by the Panel demonstrated that students had a lot to say about school design. Some comments included:

We need better desks and chairs

Make classrooms more colourful and fun

More playground equipment

A bigger environment for students to learn in, and more places outside to learn

Stand up tables and comfy chairs

Have a brighter looking school so it looks nice

Let us get up and move around

Air conditioning – I can't concentrate when it's so hot (Students)

Students also raised concerns about mobility and safety issues, the need for alternative play/recreation spaces for very cold weather and poorly maintained, designed and located toilet areas. Outcomes from these consultations are discussed at Appendix C. Providing opportunities for meaningful student voice in school design is best practice and should be implemented in the ACT. ¹⁵

The Panel sees school design as integral to meeting learning needs and supporting the inclusion of students with complex needs and challenging behaviour. Flexibility, consideration of diverse needs, and safety for the whole school community, particularly in regard to alternate spaces in schools, must receive attention by all sectors. It is important to note that:

When well designed, new generation learning environments of various typologies can provide a range of useful affordances to support pedagogies based on notions of social constructivism and student engagement.¹⁶

Nevertheless, well designed physical environments should be seen as supportive practice not stand-alone intervention.¹⁷

ETD Functional Brief for Construction of ACT Schools

The Panel recognises that ETD has commissioned a draft Functional Brief for the construction of ACT Schools, which is currently being finalised. ¹⁸ The draft brief addresses a range of issues relevant to the design of ACT Public Schools including appropriate design for integrated LSUs and providing an inclusive environment for all students. The draft acknowledges that:

Many of the small scale environmental modifications that enable students with disabilities to participate in inclusive educational environments also improve the environment for students who were not classified as having special needs.

The draft brief identifies key design elements for LSUs including:

- structured environments;
- safe and secure indoor and outdoor educational spaces;
- controlled access to multi-sensory equipment, technology and highly reinforcing activities;
- adaptable spaces and spatial variety;
- non-threatening larger spaces including elements with a sense of enclosure, intimacy;
- spaces for refuge;
- absence of clutter;
- natural light;
- predictable navigation;
- safety for those who might injure themselves or others;
- a residential rather than an institutional feel.

The draft brief notes that:

Buildings that are predictable, consistent and orderly have calming effect on students with sensory and behavioural issues and help them to focus on learning activities. Learning spaces that are arranged to allow several activities to happen simultaneously and support groups of various sizes, increase the teachers' flexibility and promote interdependence among students.

This draft design brief provides a useful and carefully considered model for future developments. Many of these principles and approaches could apply equally to general classrooms and learning spaces used for a diverse range of students. It should be finalised and publicly released by ETD to provide guidance to CE and Independent Schools regarding appropriate inclusive and universal design.

Recommendation 8.1: That ETD, CE and each Independent School, ensure that all existing schools have safe, calming/sensory spaces that are appropriate to meet the needs of students with complex needs and challenging behaviour.

Recommendation 8.2: That ETD, CE and each Independent School, ensure that the design briefs for all new schools follow principles of universal design, and include an appropriate range of learning areas and facilities to meet the needs of students with complex needs and challenging behaviour. These may include flexible classroom areas with adjacent small group learning spaces, and inclusive playgrounds, as well as safe, calming/sensory spaces.

8.8 Conclusion

This chapter reviewed the contribution of the physical environment and infrastructure to the effective teaching and support of students with complex needs and challenging behaviour. Key points covered in this chapter include:

- School design and infrastructure significantly contribute to the inclusion of students in ACT schools. Conversely, poor or inflexible design can increase difficulties and behavioural risks.
- It is important for schools to develop safe spaces that can be used by students with complex needs and challenging behaviour to calm and self regulate. These spaces must be carefully designed, and their use monitored to ensure consistency with human rights and discrimination laws.
- Flexibility of classroom design to allow learning support units to work seamlessly with mainstream classes can maximise the integration and inclusion of students with a disability in mainstream schools.
- Future school design and modifications should be guided by evidence-informed principles, (such as those listed in this chapter) to eliminate barriers to participation of all students.
- Students as well as teachers and other stakeholders should be consulted about school design.

¹ Department for Children Schools and Families, Building Bulletin 102 (BB102):Designing for disabled children and children with special educational needs, 2009,

 $^{. \\} https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276698/Building_Bulletin_102_designing_for_disabled_children_and_children_with_SEN.pdf>24$

² David Mitchell, Education that fits: Review of international trends in the education of students with special education needs, (2010), https://www.educationcounts.govt.nz/publications/special_education/education-that-fits-review-of-international-trends-in-the-education-of-students-with-special-educational-needs/executive-summary

³ David Mitchell, What Really Works in Special and Inclusive Education: Using evidence –based teaching strategies, (Routledge, 2nd ed, 2014) 224

⁴ Department for Children Schools and Families, above n 1, 12

⁵ Ibid, 24

⁶Tim Brighouse, and David Woods, What makes a good school now? (Network Continuum, 2008). 114

⁷ Professor Helen McGrath, Safe Schools Toolkit Positive Behaviour Management, (2014) http://www.safeschoolshub.edu.au/safeschoolshub.edu.au/safeschools-toolkit/the-nine-elements/element-5/introduction

⁸ Darcie Lyons, 'Restraint and Seclusion of Students with Disabilities: A child rights perspective from Victoria, Australia', (2015) 23 (1)International Journal of Children's Rights, 189, 223

⁹ Holy Spirit Lavington, Contemporary Learning, 2014 http://www.hsslavington.com/learning/contemporary-learning/

¹⁰ Yasmeen Khan, 'Creating Schools for All Students: Disabled or Not', Schoolbook (online), 14 Jan 2013
<www.wnyc.org/story/301524-creating-schools-for-all-students-disabled-or-not/>

¹¹Ibid

¹² University of Melbourne: Melbourne School of Design, Evaluating 21st Century Learning Environments, 2012, < https://msd.unimelb.edu.au/evaluating-21st-century-learning-environments-e21le>

¹³ University of Melbourne: Melbourne School of Design, Towards Effective Learning Environments in Catholic Schools, 2012, < http://msd.unimelb.edu.au/towards-effective-learning-environments-catholic-schools>

¹⁴ Ben Cleveland and Wesley Imms 'Improving the (not so) new landscape of teaching and learning', (2015) 14 (4) 4 Professional Educator. 5. 6

¹⁵ Rebecca Borden, Taking School Design to Students, (Jan 2004) http://www.ncef.org/pubs/schooldesign.pdf>2-6

 $^{^{\}rm 16}\,{\rm Ben}$ Cleveland and Wesley Imms, above n 14, 5

¹⁷ Ibid

¹⁸ Dr Julia Atkin DRAFT ACT Education and Training Directorate Functional Brief for the construction of ACT Public Schools 2015 (excerpt provided to the Panel by ETD).

CHAPTER 9:

Supporting Student Behaviour

9.1 Introduction

This chapter describes and recommends for ACT schools a general model of Positive Behaviour Support' — a set of practices that differs from traditional disciplined-based approaches in its 'tiered' approach, its emphasis on prevention, and recognition of the power of classroom environments and cultures to promote appropriate behaviour. The chapter exemplifies many of the evidence-informed approaches outlined in Chapter 5, including a focus on prevention, teaching for engagement, teaching social—emotional skills, collaborating with parents/carers and listening to students.

We summarise evidence for the effectiveness of approaches that adopt the general principles of Positive Behaviour Support¹ for students with a wide range of complex needs and challenging behaviour in a range of settings. This approach has various names, such as 'School-Wide Positive Behaviour Support' and 'Positive Behavioural Interventions and Supports'², and is widely used in schools internationally, nationally and in some schools in the ACT. In this chapter, we use the term 'Positive Behaviour Support' to refer to the general approach.

The chapter deals in some depth with implementation issues. Ultimately, the success of approaches such as Positive Behaviour Support depends on the fidelity with which the model is understood, translated into schools, monitored and supported.

Positive Behaviour Support does not claim to be a panacea. However, the general approach has achieved proven success in many countries as a 'universal' framework that most teachers find acceptable and 'natural'. The tiered model allows for support to be provided according to level of need and, for example, for the small proportion of students with highly complex needs and behaviour to receive personalised, multidisciplinary and/or multiagency support.

The chapter strongly recommends the widespread adoption of approaches such as Positive Behaviour Support in both government and non-government sectors and professional supervision, consultation and support for teachers to implement it.

9.2 The issues

Schools are finding that traditional approaches to discipline and 'behaviour management' are no longer adequate for many students, particularly those who, as illustrated in Chapter 2, experience the effects of trauma, previous illness, disability and/or violent or chaotic home environments. Their personal and family issues are not left at the classroom door.

This is a big sleeper for our system. If a young person's behaviour is so socially unacceptable that they wouldn't be welcome in any other setting how do we ensure the rights of that young person and the rights of the school community that they are part of? (Parent)

There is no doubt that there is a small population of young people with very complex issues and all challenging behaviour that require additional support. It is however, vitally important that the vast majority of normal well-behaved and adjusted young people are not forgotten. (Parent)

Children react to their unique circumstances in different ways. A service that provides counselling support in Canberra schools described reasons for referrals:

The most common referral issues across primary and high school over the past two years have been mental health (particularly anxiety), family breakdown, social skills and peer issues. Other issues counsellors work with include suicidal ideation, self harm, intimate relationships, personal identity, problematic teacher—student relationships, grief and loss, separation and divorce, child protection, at-risk behaviours and other behavioural issues, stress, study skills, sexualised behaviours, health and disability, body image and eating disorders, emotional regulation, trauma, drug and alcohol, homelessness, school disengagement and/or refusal, behaviour management and information/advocacy. (Organisation)

9.3 Stakeholder perspectives

Submissions revealed that many stakeholders appreciate the merit for students and teachers of approaches to behaviour that are more holistic, more aware of context, and more proactive and child-centred:

Many of the young people we support have very complex needs as a result of profound relational trauma experiences in their lives and need extensive support. We believe that despite their often chaotic life circumstances, every young person we help has the strength and capacity to bring about positive change and build a future beyond the present expectations. Without the appropriate support to address their personal issues, too many young people are denied the opportunities to realise their potential. (Organisation)

The students who had the most successful outcomes were placed within schools with the principles and actions that promoted emotional well-being, nurturing and connection and did not approach the treatment of complex needs and challenging behaviour as a disciplinarian issue only. (Organisation)

Suspensions give us a small amount of respect, but they don't resolve the issues, and tend to cause a rift between the school and parents, many of whom haven't had a great experience of school themselves. (Teacher)

There needs to be a shift away from seeing difficult behaviour as requiring a diagnosis and towards seeing it as a communication, a child's best attempt to cope with the situation that is too difficult for him/her. This then demands that we're curious as to why this is happening. The answers come from considering:

- what the child is doing/communicating
- what the child has experienced in the past
- what stress s/he is currently facing
- developmental or sensory impairments (visual/auditory) or difficulties
- neurological and medical conditions including developmental disabilities
- specific learning problems. (Professional)

Some told us how behavioural difficulties are often accompanied by learning difficulties, and/or may be a response to those difficulties and/or may mask those difficulties:

Many children who experience childhood adversity have learning problems. These are associated with frustration, sense of failure and behavioural problems and may be the result of specific learning problems, not just the cause. (Professional)

The Panel believes that it is unreasonable and unfair for schools and teachers to expect some students to 'fit in' when they may not have the capacity to do so in particular circumstances. The appropriate behaviour or response may not be in the child's repertoire and may need to be taught. For many teachers, this shift in mindset challenges their understanding of behaviour and the way they have managed students in the past.³

A change in the way in which schools view children and young people may start to modify the way in which things are handled. A holistic approach to schooling, where pedagogy meets circumstance, would be a start. (Teacher)

Children who have experienced neglect, punitive parenting or chaotic relationships in their early years at home arrive at school expecting that the adults there will behave the same way as their parents. They have no way of knowing that things might be different at school and don't know how to build trusting and cooperative relationships with their teachers or indeed other children there. (Professional)

Referring to the ACT Children & Young People Act 2008 one person wrote that:

The Act provides that actions in relation to a child or young person should be in that child or young person's best interests. So it should be in schools. A student-centred approach is not just in teaching and learning practice, but in the whole approach to schooling, which should be in the best interests of each student. It should meet the needs of each student in order to help them to be the best they can be. (Teacher)

A group of ACT school leaders shared with the Panel positive approaches that they have found successful in responding to students' complex needs and challenging behaviour:

- working with parent/carers;
- good relationships with students and families;
- relationship building;
- counselling;
- tailoring resources to local contexts;
- innovative and flexible programs tailored to students' specific needs;
- shifting staff thinking;
- addressing mindset and attitude.

Children's behaviour at school reflects many factors – personal (such as having a disability) and an interactive mix of cultural, community and family factors. An absolutely critical factor is the quality of the environment – the extent to which, in the view of students, the school and classroom are good places to be. Recognition of this simple fact alone, a key feature of Positive Behaviour Support, would, in itself, have a huge impact on behaviour. A safe, dependable and secure environment, supportive relationships and an engaging curriculum are the platforms for student behaviour.

Many submissions advocated that schools adopt a more contemporary, child-centred, less reactive approach to student behaviour, and for these approaches to be centrally supported and resourced:

A framework is one thing but then we need a system of actual real things and maybe even mandated things that schools can use / implement to support the philosophy and their students. (School leader)

Development of policies and principles that encourages a standard set of practice guidelines across the service system to enhance collaborative practice and a unified approach to the treatment care of students with complex needs and challenging behaviours. (Organisation)

Our small jurisdiction should be more effective in providing a long-term strategic and sustainable model that focuses on the student and their family. (Teacher)

An understanding of trauma-informed care and practice within the school context and providing teachers and principals with training regarding trauma-informed care, challenging behaviours and complex needs from relational and attachment perspectives would be useful. (Organisation)

Strategies are required to build pro-social learning environments, not only for the challenging child in question, but for the teachers, classroom and school as a whole. It's like a public health response to the problem; looking beyond the individual child to system wide solutions. Universal, rather than primarily targeted, interventions will benefit all, including those with disabilities and delays. Building emotional literacy, empathy, respectful relationships and conflict resolution skills organisationally will improve both social and learning outcomes for all children, as well as professional satisfaction for teachers. (Organisation)

These submissions expressed the need for a very different approach to student behaviour, one that applies to all students, is proactive, and reduces the need to provide individual support for many students:

It is uneconomic to attempt fixing a school's behaviour problems 'one student at a time'. The identification of students with high needs simply results in the increasing identification of such students until support resources become exhausted. Effective 'change drivers' shift the focus from supporting a few students and staff to supporting all students and staff. A shift from 'fractured' interventions for student groups historically considered being 'on the fringe' (i.e. students at educational risk) to a whole-school focus on student engagement is the key dynamic.⁴

9.4 Positive Behaviour Support

In its broadest terms and application Positive Behaviour Support is an approach that starts with attention to the student's quality of life at home and at school. The elements include:

Functional assessment of behaviour; redesigning the setting to promote appropriate behaviour; teaching the necessary pro-social skills; reducing the natural rewards associated with misbehaviour; reinforcing pro-social behaviour (especially new pro-social behaviours); and maintaining organisational support for the approach through good communication, policy, data, time for planning and support).⁵

Positive Behaviour Support involves a tiered approach and a first step (Tier one) is to implement strategies that apply to every student. As it is hard to behave well in a bad situation, Tier one strategies *must* start with the creation of learning environments that are perceived by the student to be safe, welcoming and engaging. This implies that Tier one supports are not just about how and what teachers teach but how students perceive the quality of the school and classroom environments.

Schools must be places to which children want to go, places in which children want to stay, and places children miss if they are not allowed to go to. (Consultant)

If behavioural issues arise for some students, Tier two interventions are implemented, including, for example, small group social skills training, targeted social stories or reinforcement for specific pro-social behaviours.

If a well chosen set of selected interventions at Tier two prove unsuccessful, these must be reinforced with more specifically targeted, personalised and intensive supports, often based on a functional analysis of the behaviour. The interventions are supported by a written plan to which the student and their family are major contributors. These three Tiers, or levels of support, are sometimes referred to as 'preventative', 'remedial' and 'interventionist', or 'universal', 'selected' and 'targeted' layers in a unified model of support.

The real contributions of School-Wide Positive Behaviour Support lie in a) focusing on the whole school as the unit of analysis; b) emphasising multiple tiers of support in which a student's needs are assessed regularly, and support levels are tied to need, and supports are delivered as early as possible; c) tying educational practices to the organisational system needed to deliver these practices with fidelity and sustainability; and d) using data for active and cyclical decision-making.⁷

Positive Behaviour Support is consistent with the principle of Universal Design for Learning (UDL) highlighted in Chapter 5. 'UDL is a multi-component strategy that involves planning and delivering programs with the needs of all students in mind.' In regard to behaviour, UDL suggests that schools and teachers put in place evidence-informed, 'universal' supports that are supplemented by more targeted and personalised interventions as circumstances require.

Positive Behaviour Support focuses on prevention, uses evidence-based interventions and provides social skills instruction. Although Positive Behaviour Support will not remove or solve every behavioural issue, the approach achieves good results for the majority of students, including those with severe challenging behaviours. Extensive research has shown consistent reduction in rates of problem behaviour associated with pre-schoolers at risk for later academic and social and emotional problems, decreases in the overall problem behaviours of primary age students, and increased school engagement and high school completion rates for secondary students.

This highly effective, efficient and teacher and student-friendly approach has been adopted in many education systems in the United States and recently throughout New Zealand public schools. Some Canberra schools have adopted the approach and ETD has publicised it, for example, in its *Behaviour Support Guide*.¹¹

Positive Behavioural Support has also been found to be effective for students who display internalising behaviour such as those with depression, social withdrawal and anxiety. ¹² The community's involvement in the implementation was associated with greater pride in attending school and a reduction in vandalism. ¹³

9.5 Implementation

Approaches such as Positive Behaviour Support absolutely depend on the effectiveness of the Tier one interventions (the universal supports for all students). They are the platform and foundation and if they are weak, the whole model collapses. The same phenomenon occurs with the analogous 'Response to Intervention' model. That is, if the Tier one strategies employed to teach literacy and numeracy are not evidence-informed and implemented correctly, then the logic of putting increasing effort and resources into the smaller Tier two group (targeted), and the very small Tier three group (intensive), is undermined.

Tier one interventions

As noted, Tier one interventions should not be restricted to curriculum – to what is taught. First and foremost, students must want to be at school. As Chapter 6 shows, the student's mainly positive experience of the school and classroom is a fundamental consideration.

As the implementation of Positive Behaviour Support requires schools to take ownership and tailor the interventions to the unique culture and values of the school community, collaboration with parents/carers is essential. ¹⁴ Student involvement has a major positive effect. A school leader said: 'The thing is, we had to sit back and listen, and we had to disempower ourselves, and empower the children and the community, and let them tell us what they wanted.'

The Panel visited a Sydney school that implements a wide range of universal interventions for supporting appropriate behaviour throughout the school. The Panel heard that Rooty Hill High School goes to great lengths to provide a student-friendly environment where key values — including respect, responsibility and safety — are celebrated and reinforced consistently. The School welfare team conducts individual interviews with each of the 1,100 students to find out about their goals and interests, and work with them to develop their personalised learning plan, framed by the school values. These are reviewed with students each semester. The teachers say this is a huge amount of work that 'pays off' in numerous ways. Information gathered from interviews and student engagement surveys are also used to develop engaging extracurricular clubs and activities reflecting student interests. The school has also established junior and senior hubs where students can access academic and social support, and these hubs are designed to be welcoming for all students.

Many submissions mentioned ways in which flexible, child-friendly schools provide options that respond to individual needs:

The pastoral care coordinator and youth support worker positions have been very valuable at the school in supporting our most complex students. (School)

This is not limited to personnel. Resources such as engaging teaching spaces, ICT and equipment are equally important. The capacity to schools to provide alternative out of class activities for some students is often a vital component of the individual program. (Organisation)

Although some schools are implementing these strategies well, the Panel believes that Tier one interventions would be more effective if they were, in the view of children, more personalised and child-centred, and this is especially true for students with complex needs and challenging behaviour. There are many benefits for students and teachers when teachers invest time and energy in planning a student-friendly school experience.

Tier two interventions

In a Positive Behaviour Support model students who have not responded well to universal, Tier one interventions are provided with Tier two (second level) 'targeted' or secondary interventions. Data collected about behaviour is essential in determining which students need Tier two interventions. This data may be collected through behaviour reports, and/or routine records that provide consistent information about behaviour issues including the circumstances in which they occurred. Analysis of this data enables schools to determine not only which students are not responding to Tier one interventions, and any common characteristics shared by the students which might enable group interventions, but also the situations and circumstances in which students display challenging behaviours. Depending on the patterns of behaviour – such as time of day, day of the week, with what teacher – additional attention may be required to reinforce particular behaviours (for example, at lunchtime in the playground), or

to improve teaching strategies and relationships with these students. These may resolve issues for groups of students without the need for more intensive individual interventions. ¹⁵

Students identified as requiring Tier two interventions may have both academic and behavioural concerns, and require additional assistance such as differentiation of the curriculum, mentoring, checking in with a teacher, behavioural reward cards or targeted social and emotional skills development. Parents and others working with the child should be involved to support these interventions where possible. There are many useful resources for implementing Tier two interventions. ¹⁶

Tier two interventions may also introduce a basic Functional Behaviour Assessment to help understand the behaviour, including behaviour 'triggers' and factors in the settings that reinforce and maintain the behaviours. For example, the function of the behaviour may be the avoidance of academic or social demands, or seeking of safety and reduced stress. When the function is identified a collaborative approach can be used, working with the student to develop more socially acceptable ways of having their needs met.¹⁷ The assessment can also help to clarify where behaviour seems to serves no function for the student, and may be a manifestation of factors such as physiological, psychiatric or neurological conditions.¹⁸

When Tier one and Tier two approaches have been applied and monitored appropriately, and where the child does not show adequate progress, Tier three interventions are essential.

Tier three interventions

Tier three interventions are intensive supports provided to a very small number of students whose behaviour has not responded to appropriately delivered, evidence-informed, Tier one and Tier two interventions. At this stage a collaborative approach with parents/carers, the school psychologist and other professionals (including, for ACT Public Schools, the ETD Network Student Engagement Team or Targeted Support Team) is required, and a comprehensive functional behaviour assessment may be necessary to determine the functions that the student's behaviour serves.

A behaviour support plan should be developed and include not only measures to develop more appropriate behaviours but also modification to the school environment and routines – features of the setting that may exacerbate behavioural difficulties.

By definition, Tier three interventions have to be tailored to the specific circumstances of the student. Staff will almost certainly be developing their strategy with reference to the causes of the student's behaviour (if known) and systematically testing intuitions formed on the basis of data. In Chapter 6 we stress the importance of leadership support for schools to trial innovative and creative approaches, within an authorised policy environment, and in Chapter 15 we make recommendations about support for what Carpenter and colleagues refer to as teachers' engagement in 'the dynamic process of inquiry'.¹⁹

As discussed in Chapter 13, tailored approaches may be required for students who have experienced trauma, or who have particular complex needs associated with a disability, such as Autism Spectrum Disorder. Undertaking professional learning and seeking advice and assistance from experts in these fields, including parents/carers, can provide helpful guidance in resolving intractable issues. Research has found that a whole school approach, with appropriate staff training and active administrative support, was a key factor when implementing Tier three interventions. ²⁰ Planning for responses to behavioural crises may also be required for these students and this issue is taken up in Chapter 11.

Procedural integrity and treatment fidelity

We know from the relatively new field of Implementation Science that it is one thing to identify a practice that all schools should be using but it is an entirely different matter to extend the model to a large system, for example, ACT Public Schools or Catholic Schools, and to do so in a way that is sustained. Currently there is no formal oversight of the integrity with which Positive Behaviour Support is implemented in ACT schools.

Research has shown that even initially high-quality implementations will deteriorate over time without feedback about performance. However, the problem may be not in the innovations themselves but rather in the manner in which they are implemented. Commenting on the fate of another initiative – Professional Learning Communities – Du Four describes the inevitable disillusionment when sound initiatives 'lose their way' because of failures in implementation:

In this all-too-familiar cycle, initial enthusiasm gives way to confusion about the fundamental concepts driving the initiative, followed by inevitable implementation problems, the conclusion that the reform has failed to bring about the desired results, abandonment of the reform, and the launch of a new search for the next promising initiative. Another reform movement has come and gone, reinforcing the conventional education wisdom that promises, 'This too shall pass'.²²

In order to reduce student suspensions, stand-downs and exclusions, the New Zealand Ministry of Education has, since 2010, implemented a nation-wide rollout of Positive Behaviour Support. ²³ Under the banner of Positive Behaviour Support for Learning, and with substantial funding via reprioritisation and new money, the Ministry of Education provides hands-on support for schools. ²⁴

Horner et al examined the rollout of School-Wide Positive Behaviour Interventions and Supports in seven American states and identified the core factors for successful implementation as:

Funding for the initiative for a minimum of three years; visibility and information sharing; political support that involved regular opportunities to report on progress and outcomes to the highest levels of administrative authority; and policy that supported the building of strong social cultures in schools.²⁵

Recommendation 9.1: That ETD, CE, and each Independent School, (a) endorse School-Wide Positive Behavioural Support; (b) resource and support schools to implement the program for a minimum of three years; and (c) evaluate the success of the program.

The Panel is aware that while the ETD and CE may distribute funds among member schools on the basis of need, Independent Schools, particularly the smaller and/or poorer schools, do not have the same flexibility to target student need. Many of these smaller schools have a high proportion of students whose needs are complex and challenging. It would be highly desirable if these schools were supported by ETD to participate in any large-scale rollout of the general model of Positive Behaviour Support in Public and Catholic schools.

9.6 Responses to very challenging behaviour

As effective as approaches such as Positive Behaviour Support are, they will not be successful with every student on every occasion. Sometimes students will display, inexplicably, very challenging behaviours that require an immediate response to protect their safety, or the safety of other students and staff, and schools sometimes need multidisciplinary assistance from other

agencies to support the student and family. These issues are taken up in Chapters 11 and 12 respectively.

9.7 Conclusion

In this chapter we explained how a proactive focus on positive behaviour for *all* students should underpin the approach taken to support the behaviour of *some* students, particularly those with complex needs and challenging behaviour. Consistent with the rationale and principles outlined in Chapter 5 and elsewhere, we recommend an approach that is based on a more thorough appreciation of individual needs, circumstances and strengths. This approach, referred to in general terms as Positive Behaviour Support, is evident in some ACT schools. However, the Panel recommends more thorough, systematic and widespread implementation to achieve systemwide positive results.

Key points covered in this chapter include that:

- Traditional approaches to discipline and behaviour management are no longer adequate for many students, particularly those who experience the effects of trauma, illness, disability and/or violent or chaotic home environments.
- Many ACT community members and teachers well understand and support the need for more proactive, child-focused and evidence-informed approaches to student behaviour.
- It is inefficient to attempt to 'fix' behaviour problems in schools one at a time.
- Extensive research has consistently demonstrated the benefits of approaches that adopt the general model of Positive Behaviour Support for a wide range of students.
- When recommended approaches for example, Positive Behaviour Support are introduced, they should be implemented with due regard to the research on 'implementation science'.
- When providing Tier one, or universal level, support for positive behaviour, schools should give priority to the fundamentals – the *student's* perception of safety, predictability, structure, clear expectations, good relationships and engaging activities – supporting these with relevant curriculum and good pedagogy.

The chapter touches on many other issues raised in this report, reinforcing the point that issues related to behaviour cannot be sensibly discussed in isolation. Related issues include: the need for support and clear guidelines; professional learning; collaboration; adequate funding and resources; and the ability to use school and classroom data to inform strategy. We recognise that schools sometimes need to draw on additional skills and supports and this is the subject of Chapter 10. We also recognise that sometimes, despite their best efforts, schools must take measures to deal with extremely challenging behaviour, and this issue is explored in Chapter 11.

¹ Glen Dunlap, et al, 'A comment on the term "Positive Behavior Support", (2014) 16(3) Journal of Positive Behavior Interventions, 133, 134

² Robert Horner, et al, 'Scaling up school-wide positive behavioral interventions and supports: Experiences of seven states with documented success', (2014) 16(4), Journal of Positive Behavior Interventions, 197-208

³ Catherine Savage, Juliet Lewis & Nigel Colless, 'Essentials for implementation: Six years of school wide Positive Behaviour Support in New Zealand', (2011) 40(1), New Zealand Journal of Psychology, 29, 33

⁴ Safe Schools Hub, The National Safe Schools Framework and Schoolwide Positive Behaviour Support, 2014 6

⁵ Glen Dunlap, et al, above n 1, 133-136

< http://www.education.govt.nz/assets/Documents/School/Supporting-students/Students-with-Special-Needs/PB4LUpdate2013.pdf>4-5

⁶ Robert O'Neill, Richard Albin, Keith Storey, K., Richard Horner, & Jeffrey Sprague, Functional assessment and program development for problem behaviour: A practical handbook (Cengage Learning 3rd Ed., 2015)

⁷Robert Horner, et al, above n 2, 208

⁸ David Mitchell, What really works in special and inclusive education: Using evidence-based teaching strategies (Routledge, 2nd ed., 2012) 236

⁹ David Mitchell, Ibid 275

¹⁰ John Maag, 'School-wide discipline and the intrasigency of exclusion', (2012) 34(10) Children and Youth Services Review, 2094, 2095

¹¹ ACT Government Education and Training Directorate, (2014) Safe and Supportive Schools: Behaviour Support Guide, 6

¹² Kent McIntosh, Sophie Ty and Lynn Miller, 'Effects of school-wide positive behavioral interventions and supports on internalising problems: Current evidence and future directions', (2014) 16(4), Journal of Positive Behavior Interventions 209-218

 $^{^{13}}$ Catherine Savage, Juliet Lewis & Nigel Colless, above n 3, 33

¹⁴ Ibid

¹⁵ Terrence Scott, Peter Alter, Michael Rosenberg, Chris Borgmeier, 'Decision-Making in Secondary and Tertiary Interventions of School- Wide Systems of Positive Behavior Support', (2010) 33(4), Education and Treatment of Children, 513-535

¹⁶ For example, the website http://www.pbisworld.com contains a comprehensive range of intervention strategies and resources for tier one, two and three interventions

¹⁷ Ross Greene, 'Collaborative Problem Solving can transform school discipline', (2011)93(2), Phi Delta Kappan, 25

¹⁸ Paul Alberto and Anne Troutman, Applied Behavior Analysis for Teachers (Pearson, 9th ed., 2012)

¹⁹ Barry Carpenter, et al, Engaging learners with complex learning difficulties and disabilities: A resource book for teachers and teaching assistants (London: Routledge, 2015)

²⁰ Fiona Bryer & Wendi Beamish, Supporting Students With Problem Behaviour In School Settings (2005), in B. Bartlett, F. Bryer, and D. Roebuck (Eds.), Stimulating the "action" as participants in participatory research, (Vol. 1, pp. 146-159). Brisbane, Australia: School of Cognition, Language, and Special Education, Griffith University

²¹ Dean Fixsen, et al, Implementation research: A synthesis of the literature. (2005)

http://ctndisseminationlibrary.org/PDF/nirnmonograph.pdf Tampa: University of South Florida> 4

²² Richard Du Four, 'What is a professional learning community?' (2004) 61(8), Educational Leadership, 6, 7-8

²³ Catherine Savage, Juliet Lewis & Nigel Colless, above n 3, 29

²⁴ Ministry of Education New Zealand. Positive Behaviour for Learning: Update 2013. (2013)

²⁵ Robert Horner, et al, above n 2, 199

CHAPTER 10:

Targeted Services and Supports

10.1 Introduction

School leaders and teachers are key players in changing school culture, building positive relationships and implementing interventions to teach and reinforce appropriate behaviours. However, some students pose greater challenges than can be met by the most dedicated teaching staff on their own, and schools need access to other supports and expertise to effectively meet the needs of these students.

Chapter 9 focused on a proactive 'whole school' approach that provides the foundation for supporting the behaviour of all students as well as responding to the complex needs and challenging behaviour of some students. This chapter deals with issues associated with the additional supports and services that are currently provided in schools in both sectors and makes recommendations to improve them.

As discussed in Chapters 5 and 15, the Panel believes that decisions about the type and nature of additional staffing must be made with reference to an evidence-informed, coherent strategy that builds on the unique characteristics, strengths and histories of services for students with complex needs and challenging behaviour in each jurisdiction and school.

This caveat notwithstanding, the Panel recommends that the ratio of school psychologists and/or school counsellors to students be substantially increased in ACT Public Schools to meet unmet need for their services, and we propose consideration of the employment of school counsellors with social work skills to complement existing psychologists' roles in order to build a multidisciplinary team approach. The Panel also recommends improvements to the resourcing and expertise of the centralised Student Engagement Teams, to enhance their capacity to assist schools to support students with particularly complex needs and challenging behaviour. The Panel considered the role of Learning Support Assistants (LSAs) and recommends a systematic approach to increase their professional preparation and learning through relevant training and professional development.

10.2 School psychologists and counsellors

The training and professional expertise of school psychologists and school counsellors provides a therapeutic and evidence-based perspective, which can complement the classroom experience of teaching staff. School psychologists assist by assessing the cognitive capacities and needs of students with challenging behaviour, and by working with school staff to develop and monitor evidence-based targeted interventions for these students, as well as providing ongoing counselling support to students and their families. However, as discussed below, limitations on capacity prevent school psychologists from fulfilling these roles.

In the ACT, school psychologists in Public Schools must be eligible for registration as a psychologist with the Psychology Board of Australia. Education and Training Directorate (ETD) employs psychologists both with and without teacher training, and school psychologists are based in schools at college, high school and/or primary levels, as well as in the preschool sector. In 2015 ETD employed eight Senior Psychologists and 44.16 full-time-equivalent school

psychologists, with most working across several schools.⁴ School psychologists in the Public School sector undertake a range of assessments, including assessment and reporting for the Student Centered Appraisal of Need (SCAN) process, as well as counselling and other duties.

Catholic Education (CE) has appointed a psychologist for its systemic schools in the ACT, who provides a range of services including assessment of students' social and behavioural development and of intellectual and academic skills. The CE psychologist is involved in case management and also participates in the validation process for the Student Centered Appraisal of Need (SCAN) process. Where required the psychologist provides cognitive assessments as well as assessments for students with suspected Autism Spectrum Disorder (ASD).

In addition to the system psychologist, CE provides schools with school counsellors through its partnership with CatholicCare. These counsellors do not conduct assessments but work with students and families.

Psychologists are employed in some Independent Schools.

Capacity of school psychologists to meet student need

Throughout the Panel's consultation, the lack of capacity of school psychologists to meet student need was a consistent theme raised by many stakeholders in the public sector. This was attributed to a high student to psychologist ratio, the higher level of assessments and reporting performed by school psychologists in the public school system, and the fact that the time and capacity of school psychologists were stretched over a number of schools, each of which might have students with significant behavioural needs.

In a survey of school leaders within the Public School setting, when asked to nominate one thing that would make a difference in supporting students with complex needs and challenging behaviour, over 30% (28) of respondents referred to additional access to the school psychologist or a similar resource. Some school psychologists also reported that they did not have time to meet the extent of student need:

As a school psychologist, it is extremely frustrating to know that I have the skills and abilities to assist with many students but I do not have the time to give students and teachers the amount of support they need. I often go home feeling frustrated after having to refer students to external agencies or private psychologists knowing that I could help them if I had more time. (School psychologist)

Assistance from people like school psychologists is critical. We do have a clear system in place for referral at my school, however we never have our school psychologist for enough hours each week to get to all those children with issues. (Teacher)

Assessments and reporting

While assessment and reporting is an important function of school psychologists in Public Schools, the demand and waiting list for these services can mean that other functions such as counselling and targeted interventions receive lower priority. This is particularly the case where reports are needed by schools to gain access to supplementary support through the SCAN process, so there may be additional pressure to focus on these assessments:

My personal experience working in primary schools is that school psychologists spend an awful lot of time 'assessing students' but not that much time on performing more of the counselling role. (Teacher)

It appears that counsellors employed in the Catholic and Independent school settings have a greater capacity to support teachers, students and families, as they focus on counselling and do

not have the same time commitment associated with providing assessments and reports for the SCAN process.

Many Independent Schools refer students to external providers in order to obtain assessments. Although 'external assessments' free up time for the school counsellors to work directly with students, they place an additional financial burden on parent/carers, which may not be feasible for some. However, a number of parent/carers noted that because of the delay in seeing a school psychologist in the Public School system, they had engaged a private psychologist at their own expense. This then necessitated the schools to liaise with an external provider for ongoing support rather than work with their own school psychologist. The delay in obtaining necessary assessments was mentioned by a number of teachers:

More school psychologists are needed to help identify student needs more quickly – in some cases we have been waiting 2 years to get students assessed! (Teacher)

School psychologists working across different schools

The current model of allocation of school psychologists in ACT Public Schools generally provides one psychologist for 2–4 schools in a local area. Many schools reported that this sharing arrangement limited the ability of the school psychologist to gain an understanding of the context and culture of the school, given the limited time in each individual school setting. This also made it difficult for a school psychologist to be available when significant behavioural issues or crises occurred:

Resources are never adequate, complex needs don't only impact us on one selected day of the week, when the psychologist is available. (School leader)

We need a full-time psychologist to support staff on a constant basis. (School leader)

We need more school psychologists and they need to be placed in schools on a full-time basis! We are teaching students with identified mental health diagnoses and we do not have the support or resources to be able to effectively support them or their family. (Teacher)

Some schools visited by the Panel reported using school budgets to purchase additional psychologist hours through consultant psychologists. The flexible use of funds for such purposes is discussed further in Chapter 14.

Experience and specialist knowledge

Some schools reported that the complexity of student need and the severity of their behaviour could be challenging for some school psychologists, particularly those new to clinical practice. A number of school leaders suggested that these positions tended to attract recent graduates, and that there was some turnover in school psychologists, which could affect relationships with students and families.

Separation of counselling role

The Panel noted that the use of counsellors (who may have social work or other professional training) in Catholic systemic schools, in addition to the system psychologist, provided for a useful delineation in roles. These complementary roles allow the psychologist to undertake assessment and reports, while the counsellors had greater availability to focus on counselling and developing strong relationships with students and families.

There are advantages to having onsite school psychologists for students with significant mental health needs or other complex needs and challenging behaviour. However, it may be

appropriate to consider whether additional counsellors may supplement the clinical role of school psychologists in ACT Public Schools to better meet the needs of all students. Again, and as discussed in Chapter 15, precise detail about nature and type of staff depends on the system's or school's overall plan for students with complex needs and challenging behaviour and the 'program logic' for it.⁵

Psychologist/counsellor to student ratio

The Australian Psychologists and Counsellors in Schools Association recommends a ratio of one school psychologist/counsellor to 500 students⁶, based on the findings of the NSW Coroner that high schools of more than 500 students should have a full-time school counsellor.⁷ The Association reported in 2013 that the psychologist/student ratio in the ACT compared well to other Australian jurisdictions.⁸ Since this time ETD has increased the number of school psychologists in the ACT, adding an additional four full-time-equivalent school psychologist positions. Nevertheless, the current ratio of psychologist to students across the ACT is 1:750 which does not yet meet the recommended standard.⁹

In the Panel's view, rather than simply recruiting psychologists, it may be helpful to complement existing numbers of psychologists with social workers and other allied health professionals in school counselling roles, to build a multidisciplinary team approach and to meet recommended ratios.

If this higher psychologist/counsellor to student ratio were adopted across the ACT this would lead to a significant increase in the capacity of school psychologists and school counsellors to meet student need, including needs of students with complex needs and challenging behaviour.

Recommendation 10.1: That ETD increase the number of psychologists/school counsellors (or other professionals with complementary expertise) within schools to meet the ratio of 1:500 students recommended by the Australian Psychologists and Counsellors in Schools Association.

10.3 Centralised behaviour support services

In addition to school psychologists and counsellors there is also an important role for consultants with specialist expertise (including expertise relating to particular disabilities or behavioural disorders) who can work with schools to build capacity to support students with complex needs and challenging behaviour. The ability to draw on centralised high-level expertise and resources is potentially an advantage of Public and systemic schools, and is a mechanism for ETD and CE to meet their responsibilities to make reasonable adjustments for students within their systems.

During our consultations teachers emphasised the benefits of external expertise and supports for children with complex needs and challenging behaviour. A submission from a teacher highlights the positive outcomes when appropriate strategies and supports are identified:

In Term 2 an authentic ASD consultant came and spent time with me in the classroom. Within a couple of hours they had diagnosed the problems specifically for the child. They gave me simple, effective and practical solutions that turned the child's behaviour around in just a few days. Not only did the behaviour improve dramatically but it was as though we had unlocked a key and accessed this child. The child began learning, talking and enjoying the classroom. The change was so dramatic! The consultant also organised me to visit another ASD unit in action. It was transformational in my professional learning. (Teacher)

In this section we consider the centralised resources available to Catholic Schools and ACT Public Schools. Each Independent School adopts its own approach to these issues, drawing on expertise within the school or contracting external specialist support on an individual basis.

Catholic Schools: Wellbeing and Inclusion Team

Within Catholic Education, a Behaviour and Wellbeing Officer position currently provides support to Catholic Schools in Canberra as well as offering support to other schools within the Canberra/Goulburn diocese. CE reports that the supports provided include: student observations; support to develop behaviour response plans or behaviour safety plans; formulation of functional behaviour assessments where needed; and coordinating collaboration with other officers within CE Office (including learning support, psychologist assessment, human resources, school services, CatholicCare and school counsellors).

Schools can refer individual students for behaviour support through an intranet form. Students are referred for a range of reasons including: challenging behaviour in the classroom/playground; complex needs, including support to manage the number of therapists or outside agencies involved; parental support; transition; case management, and further assessment.

Of the teachers currently working in Catholic schools who responded to the Panel's survey, approximately 50% (155) had not received specialist behaviour support. Of those teachers who had received specialist behaviour support, 87% (15) reported that they had found it "moderately or extremely useful".

Several teachers from this sector made comments about difficulties accessing specialist support to assist them to manage students with challenging behaviour:

Staff need more counsellors and behaviour management experts to work with them and student/s and families. (Teacher)

An ongoing mentor who is available to support each teacher with these children, to help set up systems and to return to observe and give ongoing support to the teacher. (Teacher)

Many teachers also commented about the workloads of the Behaviour and Wellbeing Officer and how this affected the outcomes of the strategies implemented:

CE has a Wellbeing and Behaviour Support Officer who does a fantastic job, but is the only one for our entire system. (Teacher)

A behavioural specialist teacher in CE observed and spent time making suggestions about students in my class. She also tried to help by meeting with parents. I found her specialist knowledge and experience particularly useful. Had to wait a long time for her to come because of her workload so believe others with similar skills are needed who can be accessed more quickly. (Teacher)

Some teachers spoke to the Panel about delays in accessing the assistance they required from CE to manage and support students with very challenging behaviour.

CE informed the Panel that they are introducing a multidisciplinary case management team approach to support schools and students with complex needs and challenging behaviour. This involves the creation of a Wellbeing and Inclusion Team comprised of the CE psychologist, Senior Officer Learning Support and the Behaviour and Wellbeing Officer. At this level the team will determine targeted support for the student and/or school. CE has also established a School Engagement Team involving contracted therapists, consultants in Autism Spectrum Disorder,

hearing consultants and/or teachers to deliver support in the school, with input from the Learning Support teachers at the school, executive staff and parent/carers.

It is not clear whether the Wellbeing and Inclusion Team involves additional resources or is a new configuration of existing roles. However the establishment of this team and the School Engagement Team are positive developments.

Recommendation 10.2: That CE monitor and evaluate the outcomes of the Wellbeing and Inclusion Team Program currently being introduced in Catholic schools.

ACT Public Schools: Network Student Engagement Team, and Targeted Support Team

In 2012, ETD established four Network Student Engagement Teams (NSET) in the Networks of Belconnen, Gungahlin, Weston and Tuggeranong. Each NSET includes a Targeted Support Team (TST). Each NSET comprises two Senior Psychologists (one within the TST), two Behaviour Support Partners (one within the TST), a Family Support Officer/social worker (in the TST), and a Disability Support Partner. The Behaviour Support Partner and Disability Support Partner roles are filled by executive teachers with particular interest and expertise in these areas.

The NSETs offer support and advice to schools that require additional support to meet the educational needs of children with complex needs and challenging behaviour. The Panel heard that the underlying philosophy of the NSET is to build capacity within schools, through observing behaviour in the classroom and providing advice and strategies for teachers to implement, rather than working directly with students. The NSET also provides professional development sessions and online courses for teachers.

The TST is a subset of the NSET, based within one host school in each network and can provide more intensive support in relation to students with challenging behavioural issues. The formal criteria for TST involvement is students who have been suspended three times, or for at least five days in total; however, the Panel has been informed that sometimes these criteria are treated more flexibly by teams, and that a change to policy in 2014 allows for early intervention where a student is at risk of multiple suspensions. Where students meet these criteria the TST can work with a school and the student's family for two terms, with a review and possibility of extension at the end of the second term. Each NSET/TST can have a caseload of up to 20 students. The involvement of the NSET and TST remain at the discretion of each school, with no requirement for school leaders to refer issues to the NSET or TST, even when a student has multiple suspensions, or restrictive practices have been required in relation to the student.

While there are many advantages of this model, there has not yet been any formal evaluation of the NSET program, and the Panel was not able to access data regarding the outcomes of students who had been referred to these teams. During our consultation, the Panel heard a range of views about the NSETs that suggest the programs could be strengthened to provide a more effective service, and several peak bodies requested a full assessment and review of these programs.

Adequacy of the programs to meet demand

In the Panel's survey, approximately 70% (322) of ACT Public School teachers reported that they had not engaged with the NSET or TST. Of those who had engaged, 70% (99) reported that they found the services of the NSET useful, and 75% (108) reported that they found the TST useful.

Some teachers stated that individual Behaviour Support Partners had provided significant support to their school. It was also reported that the role of the social worker in the TST was helpful, and that their engagement with parent/carers was vital to the ongoing success of the student at the school:

The Network Student Engagement Team is a great resource and is very useful when you have challenging students in your class. Having a behaviour support partner to talk about your concerns whilst offering practical strategies is very reassuring... The targeted support team are also beneficial as our families get access to a psychologist which all too often they can't get through the school because of the amount of limited time school psychs have in schools. (Teacher)

I have had ongoing support from behaviour support partners and the team, which I found extremely useful. (Teacher)

However, many teachers who responded considered that the workload of the teams was too high, and that increased resourcing for these programs was required:

One of the issues is that these teams appear so overworked and stretched that they don't always follow up and communication is lost. Ongoing changes in staff does not help. (Teacher)

Participants particularly focused on the limited duration of involvement of the TST with schools and families. Teachers noted that the time limits on involvement did not always meet the needs of families with higher needs, who need time to develop trust, and require ongoing support.

Teachers also raised concerns about the ability of the TST to offer proactive support for students, as schools needed to wait until the student had three suspensions before the team could be engaged in some cases. This meant that there was no early intervention offered before issues escalated significantly, and that any support offered was reactive in nature.

The NSET/TST intervened too late and, furthermore, were not intending to offer support to the school in the immediate time frame. (Teacher)

ETD have informed the Panel that in 2014 the criteria for TST was changed to allow early intervention for students at risk of continual suspension. However, given the consistent concerns raised with the Panel it appears that not all school leaders are aware of this change to policy.

Need for ongoing coaching

While it is desirable to build expertise within schools, rather than creating ongoing dependency upon external specialists, developing teacher capacity may require more than training courses and advice. A number of teachers and school leaders queried the approach, sometimes taken by some NSETs, of providing advice to teachers by email or telephone. They felt that this was not as helpful as observation and coaching in the classroom, as this can provide teachers with opportunities to practise behaviour management strategies and to receive immediate feedback. While this approach would be more resource intensive, they considered that it would help strategies to be implemented with greater integrity:

Schools often don't need sit down advice from these teams. We need them to provide time for them to visit. (Teacher)

The support is not sustained, it is only a short intervention. If you are lucky it might be an observation and then some follow-up emails or calls. We need support shoulder to shoulder, someone who has the practical skills and can show you how to do things in the classroom,

and watch you try it, then come back each week for a while to observe and help get things working well. Not just waiting until there is another crisis. (Teacher)

It's frustrating because ten years ago we had that kind of support. A lady from student support came in to sit with me every Wednesday over six months and worked with me on challenging behavioural issues in my class. It was a sustained approach which built my skills and confidence to teach and support these children. (Teacher)

It appears that the approach taken by the NSETs varies, as some Behaviour Support Partners already take this more hands-on coaching approach, which is valued by teachers and school leaders. The ability to provide this level of support will also depend on capacity and caseload of each NSET. The Panel believes that greater clarity is needed in the role of NSETs, particularly in regard to the balance between 'hands-on' assistance and capacity-building.

Level of specialist expertise

A number of teachers told the Panel that they appreciated the educational backgrounds of the Behaviour Support Partners and Disability Support Partners, as it meant that they understood how classrooms operated. However, some considered that these officers did not always have sufficient specialist expertise to assist in the most difficult cases. Many teachers reported that the NSET recommended that they try strategies that the school had already tried and exhausted. Others felt that they had already developed expertise to a similar level to the NSET within their own school, but needed something more (for example, a specialist in relation to a particular disability or disorder) to support them in responding to students with very high needs.

It is useful to get input from the NSET and TST team in terms of flagging challenging behaviours, however the input we usually receive is nothing above or beyond what we already know and try to implement on a daily basis. (Teacher)

Often the support was of a general approach and not specific enough to target specific situations. (Teacher)

Several schools reported that they had very positive relationships with a particular Behaviour Support Partner, but considered that the role was spread too thinly across many schools.

Need for a 'buck stops here' approach

A number of schools and teachers talked about the limitations of the NSET to assist with the most difficult students, as the cap on time allocated for intervention meant that sometimes support ended even though the behavioural difficulties were ongoing, and the school was left struggling. Many teachers felt that the NSET (as representatives of the ETD) should remain involved until the issues were satisfactorily addressed, which may require the brokering of additional supports for the student:

There needs to be an escalation process when needs are not being met despite using directorate processes/resources. This would support us in that it wouldn't feel like you have tried everything and you are therefore out of options. It can feel like you have engaged NSET/disability ed. partner/behaviour support so you are done. It is isolating and of great concern. (Teacher)

It is notable that in the publicly released summary of the Shared Services investigation into the circumstances of the 'inappropriate structure' incident, it was reported that 'the specialised behavioural support team routinely provides support to the school. They were not involved in the decision making regarding the structure'. However, the summary also states that 'the Principal did not escalate a request for assistance'. ¹¹

Without commenting on the individual circumstances of this case, which have not been investigated by the Panel, it should be noted that ETD does not have a clear policy regarding the escalation of behavioural issues that cannot be resolved by the NSET, and it is not clear what further support can be provided in these circumstances. A number of school leaders commented to the Panel that ultimately they felt that they were left alone to solve the more difficult problems, without the resources to properly meet the needs of some students with the most complex needs and challenging behaviour.

There are currently no formal oversight mechanisms for decisions about restrictive practices, which are left to the judgement of individual teachers and school leaders. This gap in policy guidance and oversight is discussed further in Chapter 11.

Improving the NSET program

External behavioural support programs, and advice from experienced professionals, can have a significant positive impact in assisting schools to support students with complex needs and challenging behaviour. A centralised support service, which allows ACT Public Schools to share a pool of specialist expertise, is a promising model; however, greater resourcing and specialisation is required to allow this model to meet the needs of schools.

Whether as officers, or specialists retained as needed, an improved model would include utilising partners with specialist expertise in the management and support of students with particular disabilities and disorders in the classroom, including ASD, ADHD, trauma-related behavioural issues and conduct disorders. Given the number of students with complex needs and challenging behaviour who have learning difficulties, and the effect of learning difficulties on many aspects of student engagement, it appears that there is a need for greater centralised expertise in this area. Developing a specific role of Learning Difficulties Partner within each NSET team, with specialist expertise in identifying and supporting students with learning difficulties, would add key skills needed by many students with complex needs and challenging behaviour.

An improved model would allow for earlier and more proactive intervention, on the basis of serious behavioural issues identified by a school, (which in some cases happens in the first weeks of a child's enrolment) rather than waiting until negative patterns have become entrenched and a student has received several suspensions. Such an approach is consistent with principles in Chapter 5 in regard to proactivity and prevention. As discussed in Chapter 11, suspensions are primarily a reactive approach and should be used with great caution as they may exacerbate an existing problem of school refusal or disengagement.

An improved model might also allow for more 'shoulder-to-shoulder' coaching and mentoring with teachers to assist them to identify triggers for behaviours and implement appropriate responses within the classroom or school environment.

In our view, the NSET should have capacity to remain involved with the school and family until the issues have been resolved, or the school is able to support the student's behaviour appropriately. The NSET is well placed to assess whether a student requires additional supports within the classroom that are not currently being provided under the SCAN funding process. The NSET should have the ability to apply directly to ETD for funding for supports, including additional staffing and other resources. Such supports should not be dependent on a formal diagnosis, or meeting the SCAN criteria, but rather on the basis of genuine support needs within the school environment. This would assist schools and ETD to comply with requirements to make reasonable adjustments for students with disabilities as defined under the DDA.

It is important that the NSET programs focus on the outcomes for students, and schools, and be evidence-based. These programs should collect data on the effect of interventions for each

student, and the effectiveness of the programs should be evaluated. When evaluating behaviour support programs across a number of schools in the USA, Dodge reported that:

Consistent data collection, supported by a systemic procedure to analyze that data, is paramount to increase the effectiveness of any behavior support program. As schools continue to face challenges associated with providing adequate behavioral supports for students, building capacity with teaching and administrative staff is recommended, so that a continuum of behavioral supports could be provided to meet diverse behavioral needs.¹²

Put simply, developing a system of monitoring and evaluating the outcomes of any behaviour support model, both for individual students, as well as their teachers and schools, is vital. Measuring the effectiveness of these approaches should lead to improved practice and adaptation of approaches used, particularly in terms of timeliness and long-term impact of interventions.

Recommendation 10.3: That ETD ensure that the NSETs are sufficiently resourced and supported to allow them to (a) provide ongoing coaching to teachers within the classroom setting to assist with the support of students with very challenging behaviours; (b) respond proactively and in a timely way to meet identified needs; and (c) develop a high level of expertise in relation to the support and management of students with very challenging behaviours, and obtain specialist consultant advice where required.

Recommendation 10.4: That ETD resource and establish within each NSET a Learning Difficulties Partner position with specialised expertise in assessing and responding to students with learning difficulties.

Recommendation 10.5: That ETD develop a mechanism to allow each NSET, in circumstances where a student with complex needs and challenging behaviour does not meet criteria for SCAN funding, to obtain funding for additional staffing or other services assessed by the NSET as necessary to adequately support that student.

Recommendation 10.6: That ETD collect and analyse data on student outcomes, and school, student and parent/carer satisfaction, with respect to the NSET program, and that this data be used to monitor and improve the effectiveness of ETD's overall strategy with respect to students with complex needs and challenging behaviour.

10.4 Support staff

The ACT Public School system has adopted a model of school based management, which means that each school has considerable flexibility in terms of the use of staffing positions to support students with complex needs and challenging behaviour, and the school environment more generally. Support staff allow schools to target specific students through group work, one-on-one support, focused activities, or engagement with parents and carers or other agencies, and may be utilised in a number of ways to support the overall needs of the school.

Schools within the ACT may employ a variety of support staff including, but not limited to: youth workers, pastoral care workers, welfare officers, community liaison officers, LSAs, and school chaplains. Some of the most common positions are discussed below, and the Panel considers strategies to ensure that the use of these positions is effective and evidence based.

The Panel spoke with school leaders who had adopted more creative uses of staffing resources and additional staffing points received through SCAN funding which provided a good model to meet student need. Rather than relying solely on LSAs these leaders sometimes employed additional part time teaching staff, literacy and numeracy specialists, and youth workers to perform particular support roles, which enhanced the functioning of the classroom and school overall. However, as schools may need support and guidance to make the best use of these resources, and to learn from the positive practices of other school leaders, we discuss these issues in Chapters 13 and 15.

Pastoral Care Coordinators

Pastoral Care Coordinators or individuals in similar roles are currently employed in ACT high schools and colleges in the Public education sector and in many Catholic and Independent schools. Pastoral Care Coordinators are often responsible for facilitating or developing group programs that support the social and emotional needs of students, and focus on student wellbeing and development. They also have a primary role in fostering a positive school culture, as well as supporting other agencies to engage in the educational setting. Schools reported that the Pastoral Care Coordinator will often work in conjunction with other support staff, such as youth workers, welfare officers or LSAs, to develop programs to support children with complex needs and challenging behaviour.

There was considerable positive feedback offered to the Panel around the use of Pastoral Care Coordinators, and student welfare teams, and the support that they offered the school, students and families. Many school leaders reported that additional capacity within the Pastoral Care Coordinator role would benefit their school. Some school leaders in primary schools suggested that establishing an equivalent role in primary education would benefit students, as pre-emptive strategies targeting social and emotional wellbeing could be implemented prior to the student engaging in more complex and challenging behaviour as they age.

Additional funding for behaviour support or pastoral care executive in primary schools. (School leader)

The whole pastoral element of the school is the greatest resource for developing students. (School leader)

Pastoral care position in primary for early family support would be great. (School leader)

Some concerns were raised about the need for more specialised qualifications for Pastoral Care Coordinators, particularly as they commonly engage in community development and welfare activities while their primary qualification and experience is usually in education. Some teachers raised concerns about the level of support offered to Pastoral Care Coordinators in relation to professional supervision, given the complex nature of the students and families they are often engaged with. (Issues of professional supervision are discussed further in Chapter 13.)

However, overall, Pastoral Care Coordinators were seen as having a significant positive effect on school culture and practice, particularly when integrated with the school program and supported by all staff.

Learning Support Assistants

Learning Support Assistants (LSAs) are often employed within ACT schools to support students with complex needs and challenging behaviour. Staffing points are provided under the SCAN funding process for students who meet disability criteria, and these are often used for LSAs, although this funding is not tied to a particular staffing role or to support a particular student. LSAs are also employed in Learning Support Units and Specialist Schools to support students in those settings.

LSAs are currently utilised in a variety of ways, including: working as First Aid Officer; supporting classroom teachers with students with learning difficulties; conducting reading recovery with small groups of students; participating in withdrawal programs for one-on-one time in literacy and numeracy; working with students with disabilities in a mainstream classroom; and/or supporting teachers in a learning support unit and specialist schools, including personal care of students when necessary, such as for toileting.

Some teachers and schools reported that LSAs are allocated to an individual student within their school, and will generally focus their attention on meeting the needs of that one student. In other schools LSAs may be deployed more flexibly, to provide support at particular times (such as transitions), or to support an entire class whilst the teacher engages with one student with complex needs and challenging behaviour to offer them targeted support.

Stakeholder perspectives on LSAs

Most stakeholders had very positive views of LSAs, and felt that they provided invaluable assistance in the classroom.

A number of students with a disability commented that they appreciate the support and individual attention that LSAs can offer:

LSAs get to help people learn.

My LSA helps people better than the relief teacher.

LSAs in class were useful too. I think I feel more comfortable talking to LSA not the teacher. (Students with a disability)

Teachers and school leaders particularly valued LSAs in the management of students with complex needs and challenging behaviour, and generally called for resourcing for more of these roles:

LSAs in the classroom are extremely beneficial – not just for the individual student they have been assigned to but for other students with similar needs. LSAs are worth their weight in gold. (Teacher)

LSA provide invaluable support for challenging children. They often crave the one-on-one or small group time; this can be provided. (Teacher)

It was also acknowledged throughout consultation that LSAs had a leading role in terms of managing children with complex needs and challenging behaviour. LSAs were often referred to as 'front-line staff', and the demands of this role were commonly reported.

Parent/carers also generally supported the LSA role, and raised concerns about the lack of funding for LSAs for many students with complex needs and challenging behaviour, and the difficulty in obtaining a full-time LSA to support their child.

Despite these very positive views, a number of stakeholders raised concerns about the adequacy of support, training and respite for LSAs, to allow them to effectively manage some of the more challenging, and sometimes violent, behaviours that they are expected to deal with. It was noted

that they specifically require training in areas such as trauma, learning difficulties, ADHD and ASD.

Concerns were reported to the Panel about moves to broaden the LSA role further to include medical tasks that were previously administered by school nurses under the Healthcare Access at Schools program. Some additional duties may include: tube feeding; administering medications both orally and rectally; and assisting with toileting, including diaper changing. Further concerns were raised when students require additional equipment such as medical braces or stands, harnesses or information technology, all of which LSAs may not be familiar with. It was noted that LSAs may not have the training that they required to undertake these tasks, and that this was seen as a safety issue, not only for the staff members, but for the children involved.

ETD informed the Panel that LSAs who are required to manage health care tasks are provided with specific training based on the student's individually assessed health care needs, and assessed for competency by ACT Health Registered Nurses with a Certificate in Training and Assessment. LSAs are also provided with manual handling training to ensure the safety of both students and themselves.

Nevertheless, it appears that further work is required to ensure that schools and staff are comfortable with performing these additional duties, and to eliminate any safety risks to students. We understand that the issues are being further explored through a cross government working group involving ETD, ACT Health and relevant unions.

Research on the effectiveness of LSAs

There is a considerable research on the effectiveness of LSAs in supporting students with complex needs and challenging behaviour. This research, that tends to focus on the influence of LSAs on student learning outcomes, tends to conflict with the very positive views of many parent/carers and teachers. Research has identified particular concerns about adequacy of training, exploitation of the role, unclear roles, lack of planning and supervision between teaching staff and LSAs, and unintended negative consequences for inclusion of students, as LSAs can potentially isolate the student from the rest of the class. LSAs

Nevertheless, given the consistent feedback from parent/carers, students, teachers and schools about their value, it is likely that LSAs will continue to play an important role in supporting students with complex needs and challenging behaviour. For students with very challenging behaviours, the role of an LSA may be essential in allowing the child or young person to be included in a mainstream classroom, while ensuring the safety and learning of other students. The LSA can assist the student to self-regulate, to change activities and/or withdraw to another area without disrupting others. However, research indicates that attention must be given to addressing any unintended negative consequences for students.

As Mitchell notes:

Although the prime purpose of teacher aides is usually to provide support to the learners with special educational needs, this does not necessarily mean that they must work exclusively with such learners. Most importantly, teacher aides should avoid making such learners overly dependent on their support, (reflected for example in them taking up excessively close proximity to learners with special educational needs) rather, they should help them to become increasingly independent.¹⁵

It also indicates that the training and professionalisation of LSAs is of great importance to ensure that they are able to provide high-quality support to students with complex needs and challenging behaviour and to work effectively with teachers.

Professionalisation of LSAs

Despite the wide range of duties an LSA may be required to perform in a school, there are currently no formal qualifications or level of knowledge or expertise required of a person to be employed as an LSA, beyond ensuring that they are registered to work with vulnerable people. This is in contrast to other fields, such as early learning, where government policy has moved towards professionalisation and has prescribed minimum education standards for all staff. This has resulted in an anomaly at some early childhood schools where LSAs who are not qualified to be employed within the co-located childcare centre are able to work with older children with additional needs such as ASD, or other disability, even though, as shown in Chapter 5, that support for some of these students requires greater knowledge and distinct pedagogy.

In the current LSA pay structure within ETD, there is a 'soft barrier' between points 5 and 6. In order to move to point 6 on the pay scale, LSAs are required to undertake some units of competency from the modules contained in a Certificate III and are awarded a Statement of Attainment. However, they are currently not required to complete the qualification, although some do.

The Canberra Institute of Technology has recently begun to offer a Certificate IV in Education Support. This program aims to provide graduates with the broad skills and knowledge to work as an LSA and caters for specialisation in a range of educational contexts including disability support, support for students who are from Aboriginal and Torres Strait Islander backgrounds, and additional support in the areas of numeracy and literacy. ¹⁶

Improving the skills and professional standing of LSAs would recognise the importance of this role for students with complex needs and challenging behaviour, and ensure that staff employed in this capacity have the training required to provide quality support to these students.

Recommendation 10.7: That ETD, CE, and each Independent School, commit to the professionalisation of LSAs and ensure that by 2018 (a) all LSAs hold, or are in the process of obtaining, at least a Certificate IV in School Age Education & Care or equivalent; and (b) all LSAs working in a Learning Support Unit or specialist school hold, or are in the process of obtaining, at least a Certificate IV in Education Support or equivalent.

Aboriginal and Torres Strait Islander Education Officers

The capacity of schools to support Aboriginal and Torres Strait Islander children and young people, and their families, in culturally responsive ways is important to promote successful learning outcomes. Programs and approaches that are culturally appropriate and which foster strong relationships are especially important for Aboriginal and Torres Strait Islander children and young people with complex needs and challenging behaviour. Improved attendance, literacy and numeracy outcomes and educational attainment continue to be priorities for all school sectors, according to the Closing the Gap targets set by the Council of Australian Governments.

In ACT Public Schools, where the large majority (80%) of all Aboriginal and Torres Strait Islander school students are enrolled, there are 11 Aboriginal and Torres Strait Islander Education Officers, currently employed across 13 schools where these enrolments are concentrated. These officers assist schools to engage with families in culturally responsive ways, build supportive

relationships with students and families, and contribute to children and young people's developing sense of cultural identity and heritage. Schools and their communities see the A&TSIEO role as an important factor in achieving improved outcomes for Aboriginal and Torres Strait Islander children.

ETD also employs one Aboriginal and Torres Strait Islander Family Support Officer, who works with the NSET to support Aboriginal and Torres Strait Islander families and students, with issues that hinder school attendance and engagement with learning. Building stronger connections and coordinated approaches with NSET and key external agencies, including Gugan Gulwan Youth Aboriginal Corporation and Winnunga Nimmityjah Aboriginal Health Service, is a key factor in ensuring improved outcomes for these children, young people and their families.

ETD also employs a Student Engagement and Transitions Project Manager to work with schools in developing case management approaches for at risk Aboriginal and Torres Strait Islander students, to improve their attendance, engagement and Year 12 attainments.

Relief staff

Relief staff play an important role in ensuring that programs in schools are maintained and duty of care is met when teachers or LSAs are absent on leave or undertaking other duties, including professional development. The skills and preparation of relief staff, and systems of communication with regular teachers about student needs, are particularly important for students with complex needs and challenging behaviour, who are likely to be more affected by a change in routine and a disruption to established relationships.

Relief teaching can be stressful for both the teacher and the students. There is a cohort of relief teachers who are experienced classroom practitioners but many other relief teachers are recent graduates at the beginning of their careers. These teachers may face particular difficulties in effectively supporting students with very challenging behaviours.

In the Panel's consultation, many mainstream students indicated frustration with relief teachers:

They don't want to be there or know the subject; they don't really know you; they don't care as much as our other teachers; they don't know the subject. (Students)

Other students, however, said that:

Some relief teachers are fantastic; it depends on the teacher; teachers and students can mix good or bad so it depends on the situation; I guess it depends on who the teacher is. (Students)

Relief teachers have very little opportunity to develop a rapport with students and may find themselves in front of classes with no information provided to them about the students or particular ways to manage individuals within that class. One of the key observations provided to the Panel was that relief staff, both teaching and support staff, are often not supported by additional or appropriate training to effectively manage students with complex needs and challenging behaviour, and may be given little or no information about a school's behaviour management protocols or where to go to find help with students presenting with challenging behaviours.

Conversely, classroom teachers who have developed good relationships with students with complex needs and challenging behaviour reported feeling additional pressure to attend work even when ill, or to forego professional learning opportunities because of concerns about the ability of relief staff to manage these students. This was exacerbated for teachers in special

education units due to the scarcity of relief staff trained in special education. Additionally, there were concerns about the students in these units, who often found change very stressful:

It is really hard to find experienced relief teachers or relief LSAs to cover the units. Most of the time they just create more difficulties, as they don't know the students and can't help to do anything, and the students are disturbed by changes to the routine. (Teacher)

Using relief staff is not worth the emotional drain on the children. It can be two steps forward and twenty steps backwards after a bad relief day. (Teacher)

Improving the use of relief teachers across the ACT

It is important for all schools to develop robust practices to ensure that behaviour support plans and other relevant information regarding the support of students with complex needs and challenging behaviour are made available to relief staff, so they can provide continuity in teaching and support. School leaders have a duty under work health and safety legislation to ensure that all staff understand, and are supported to minimise, any risk to safety posed by student behaviour. Accordingly, they must ensure that relief teachers are informed about any students who may display violent or unsafe behaviour, and that they are provided with safe systems to manage these risks.

Where possible, schools should avoid placing inexperienced relief teachers with students with very challenging behaviours without additional support. Many schools adopt a practice of relocating these students to another class with an experienced teacher who has already formed a relationship with that student. It would be helpful for schools to develop a consistent pool of relief staff who can get to know and work with students who have particularly complex needs and challenging behaviour. Certainly relief staff should be briefed on arrival about the needs of particular students who may be distressed by change or who are known to be under stress. Specific professional development opportunities for relief teachers are discussed in Chapter 13.

10.5 Conclusion

To support a diverse range of students, including students with complex needs and challenging behaviour, schools need to draw on the expertise and skills of a range of professionals, and to ensure that support roles are used effectively to maximise the use of limited resources.

Key points covered in this chapter are:

- the importance of school psychologists, the diversity of their role in the public school system, their competing priorities and the demands on their time;
- the need for of increase in school psychologists/school counsellors (or other professionals with complementary expertise) to meet the ratio recommended by the Australian Psychological Society;
- consideration of increasing the multidisciplinary support for schools;
- the value of centralised support services for Public and Catholic schools;
- limits on capacity of centralised services in ETD and CE to provide ongoing coaching and highly specialised support required in some cases;
- the need for a greater range of expertise in the NSET and TST to assist with students with learning disabilities and other complex needs;
- greater resourcing of centralised services to allow them to provide further support and to obtain specialised expertise where required, for example, Learning Difficulties Partners within the NSET/TST;

- the value of other roles including Pastoral Care Coordinators, LSAs and Aboriginal and Torres Strait Islander Education Officers;
- a flexible and creative use of staffing resources is necessary to meet student needs;
- LSAs are highly valued by teachers, parent/carers and students but it is important that
 their skills are used in a way that supports and complements the teacher's role and do
 not unintentionally undermine the independence and inclusion of students;
- LSAs should have recognised qualifications and opportunities for ongoing professional learning;
- Relief staff play an important role and must be appropriately resourced and informed so that they can effectively manage risks to safety and continue routines and practices that support students with complex needs and challenging behaviour.

¹Rebecca Branstetter, The School Psychologist's Survival Guide. (Wiley and Sons, 2012) 2

² Australian Psychologists and Counsellors in Schools, An Australia Wide Comparison of School Pyschologists/Counsellors/Guidance Officers (2013)

 $< http://www.agca.com.au/a_docs/An_Australian_Wide_Comparison_of_School_Counsellor_Psychologist_and_Guidance_Services_2008.pdf > 1$

³ ACT Department of Education, Taskforce on Students with Learning Difficulties. (2013)

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⁴ACT Department of Education, NSET: Update. (2013) < www.det.act.gov.au/__data/assets/.../DERG-Minutes-19-February-2013.docx>

⁵ James McDavid, Irene Huse and Laura Hawthorn, Program evaluation and performance measurement: An introduction to practice. (Sage Publications, 2006) 48

⁶ Australian Psychologists and Counsellors in Schools, APACS School Chaplain Statement (2011)

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⁷ Malcom MacPherson, Coroner's Report into the death of Alex Wildman. Coroners Court of New South Wales (2010)

 $^{^{\}rm 8}$ Australian Psychologists and Counsellors in Schools, above n2, 1-6

⁹ Ibid, 1

 $^{^{\}rm 10}\,{\rm ACT}$ Department of Education, above n 3

¹¹ACT Department of Education, Inappropriate Structure Investigation Outcome, 2015

 $< http://www.det.act.gov.au/__data/assets/pdf_file/0006/770208/150908-Inappropriate-Structure-Handout.pdf>2 to the control of the control o$

¹² Pamela Dodge, Managing School Behaviour: A qualitative case study, (2011)

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¹³ Peter Blatchford, Anthony Russell and Rob Webster, Reassessing the impact of teaching assistants: How research challenges practice and policy, (Routledge, 2012) 7

¹⁴ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli and Michael Arthur-Kelly, Disability Diversity and Tides that Lift All Boats: Review of Special Education in the ACT (2009). ACT Government

¹⁵ David Mitchell, What Really Works in Special and Inclusive Education (Routledge, 2nd ed, 2014) 72.

¹⁶ Canberra Institute of Technology, Education Support, (2015) http://cit.edu.au/study/courses/education_support_certificate_iv>

CHAPTER 11:

Protecting Student and Staff Safety

11.1 Introduction

Chapter 9 examined models and practice of Positive Behaviour Support, including universal and more targeted interventions, which are an essential foundation for preventing and addressing challenging behaviours. Additional staffing support and training, and an appropriate physical environment are also critical factors that will assist to reduce the incidence of behavioural issues. These proactive approaches must be the primary focus of intervention, and evidence suggests that such approaches are effective in reducing challenging behaviours and the need for restrictive practices in school settings.

Nevertheless, some students may continue to display very challenging behaviours that pose a risk to their own safety or the safety of other students and staff. These behaviours may require an immediate response to minimise this risk. In such circumstances de-escalation techniques will often be successful in averting a crisis; however, in some situations, use of restrictive practices may be necessary to protect the safety of students and staff. These issues affect Independent Schools, Catholic Schools and ACT Public Schools (mainstream and specialist schools), and the Panel heard concerns raised about very challenging behaviours from all of these sectors.

There is currently little explicit guidance for ACT schools and teachers about their obligations in relation to the use of restrictive practices such as physical restraint or seclusion. This Chapter considers the application of human rights and other legal obligations in relation to restrictive practices. We propose more detailed guidelines for the use, monitoring and oversight of restrictive practices in schools, informed by human rights, discrimination and work safety obligations. This chapter also considers other strategies used by schools to respond to challenging behaviours, including suspension and reduced attendance.

11.2 Challenging behaviour in schools

Most students display safe and respectful behaviour at school most of the time, and appropriate interventions can help to prevent challenging behaviours. However, a small minority of students sometimes display very challenging behaviour (for example, aggressive, destructive, self injurious or sexually inappropriate behaviour), which poses a risk to their own safety and the safety of others.

The Expert Panel conducted an online teacher survey in July–August 2015, which was completed by teachers at Independent, Catholic and ACT Government Schools. See Appendix E for full results. Of the 1,145 teachers surveyed, 80% (951) reported that they currently worked with children with complex needs and challenging behaviour. Approximately one quarter of teachers reported that they experienced students being physically aggressive to other students 'each week'. Almost half of the teachers surveyed reported that they find it 'extremely challenging' to manage this behaviour, while aggression towards teachers was rated by almost as many teachers as also being 'extremely challenging'.

Behaviours that pose a risk to safety

During our consultation, students, teachers and parent/carers told the Panel about very challenging behaviours experienced in Independent, Catholic and ACT Public schools. The Expert Panel emphasises that the reports and descriptions received have not been subject to independent verification, and we include them to provide an insight into participants' perceptions and beliefs.

A number of students reported being affected by challenging behaviours:

Throwing chairs, flipping tables, jumping out windows, swearing, getting angry, hurting people. (Student)

He talks and kicks people all the time. (Student)

You have to watch out or they will throw things at you. (Student)

Students with a disability also reported being the victims of physical aggression from other students, and sometimes being provoked into responding:

Other people punching me. (Student with a disability)

I get angry and shout at them and sometimes I chase them. (Student with a disability)

I don't like people harassing me. (Student with a disability)

Parents and carers of children with complex needs and challenging behaviour also told us about their children's behaviour:

My child has minimal verbal communication and therefore can get easily frustrated with other children. Often my first question when collecting him is 'Did he bite anyone today?'(Parent)

She is a 'flight or fight' child – she will abscond if anxiety rises, or shut down, or will strike out, verbally scream, spit, kick etc. if she cannot remove herself. (Parent)

My child frequently hurts others (hitting, kicking, pushing) and throws objects. (Parent)

Teachers described witnessing a wide range of challenging behaviours by students at school, including:

Hitting, biting, kicking, scratching, both towards peers and staff, and property damage. (Teacher)

Violent, self harming, non-compliant, runs away from school several times a day, not engaging in learning. (Teacher)

Violent outbursts and rages, several times a week, aggressively chases whoever is in his path, attacks students and staff, throws furniture, pulls pictures off walls. (Teacher)

Parents/carers told us that challenging behaviour impacts their children and other students:

Situations where the whole class group has been evacuated from the classroom, sometimes into an adjoining classroom, because an individual child's behaviour is putting the safety of both the teacher and the class group at risk. Not a one-off occurrence. (Parent)

I am struggling to find the middle ground between the rights and needs of my child and the rights and needs of others, particularly those with special needs. I suspect the panel is in a similar position. My child's class was constructed around the needs of a particular child. At times the child in question's behaviour held the rest of the class to ransom to the point where I asked myself: Why would anyone think this was acceptable to place this child in a

classroom and expect that the long suffering teacher would have the skills to cope with this environment? (Parent)

Teachers described their impression of the impact on students:

When we have to relocate the entire population of a school unit (3 classes) because 2–3 children are rampaging destroying everything in sight and being extremely violent towards other staff and students. We successfully work as a team to remove the other children from the immediate threat of injury. However their learning is disrupted and the children are frightened and probably traumatised, as are the staff. (Teacher)

At the moment we have no power to do anything regarding children who walk through schools behaving however they want; this makes the other children feel unsafe and they don't understand why it appears the teachers are doing nothing about it. (Teacher)

Teachers also described the following impacts of challenging behaviour on themselves and their colleagues:

I needed personal counselling to attempt to manage the stress resulting from being hypervigilant and to assist with the feeling of helplessness that results from not being able to protect your students from themselves and others. (Teacher)

Often they take most of your time. Either physically being there or thinking about how to help them. (Teacher)

It is not O.K. to come to work every day wondering if you would be hit/kicked. (Teacher)

11.3 Evidence based approach to challenging behaviour

When discussing challenging behaviour, the starting point, and the priority for investment, should be on positive behaviour support and evidence based targeted interventions to meet individual needs. This is established best practice, and is a preventive approach. It involves recognition that children and young people:

May communicate their frustration and disengagement through disruptive behaviour when their individual needs are not met.¹

The focus is on:

Sensitive management of the environment, greater understanding of the internal processes which drive human behaviour and the provision of skills in de-fusion, de-escalation and diversion.²

ETD has undertaken significant work in this area by developing the *Safe and Supportive Schools Behaviour Support Guide*. This policy document provides schools with detailed guidance on a comprehensive range of strategies for meeting students' needs, supporting them to behave in a positive way, and promoting their learning outcomes. This is a useful resource for ACT Public Schools but also provides guidance that may be helpful to Independent and Catholic schools. As discussed in Chapter 9, the adoption of School-wide Positive Behaviour Support in ACT schools will provide further structure for implementing universal and targeted supports to address challenging behaviours. The discussion of restrictive practices in this chapter should be read in context of that chapter.

Most students can be supported to manage their behaviour, but a very small number of students with significant or complex needs may sometimes place themselves or other people at risk if their needs are not met. This chapter discusses the processes schools should have in place to respond.

11.4 Restrictive practices

'Restrictive practices' is a broad descriptor for a wide range of practices in which a person's rights or choices or liberty are restricted, and includes physical restraint and seclusion, defined and discussed further below. In general, children and young people with a disability or mental illness are more likely to be subjected to restrictive practices than other children, in a range of environments (in Australia and overseas), and the issue of restrictive practices is of particular concern, and raises particular human rights issues, for these groups.⁴

In the online survey of teachers from Public, Catholic and Independent schools, 87% of the 811 teachers who answered Question 22, on strategies utilised to support students, said that they had used a strategy of 'putting a student in a different location' in the last 12 months, and approximately 65% had found this strategy 'moderately effective' or 'extremely effective' in teaching and managing students with challenging behaviours. Almost one quarter (24%) of teachers who responded reported that they had used the strategy of 'restraining the student' in the last 12 months and the majority of these found it 'moderately effective.'

In interviews, submissions and surveys a number of accounts were given of the use of potentially restrictive practices to protect safety in ACT schools across all sectors.

We have placed children in empty rooms with a door purely to try and help the child to calm down in a safe environment. (School leader)

In some cases parent/carers were supportive of some use of restrictive practices where necessary to keep their children safe, while in other cases parent/carers felt that this was not in their child's best interests:

Examples of restrictive practices being used recently with my children include: removal of all sharps from the classroom, restraint during a meltdown to keep them safe, standing in front of a door to prevent absconding, restraining them from running across a busy road, locked gates around the perimeter of the class room to prevent absconding. (Parent)

We were worn down by phone calls from the school about his behaviour so we agreed for our son to have 'timeouts' in the yard. However, [this] did very little to help our son and we think may have made his behaviours escalate. (Parent)

Through submissions and survey responses, the Panel identified some confusion amongst teachers and parents about what types of restrictive practices are (or are not) permitted in ACT schools, for example:

People aren't really sure about things like closing doors to protect staff and students in the event of violence, use of separate spaces, and what constitutes grounds for exclusion/suspension. This is very grey in our school. (School leader)

We need guidelines or more explanation around what type of restraint is acceptable and not acceptable, and in what context it can be used. Restrictive practice is not meant to be punishment, but it is open to being used with that intent. It can also be misconstrued by people not directly involved, as being used for that purpose. (Parent)

I don't like the sense that any physical intervention, eg resisting attacks or a couple or group of teachers removing a child, could result in a career halting charge of assault. (Teacher)

Teachers are unable to defend themselves against aggressive and violent students and parents; there is a feeling that school staff and principals are 'hung out to dry' or are blamed for situations. (Staff group)

Teachers have expressed concerns that Education and Training Directorate policies around the use of withdrawal spaces lack clarity. This is a context in which guidance must be explicit and methodical. (Peak body)

As discussed below, there is a real need for very clear guidance for ACT schools regarding the use of restrictive practices.

The use of restrictive practices, and the scope of acceptable responses to extremely challenging behaviour is a contested area, and each individual situation will require an exercise of judgement; however, there are principles that can be drawn from evidence-based best practice, human rights and discrimination law, and workplace health and safety law.

Definitions

There is some debate about the precise scope of restrictive practices, and relevant terms are defined slightly differently in a range of national and local standards and reports, and each have varying nuances. Definitions adopted in this report are set out below, and are drawn from the National Framework for Reducing and Eliminating the use of Restrictive Practices in the Disability Service Sector, and the Held Back Report of the Victorian Equal Opportunity & Human Rights Commission:

- Restrictive practices: a practice or intervention that has the effect of restricting the rights or freedom of movement of a person, with the primary purpose of protecting the person or others from harm.⁵
- Physical Restraint: means the sustained or prolonged use or action of physical force to prevent, restrict or subdue movement of a person's body, or part of their body, for the primary purpose of influencing a person's behaviour.⁶
- Seclusion: the sole confinement of a person in a room or place where the doors and windows cannot be opened by the person from the inside; or where the doors and windows are locked from the outside. Seclusion 'includes situations in which people believe they cannot or should not leave an area without permission'.⁷
- Time out/withdrawal: Time out was originally a specific therapeutic technique (time out from positive reinforcement), but is commonly used to describe a range of practices including teacher-directed time away from classroom activities. Time out may become seclusion where students are left in the time out space alone and believe that they are not able to leave the space. Withdrawal may also be used to describe teacher-directed or self-directed use of an unlocked calming space.

What does the law say about use of restrictive practices in schools?

In Australia the use of restrictive practices in disability, mental health, youth justice, corrections, child protection and education settings is generally governed at State and Territory level (rather than by Commonwealth Government). There is currently no specific legislative framework regulating the use of restrictive practices such as physical restraint and seclusion in schools in the ACT, although a number of laws are relevant to this issue.

As Burnett notes:

As a general rule you are not allowed to restrict people's liberty, touch people without permission, hold them, restrain them, or move them against their will.⁹

There are some limited exceptions in relation to self-defence, necessity and the duty of care to protect the student and others from harm. Parent/carers may be able to consent to some

restrictions in relation to their child, depending on the age and capacity of the child; however, parental consent will not absolve schools of their duties under human rights and discrimination legislation. ¹⁰

Human rights law

The *Human Rights Act 2004* (HR Act) provides that it is unlawful for public authorities, including ACT Public Schools, and arguably, Catholic and Independent Schools, to act in a way that is inconsistent with protected human rights. Students with complex needs and challenging behaviour have human rights, as do other students and staff. Relevant human rights include: the right to equality; the right of children to protection; the right to liberty and security of person; the right to protection from torture, inhuman and degrading treatment; and the right to privacy. These rights may be subject to reasonable limits, but only where these limits are demonstrably justifiable in a free and democratic society.

Restrictive practices can significantly limit the human rights of a student, and some practices, such as the use of physical restraint as a form of punishment, would clearly be inconsistent with the human rights obligations of a public authority (and may amount to a criminal offence). In other situations, the compatibility of a particular restrictive practice with human rights will depend on the circumstances including:

- the nature and seriousness of the restriction;
- the purpose of the restrictive practice;
- whether the restrictive practice is likely to be effective in achieving its purpose;
- whether it is the least restrictive means reasonably available to achieve that purpose.¹¹

While some restrictive practices may be justifiable for the purpose of preventing imminent harm to a student or teacher, serious restrictions on a student's rights are unlikely to be compatible with human rights if used for purposes such as maintaining good order, or preventing minor property damage. The requirement to consider the 'least restrictive means reasonably available' is likely also to require schools to implement evidence-based preventive strategies to address the behaviour, and thus reduce the need for restrictive practices, as well as using the least intrusive response available in a moment of crisis.¹²

The Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child reinforce that the best interests of the student should be a primary consideration in all actions concerning that student.

The Panel acknowledges that some human rights experts have suggested that seclusion can never be justified in relation to school students with a disability. ¹³ It is important that such practices are minimised for all students as far as possible, through evidence-based preventive approaches, and there is a need to be particularly cognisant of the rights and needs of students with a disability. However, in the Panel's view, it is important to consider the realities faced by teachers, and to ensure that guidance allows a level of judgement to be exercised in the best interests of all students in a particular situation. For example, where a student is displaying high levels of violence and is able to be confined in an area while other students are moved to safety, this seclusion for a short period (until the student de-escalates or help arrives) may be safer for all concerned than a teacher attempting to restrain the student, or to remain in the space with them.

Discrimination law

The Federal *Disability Discrimination Act 1992*, *Disability Standards 2005*, and the ACT *Discrimination Act 1991* prohibit discrimination in education on the grounds of disability, and

require education providers, including all ACT Schools, to make reasonable adjustments to allow a student with a disability to participate in education on the same basis as other students. In some cases, reasonable adjustments, such as additional supports, preventive strategies, or positive behaviour programs may reduce or eliminate the need for restrictive practices. Failure to provide these adjustments, and over-reliance on restrictive practices may thus amount to unlawful discrimination.

Using a punitive approach to behaviour management, which applies in the same way to every student, may also amount to indirect discrimination, if students with a disability would have more difficulty complying with rules about behaviour, and thus be more likely to be subject to restrictive practices. However, it will not be discriminatory where the rule or condition is reasonable in the circumstances.

Where a student's behaviour places other students or staff at risk of imminent harm, it will not amount to unlawful discrimination to take reasonable steps to protect safety. The *Discrimination Act 1991* also provides that an action is not discriminatory if it is taken in order to comply with another Territory law, such as workplace health and safety law.

Workplace health and safety law

The Workplace Health and Safety Act 2011 (WHS Act) applies to all ACT schools, and requires schools to ensure, so far as is practical, the health and safety of workers, and other people in the workplace, including all students. ¹⁴ While students themselves should not be conceptualised as 'risks' or 'hazards', the WHS Act does require schools to assess risks posed by their challenging behaviours and to eliminate or minimise risks so far as is reasonably practicable. ¹⁵ Staff working with a student must be fully informed about the extent of the risks posed by that student's behaviour. ¹⁶ It is important to note that restrictive practices also carry risks to the student subject to the practice, and to other students and staff, and that these risks need to be weighed in any assessment of an appropriate response.

Under the WHS Act violence by students must be treated as a workplace safety issue, rather than a responsibility of the individual teacher to resolve. Some accounts presented to the Panel indicate that teachers' concerns may not always have been viewed in this way, or given sufficient attention:

Often when a teacher tries to raise a matter of violence in their classroom, they find their educational practice being called into question. We acknowledge that educators are responsible for managing behaviour but we are concerned that on occasions this is used by managers to avoid allocating the additional resources warranted by the circumstance. (Peak body)

I filled in injury reports, kept data and introduced numerous adaptations to the classroom routines. The level of violence increased. I stated that this was unacceptable and posed a risk to us and everyone else. The school suggested I ring for assistance if there was an incident, which I did. Often there were no exec staff available. Obviously we learned to manage the situation and remove everyone from the room etc. However the whole class and staff were feeling traumatised and had become hypervigilant over a period of time. (Teacher)

Some teachers, particularly in specialist units or schools may come to accept or tolerate a level of physical violence from the students they teach and support:

I have seen awe-inspiring work by remarkable teachers in the schools where I have worked. They love the children in their care and they cover the scratches on their arms and the bruises on their legs. (Retired teacher)

However, it is not consistent with the obligations of an employer to expose teachers and other staff and students to known risks of serious violence, without seeking to effectively manage these risks.¹⁷

In the ACT Public Service Policy Statement on Managing Occupational Violence, it is noted that:

The use of restrictive practices requiring the reasonable limitation of human rights may be necessary as part of the ACT Government's duty of care to staff, clients and the public. Consideration must be given to the appropriateness and proportionality of the management responses to be implemented.

There is a requirement to eliminate risks to health and safety so far as is reasonably practicable. However, some work settings may have a statutory obligation to continue to provide services to clients who are behaving in a violent or aggressive manner. In these cases clearly defined and targeted response and management strategies must be devised with appropriate training and necessary resourcing to support staff to continue providing services while minimising the risks to their safety.¹⁸

Under WHS legislation, use of restrictive practices may be necessary in certain circumstances to minimise risks to safety, but it must be acknowledged that the use of these strategies can also pose risks to students and staff, especially if undertaken in a crisis without appropriate planning, training and guidelines. Employers have an obligation to provide training and safe systems of work, to allow appropriate use of restrictive practices where necessary. While restrictive practices may be required as an immediate response in some situations, this is not a substitute for preventive approaches, such as additional staffing resources, or therapeutic intervention to minimise ongoing risk. Restrictive practices training must include training on evidence-based strategies to de-escalate a crisis, which will often avoid the use of restrictive practices. There are a number of proprietary models of de-escalation and restrictive practices training, including Team Teach, Non-violent Crisis Intervention and Therapeutic Crisis Intervention.

Overarching principles

Drawing from human rights, discrimination and health and safety approaches, the following statement sets out overarching principles relevant to the use of restrictive practices in education.

In the context of an educational environment where reasonable adjustments have been made for students with a disability, and where a preventive approach is taken to minimise use of restrictive practices, physical restraint or seclusion may be used to protect a student or other people from harm in a crisis situation, when:

- it is used to prevent immediate¹⁹/imminent²⁰ risk of harm to the student or others;²¹
- it is the least restrictive option available for preventing harm;
- it respects, as far as possible, the dignity of the student;
- the action taken is proportionate to the risk presented;
- it is used for the shortest time possible;
- it is applied with the least amount of force required;
- it is recorded, monitored, and subject to appropriate oversight.

Teachers need to be able to demonstrate that their actions were necessary in the circumstances.

11.5 Providing schools with detailed policy guidance on use of restrictive practices

Quite appropriately, the primary focus of ETD and Catholic Education (CE) policies is on encouraging and equipping schools to adopt positive behaviour management. Schools can generally avoid emergency or crisis situations from arising by adopting proven preventive strategies.

Current policy guidance on use of restrictive practices in schools

ETD does not provide schools with policy guidance on use of seclusion or withdrawal. ETD provides schools with four paragraphs of guidance on use of physical restraint in the Providing Safe Schools P-12 Policy. This policy advice is accurate, but brief and not very helpful on its own:

Physical restraint must not be used as punishment or for enforcing compliance. It should only be employed after other less intrusive approaches have been attempted and must only be employed for the minimum time necessary. Teachers may use physical restraint when acting to prevent a student injuring other students. This should be a last resort. The force should be no greater than is reasonably necessary and should be for the minimum time required to achieve this aim. If a teacher has serious personal safety concerns, it is reasonable in the circumstances to decline to intervene and to call for assistance. The safety of all students is important. It may at times be necessary to relocate groups of students away from a dangerous incident.²²

CE has a policy – Restraint of Students – which relates to physical restraint. We are informed that CE is currently working on formulating guidelines for schools in relation to the use of restrictive practices. This work is informed by the model of Non-violent Crisis Intervention. Restrictive practices were not specifically addressed in Independent School policies submitted to the Expert Panel.

Thus there is a significant gap in the policy framework applying to schools in the ACT. First, current policy guidance does not assist teachers to decide what to do in responding to emergency situations where preventive strategies have failed (for a range of possible reasons), and safety is at risk. Teachers need clear and detailed guidance about when and how they might physically intervene to protect students from harm in crisis situations. Second, current policy guidance does not help teachers to recognise where ongoing behaviour management strategies involve inappropriate levels of restrictive practice, for example to detect warning signs that a classroom practice that was originally intended to be a 'self directed calming space' has evolved over time to become an inappropriate form of seclusion. The absence of clear guidance could place schools at risk of breaching discrimination and human rights laws.

Reducing and eliminating the use of restrictive practices will not happen without clear guidance for staff, and transparent monitoring of practice. Minimising the reference to restrictive practices in policy documents may intend to convey the message that their use is frowned upon, but this will not prevent them from being used in schools. School policies should be clear and precise in describing when it is appropriate to consider use of physical restraint or seclusion, and be equally clear about the risks of these interventions and the negative consequences. School authorities should monitor how and when restrictive practices are used, and identify ways to prevent the 'need' for them arising in the first place.

Recommendation 11.1: That ETD, CE, and each Independent School, develop practical guidelines on the appropriate use of voluntary withdrawal spaces, seclusion, and physical restraint.

The Panel has seen information to indicate ETD is in the process of developing more detailed and comprehensive policy guidance on use of restrictive practices in schools. Additionally, ETD recently announced their intention to appoint a Director for Families and Students who will (among other things) 'review, develop and implement new and existing policies and procedures to ensure the safety and wellbeing of students including the use of withdrawal spaces in Canberra public schools'. ²³

While these are positive announcements, the work has not yet been completed and implemented. Therefore we have prepared this report based on current state of law and policy. The following sections outline the issues for consideration when designing a policy framework to guide staff in Public, Catholic and Independent schools on the appropriate and inappropriate use of restrictive practices.

Use of safe spaces and voluntary withdrawal

It is important to distinguish between restrictive practice of seclusion and the use of safe spaces or voluntary withdrawal, which in some circumstances may be therapeutic and/or an appropriate strategy for ongoing behaviour management. In submissions and during interviews with parents/carers and teachers, the Expert Panel was told the following practices are adopted in some Public, Catholic and Independent schools in the ACT: 'withdrawal space', 'withdrawal area', 'sensory area', 'space for children to go when overwhelmed or needing a break', 'tent' or 'cave' at the back of the classroom, 'lowering the roof to make a quiet space', 'retreating under the teacher's desk', 'time out card' to go sit at a designated 'safe place' (for example, executive teacher's office), fenced garden area, and reliance on external fencing to prevent a student leaving the school grounds when they walk out of the classroom. When parent/carers described these practices, some were supportive or accepting of the strategies they believed were being used with their children, while others were not.

In the Panel's view, use of a safe/sensory space or voluntary withdrawal will not fall within the definition of a restrictive practice, and may be appropriate as part of a behaviour management plan, where *all* of the following criteria are satisfied:

- The student *chooses or consents to take the action* (for example, self directed withdrawal, moving to a designated quiet space inside or outside the classroom when they feel agitated or overstimulated).
- The student has *freedom of movement* to return to the class group when they feel comfortable (for example, there are no locks on the door, and the teacher is not barring the way).
- The practice respects the student's dignity and privacy and is age or developmentally appropriate (for example, withdrawing under a desk or in a tent may be socially acceptable for a younger child but may appear undignified for an older student; if the withdrawal space is out of view of students then the student can return to the group without social anxiety).
- The student receives constant *monitoring and suppor*t (for example, they are not left unobserved; note that observation can be unobtrusive if the student wishes to be left alone).

- The strategy is discussed, planned and approved as being appropriate for that particular student, using a transparent and multidisciplinary team approach involving the student, parents/carers, teachers and professionals involved in their care (for example, behaviour support plan process).
- Use of the strategy is documented and reported appropriately, and reviewed regularly to take account of changes and ensure it is in the student's best interests.

In more difficult situations, risk of harm may lead schools to consider more restrictive actions and strategies, in which the student does not have choice or freedom of movement. Use of these strategies requires stronger safeguards. The remainder of this chapter focuses on these types of interventions: physical restraint and seclusion.

Use of physical restraint and seclusion to manage challenging behaviour

Guidance for schools to prevent incidents occurring

As mentioned above, comprehensive guidance on strategies to meet student needs and prevent escalating behaviour is currently provided in the ETD's *Safe and Supportive Schools: Behaviour Support Guide*. This document would also be relevant to practice in Catholic and Independent schools, should they choose to adopt or modify it for their context. Three of the primary features of prevention are discussed below. While this is discussed in more detail in Chapter 9, it is important to emphasise the importance of prevention as a prelude to any discussion of restrictive practices.

- Individualised planning and service provision.²⁴ This requires schools to identify and address individual students' learning needs. It is critically important to get to know the student, and undertake planning, so that whenever possible the triggers for behaviour can be identified and the need for restraint avoided.²⁵ There should be a focus on building positive relationships, and providing the necessary support services to allow them to successfully participate in the classroom.
- Staff training. Schools should require teachers to be trained in positive behaviour support, and in the safest techniques of physical restraint before using the practice.²⁶ It is notable that as training on positive behaviour has been rolled out across the disability services workforce in Victoria, the use of restraint has declined.²⁷ Training should foster a positive attitude to inclusion, and build a sense of skilful agency among teachers and staff.
- Team based planning. Although restraint and seclusion should only be used as a last resort to prevent imminent harm, if it is foreseeable that the need for restraint may arise for a particular student, based on their behaviour patterns, then planning ahead for the use of restrictive practices is safer and results in fewer injuries than simply responding in a moment of crisis.²⁸

When the risk of negative consequences is foreseeable staff should not be left to make assessments on their own, in the heat of the moment. Where it is foreseeable that staff may need to use force in order to restrict, restrain or remove somebody, then there should be a formal risk assessment. Formal risk assessments differ from day to day dynamic risk assessments only in that they do not have to be conducted under pressure. There is time for people to get together to share ideas, and importantly, responsibility. It should be a team effort involving staff, children, parents, [advocates and professionals]. 29

As discussed below, where the use of restrictive practices is foreshadowed as part of a behaviour support plan, these plans should be subject to appropriate oversight and monitoring.

Guidance to support decision making during an incident

Policy guidance on use of restrictive practices should include the following elements to guide decision making during crisis situations, and must be supported by training and systems for collaborative decision making:

- A clear statement that restraint or seclusion should not be used unless there is a risk of imminent harm to the student or to other students or staff.
- Recognition of the gravity of the interventions. 'Seclusion and restraint are high-risk, violent interventions whose impact extends beyond the immediate task of attempting to manage a volatile situation.'³⁰
- A clear statement of the harmful effects of restrictive practices on students with a disability or trauma. 'Restrictive practices such as restraint and seclusion may provide at best a short-term solution to stopping a behaviour, but cannot resolve any underlying issues over time and, at worst may result in psychological and physical trauma.'³¹
- An express prohibition on the most dangerous types of physical restraint.³²
- The requirement that if a student is secluded that they are closely monitored and supported, and that the seclusion is ended as soon as possible while ensuring safety.
- A clear statement of the situations where restrictive practices should not be used (i.e. to maintain good order, in response to non-compliance, in response to verbal threats, in response to student walking out of the classroom, to prevent property damage).³³ Each of these objectives raises the possibility that a less rights restrictive (and preventive) alternative is available to manage the behaviour.
- A reminder that 'whenever there is any doubt about what a staff member should do, the best interests of the child should be the starting point for decision-making.'³⁴
- A strong preventive focus. Restraint interventions should only be used alongside proactive strategies designed to support behaviour change.³⁵ 'The use of restraint can be prevented by understanding critical behaviour triggers and ensuring that all students who display behaviours of concern should have a positive behaviour support plan in place.'³⁶
- A requirement to consider preventive strategies first, acknowledging that there may be situations where it would not be helpful or practical to attempt a less restrictive strategy.

As Burnett notes:

Using force as a last resort means that if other alternatives have a realistic chance of success their use is preferable. It does not mean that all the other low level alternatives must be tried and seen to fail before force can be considered. There are occasions in which immediate action is essential and where prevarication and indecision would allow the level of risk to increase, so reducing the chance of a successful intervention.³⁷

Guidance for follow-up after an incident

It is important that guidance is also provided in relation to the actions that should follow an incident where restrictive practices have been used. As noted above, the Panel is not aware of specific guidance in Catholic or Independent schools regarding these issues. The ETD has policies on responding to incidents, but the tone and content is directed to addressing legal liability,

rather than reviewing and supporting effective decision making in the best interests of the child or young person. More detailed guidance would include the following elements:

Support must be provided to students and parents after an incident.³⁸ Staff should talk with any students who witnessed the incident about what happened and provide appropriate follow-up care.

Children need to be helped to understand why staff sometimes need to hold them. These simple messages can be fed back during post incident discussions: We hold children to stop them hurting themselves, we hold children to stop them hurting other people, we hold children to keep them safe.³⁹

Policies should require that parents/carers be notified as soon as possible on the day that their child is subject to physical restraint or seclusion. Schools should notify parents/carers of any physical restraint their child has been subjected to, on the day it occurs (to enable them to provide follow up care at home). ⁴⁰ Schools should communicate with the parents/carers of any witnessing children (while protecting privacy) to explain what happened and enable them to support their children at home.

Support must be provided to staff. The school must provide debriefing and counselling to staff as necessary. This should aim to assist them to reflect on the incident, and how they might respond to a similar situation in future, but with a focus on building capacity not allocating blame:

Sometimes guidance gives the impression that staff who find themselves in a situation where the use of force is necessary must have failed in some way. This is unfair. Staff may do everything right, but still things go wrong. Even the best strategies have a statistical failure rate and when they do fail we should not automatically blame the people who were unlucky enough to be there when it happened. Professional staff who willingly place themselves at risk, acting reasonably and in good faith, deserve to be supported even when things go wrong.⁴¹

We need to challenge cultures which confuse investigations with wrongdoing.⁴²

Use the opportunity to review and reflect. Incidents of the use of restrictive practices often indicate a need to review the supports in place for a student to better meet their needs. In Victoria, whenever physical restraint or seclusion is used, the child's Behaviour Support Team is convened to review the incident and put in place a plan to minimise the risk of such an intervention being used again. ⁴³ A team based process of reflection will benefit both the teacher and the student involved:

Settings often get trapped in a system of reacting to incidents again and again and never creating the opportunity to become proactive. Settings that are effective in reducing risk and restraint are proactive in looking at the individual and the environment to explore what can be put in place to manage, avoid or teach another more socially acceptable behaviour for the individual.⁴⁴

Monitoring and oversight of restrictive practices

In settings such as mental health facilities where the use of restrictive practices has been significantly reduced, an important contributing factor has been the increased transparency and accountability involved in recording and reporting on the use of restrictive practices, as well as reviewing and learning from each incident. ⁴⁵ Oversight provides opportunity to:

Recognise where there may be an increased reliance on the use of restrictive practices and determine what factors are effective in reducing or eliminating the use of restrictive practices.⁴⁶

There is no formal mechanism in law or policy requiring the recording, reporting or monitoring of the use of restrictive practices such as restraint or seclusion in ACT schools. Currently 'there is no reliable data on how frequently these practices occur, why they are used or the impact they have'. 47

There is growing national attention to restrictive practices in relation to people with a disability, particularly with the development of the National Framework for Reducing and Eliminating the use of Restrictive Practices in the Disability Service Sector. This Framework notes that:

Formal assessment, planning, approval and review processes, that are based on valid and evidence based risk assessments undertaken by appropriate professionals, should be required to authorise and monitor the use of restrictive practices.⁴⁸

We understand that in Victoria, in response to the *Held Back Report* of the Victorian Equal Opportunity and Human Rights Commission, ⁴⁹ the Office of the Senior Practitioner will be given an oversight role in relation to the use of restrictive practices in Victorian Schools. The Office of the Senior Practitioner currently has the role of reviewing behaviour management plans in the disability sector in Victoria, where it is contemplated that restrictive practices may be used in relation to a person with a disability. Service providers are required to register plans and to report against them, which serves as a significant safeguard in settings for adults with a disability. The Office of the Senior Practitioner also provides advice and guidance to assist services to meet their obligations.

Ultimately there is potential for a whole of government approach to this issue. Restrictive practices are used in residential services within the disability sector and child protection system, and there is equal need for transparency and safeguards in these settings. The ACT Government should work towards a legislative requirement for all ACT schools and residential services to register behaviour support plans with an independent agency, to seek authorisation to use restrictive practices with an individual client, and to report occasions of use of physical restraint to an independent regulatory agency, to enable accurate data collection, monitoring and analysis of use of restraint across ACT services. ⁵⁰ It is important that these monitoring and accountability mechanisms are established in a way that does not impose an unnecessary administrative burden on teachers and school leaders, but ensures that key data is captured and analysed and that the information is used to provide support to schools in improving practice.

Recommendation 11.2: That ETD and CE establish procedures that (a) enable ETD and CE to approve and monitor any behaviour support plans that propose the use of restrictive practices for an individual student; (b) require member schools to report each occasion of the use of restrictive practices to a nominated officer within ETD or CE; and (c) monitor the use of restrictive practices and identify trends in order to inform service improvement.

That each Independent School establish procedures that enable any behaviour support plans that propose the use of restrictive practices to be approved by the school leadership or management.

Recommendation 11.3: That the ACT Government implement a whole-of-government approach, and develop a legislative framework, to regulate the use and independent oversight of restrictive practices in all ACT schools, and other relevant settings.

11.6 Part time attendance

The Education Act 2004 (ACT) requires that a student 'attends the school on every day, and during the times on every day, when the school is open for attendance'. ⁵¹ However, Part 2.3 provides for the granting of Exemption Certificates by the Director-General of the ETD. Exemption Certificates should only be granted where the application is made by the child's parents/carers and the Director-General is satisfied on reasonable grounds that it is in the child's best interests to issue the certificate. The Exemption Certificate Procedure is consistent with the Act and provides that:

Exemption Certificates are only issued in exceptional circumstances when it is evident to the Director-General that is not appropriate to require a child or young person to be enrolled or registered, or to meet the full-time participation requirements of the Act.

Nevertheless, submissions and interviews suggest that part time attendance to manage behaviour is not uncommon in ACT schools. As noted by the Victorian Equal Opportunity and Human Rights Commission:

The drivers for part time attendance are complex and interrelated. However, a common underlying factor appears to be that the school is unable to make the necessary adjustments to facilitate the full time attendance of a student with a disability.⁵²

In our teacher survey, of the 805 teachers from Public, Catholic and Independent schools who responded to Question 22, on strategies utilised to support students, approximately 35% reported using a strategy of 'flexible attendance' in relation to a student with complex needs and challenging behaviour. However, it is not clear whether teachers were referring to informal practices or more formal Exemption Certificate processes.

Parent/carers' accounts of the process for part time attendance indicated that they sometimes felt that they had no option but to agree to this arrangement, which was requested by the school. Thus although parent/carers might apply for exemption certificates, it appears that in some cases this may reflect the wishes of the school rather than the wishes of the parent/carer. Some said that their child receives only part time learning support assistance, and they feel their child cannot participate successfully at school without full time support, so they choose to keep the child at home for part of the day. In other cases parent/carers said that the student has been placed on part time attendance as requested by the school, following behaviour that was not well managed:

The school moved her to 'partial attendance' of two hours per day. This also meant she could get one on one LSA support while she was attending school. This was hell on our family and really only proved to my daughter that if she behaved violently she could get out of school. Our only alternative was to accept partial attendance. The implication being that not accepting partial attendance was that she would be suspended. (Parent)

ETD provided information to the Panel regarding exemption certificates. The data indicated that during 2015 ETD received 42 applications for exemption certificates: 26 from Public Schools and 16 from non-government schools. Thirty three related to part time exemptions and nine were related to full time exemptions. Twenty seven applications have been granted, six applications have been denied, and nine applications are pending approval.

There has been a significant decrease in the number of exemption certificates granted over the past three years, falling from 194 in 2012 to 118 in 2013, and to 72 in 2014. Information supplied by ETD indicates that throughout 2014 and 2015 over 75% (95) of exemption certificates granted have related to high school students, with Year 10 students having the

highest number of certificates granted, although some certificates were granted in relation to primary school students, including students in their first years of school. The most common grounds for granting exemption certificates throughout 2014 and 2015 included: health considerations -47% (61); 'beneficial to the child' -38% (49); and educational considerations -6% (8).

Examples given by ETD of situations where an exemption was considered to be beneficial to the child or young person included: a student who has experienced a number of school transfers, has difficulty interacting with others, day to day routines and regularly runs away from school; and another student who has experienced periods of truancy and school avoidance along with suspensions.

The Panel acknowledges that in exceptional situations, it may genuinely be in the best interests of a student with complex needs and challenging behaviour to attend school for reduced hours, if this is the only way to enable the student to have a successful experience at school. Where parent/carers initiate a request for reduced hours for limited periods this may be appropriate. However, it appears that in some cases part time hours may reflect a lack of resources and targeted interventions within the school environment to allow a student with complex needs and challenging behaviour to participate in education.

Reduced hours impact on a student's access to education, and can significantly affect their learning outcomes and future opportunities. It should also be acknowledged that for parent/carers, reduced hours can have a major impact on their ability to maintain employment, or to have needed respite from a challenging child, and may further disadvantage families who are already experiencing challenging circumstances.

It is concerning that the *Education Act* and Exemption Certificate Procedure do not set any time limit on the duration of an Exemption Certificate, nor require a review of the Exemption after a specified period, to consider whether reduced hours are still appropriate. ETD informed the Panel that in practice Certificates are usually made for a period of 3–6 months to ensure regular reviews.

The use of Exemption Certificates should be centrally reported, and monitoring should include: the numbers of students on part time attendance across the ACT; the proportion of these students who have a disability, and the reasons for the decision.

It appears that informal part time schooling practices sometimes occur, where a parent/carer is regularly requested to collect their child from school early due to behavioural issues, without the granting of an Exemption Certificate or the use of a formal suspension. Where this practice occurs over a period of time, it raises the same concerns as Exemption Certificates, but is more difficult to monitor.

Recommendation 11.4: That ETD (a) amend the Exemption Certificate policy and procedures to require all Exemption Certificates to be subject to regular review (for example, every six months) to ensure that the exemption remains necessary; and (b) monitor the basis for the exemption of students, and the proportion of students subject to exemption who have a disability.

11.7 Suspension and exclusion

The Education Act 2004 (ACT) permits suspension transfer or exclusion in four situations, where a student is: 'persistently and wilfully noncompliant'; 'threatens to be violent or is violent' to another student or adult at the school; 'acts in a way that otherwise threatens the good order of the schools or the safety or wellbeing' of another student or adult at the school; or 'displays

behaviour that is disruptive to the student's learning or that of other students'. The student and their parents/carers must be consulted about the proposed decision. The student must be given a reasonable opportunity to continue their education during the suspension. Under ETD policy, when the student returns to school following suspension the school must convene a 're-entry meeting' to 'develop a program to support the student's return to school'. He authority to suspend transfer or exclude lies with Director-General of ETD, but Principals have delegated authority to issue suspensions up to 15 days in duration. The Education Act also sets obligations on Catholic and Independent schools when making decisions about suspension transfer or exclusion.

ETD provided the following data of student suspensions in ACT Public Schools in the years 2010–14, which indicates a significant decrease in the use of suspensions, with the number of students suspended halving over this period. Although this is a very positive development, the data does suggest that while numbers of individual students who have been suspended is falling, the number of suspensions and days suspended per student has increased. This may indicate that the reduction in suspensions may not have benefited students with the most challenging behaviour.

Table 1: School suspensions in ACT Public Schools, 2010–2014					
Suspension Measure	2010	2011	2012	2013	2014
Number of Suspension Incidents	2411	2161	2013	1841	1761
Number of Suspension Days	5270	4374	4091	3532	3605
Number of Students Suspended	1760	1107	1038	906	837

There is currently no requirement for Catholic and Independent Schools to report to ETD on data of suspensions and exclusions. Catholic Schools report suspension to CE, and only the Director has the authority to exclude a student. CE informed the Panel that it has processes for the collection and monitoring of suspension data. Independent schools may also report incidences of suspensions and exclusions to their school boards. However, in our view, given the potentially serious consequences of suspensions and exclusions for students, it would be appropriate for this data to be centrally collected and monitored for all schools. This may require legislative amendment to the *Education Act 2004* (ACT).

During consultations, the Panel heard a range of views about the use of suspension, from school leaders, teachers and parents/carers of students, from all school sectors. Some school leaders told the Panel they rely on suspension to ensure safety, and to provide respite for teachers and students:

The school does engage in suspension when required and always engages with parents and students prior to their re-entry to the school. These meetings are conducted with an executive staff member and the school aims to support families and students throughout these processes. (School leader)

Because the school is a positive environment where students feel accepted, suspensions work, as most students want to come back, and it is a motivator for change. (School leader)

Sometimes it is necessary to follow through where a child needs to understand that there will be consequences. We choose to use in-school suspensions whenever possible. (School leader)

Some teachers also emphasised the importance of suspension as a response to violent behaviour:

ETD administrators attempt to mask the extent of behaviour concerns by frowning on suspensions in schools. Surely if a principal/school is suspending a student for violence there should be no right of appeal. Suspension allows schools to break a cycle of behaviour and attempt to re-examine the processes and strategies for managing the behaviour for the child and the school. (Staff group)

Other school leaders said they are aware that suspension does not solve the underlying problem, and will have unfortunate consequences, and they avoid suspension as long as possible by looking for alternatives (such as informal 'in-school suspension'):

Suspension doesn't address the underlying issues. (School leader)

Suspension places great strain on families. (Teacher)

The school attempts to only utilise suspensions as a last resort as they do not work and they make people angry. (School leader)

From the parent/carers' perspective, the Panel was told that suspension causes significant carer stress, and can encourage school refusal and disengagement:

Suspending a child because of ASD meltdowns and behaviours is a waste of time and does nothing to improve the behaviour. Instead it contributes to it as the child often enjoys suspension to get out of school. (Parent)

Applying suspension policy to children with no capacity to control their behaviours or learn from the punishment. I am still bemused about what this is actually supposed to achieve. In the last 6 years my son has been formally suspended twice, informally suspended countless times. The result has been further damage to his already dangerously low self esteem and more stress on my husband and I as we drop further and further out of the mainstream work environment to cope with our son's further removal from the school system. (Parent)

Schools still adhere to practices around punishment, using detention, suspension and other adverse practices to enforce discipline for all children. A child with autism or cognitive disabilities is often unable to understand why they are receiving punishment. At best, the exclusion of detention or separation is rewarding the challenging behaviour because the child desperately wants to get out of the situation, and at worst, the exclusion is misunderstood and causes extreme anxiety. (Parent)

There is no protection or recourse for students with disabilities under the Suspension, Exclusion or Transfer of Students in ACT Public Schools Policy. There is no mitigation or review process where the level of support available for the student is reviewed, and further attempts be made to provide additional support to prevent suspension. (Parent)

Teachers and school leaders feel strongly that suspension is a necessary tool among a suite of options for responding to challenging behaviour. ETD policy states the purpose of suspension is to:

Restore a safe work environment, allow the school time to review their practice and establish support plans for the student, and to communicate the significance of the behaviour and for the student to accept responsibility for behaviour change. 55

However, the evidence for use of suspension is mixed. Certainly, teachers and schools report that they benefit from a period of respite from the student. Students who feel a sense of belonging at school may experience suspension as a negative consequence, and it may assist them to think and act differently. However, for students with a disability, or students affected by childhood trauma, the experience of suspension is less likely to change their behaviour, and may cause further problems. Some students with cognitive disability, ASD or trauma background have limited capacity to understand and change their behaviour after being admonished. Suspension may cause them confusion, or further undermine their capacity for developing positive relationships. For students experiencing anxiety about school, suspension may reinforce negative behaviour by teaching them that violent or disobedient behaviour allows them to avoid the demands of the school environment.

Research shows that suspension may exacerbate challenging behaviour for students with a disability, or trauma, which:

Calls into question the use of suspension as a means of responding to behaviours that manifest as part of a student's disability, both on the grounds of anti-discrimination principles and on the grounds of efficacy.⁵⁶

ETD policy requires School leaders to take into account the individual circumstances of the student, including their developmental capacity.⁵⁷ Therefore schools should carefully consider whether suspension is an appropriate option for students with a disability and students with complex needs. Indeed, some schools have been successful in deciding not to suspend students in these categories. For example, some schools in Victoria adopt a 'no suspension of students with a disability' policy:

I don't suspend or expel students. The student may present with concerning behaviours but we try and work as a team with the family to support the student. We look for other ways to give the student and staff a break from each other if that is what is needed.⁵⁸

We don't expel or suspend students. We support them. We don't really have the resources to do so (tangible resources or personnel) but we do our best.⁵⁹

The Panel acknowledges that the use of suspension may in some cases be considered necessary in relation to students with complex needs and challenging behaviour, including those with a disability, or who have experienced trauma, to ensure the safety of other students and staff. Where suspension is deemed necessary, schools should ensure that the suspension period is used as an opportunity to review practice and to put supports in place to make the return to school more successful and to reduce future incidents of challenging behaviours.

Where possible, schools should consider alternatives to sending a student home during a period of suspension, as suspension places significant strain on families, and can be seen as rewarding by some students. In-school suspensions may be an appropriate alternative in many cases.

Recommendation 11.5: That ETD, CE, and each Independent School, provide alternative options to out-of-school suspension where appropriate and possible, including in-school suspensions with temporary additional staffing or support.

It is important that data on the use of suspensions is kept and carefully monitored by ETD, CE and Independent Schools, particularly in relation to the incidence of suspensions of student with a disability. It would also be helpful for ETD to consider levels of suspension of students in out of home care.

Under ETD policy, suspension records must be forwarded to the School Network Leader within 24 hours, but it is not clear what monitoring or reporting occurs in relation to the suspension of students with a disability, or how ETD uses this data to review policies and practice. As noted above, there is currently no requirement for Catholic or Independent schools to report suspension data, which creates a concerning lack of transparency in relation to practice in these sectors.

Recommendation 11.6: That ETD monitor and publicly report the proportion of suspensions, transfers and exclusions that are applied to students with a disability and to students in out of home care.

Recommendation 11.7: That the ACT Government seek an amendment to the *Education Act 2004* (ACT) to require Catholic and Independent Schools to report data of suspensions and exclusions of students, including the proportion of students with a disability and students in out of home care, to the Registrar of Non-Government Schools.

11.8 Conclusion

Responses to violent or dangerous student behaviour are often required in a context where there is little time for reflection or consultation, as the safety of the student or others may be at immediate risk. It is critical that staff have the clear guidance, training and practical understanding of effective strategies to enable them to exercise judgement in these crisis situations, and to make appropriate decisions to de-escalate conflict and to protect safety. The use of restrictive practices and other responses such as suspension may be necessary in some circumstances, but efforts must be focused on proactively addressing behavioural issues, and developing and monitoring targeted interventions. Key issues covered in this chapter included:

- Understanding the perspectives of students, parents/carers and teachers on the prevalence and impact of serious behavioural issues. Some schools are facing very difficult situations on a regular basis where the violent or destructive behaviour of students poses a serious risk to safety. Many teachers report struggling with these issues and feeling unprepared to respond effectively.
- The primary approaches must be the prevention and de-escalation of dangerous behaviour. However, in certain situations, schools may need to restrict the liberty of students to protect their own safety or the safety of other students or staff.
- An analysis of human rights, discrimination and work safety legislation indicates that restrictive practices such as physical restraint or seclusion may only be used to prevent imminent harm, where it is the least restrictive option, respects the dignity of the student, is proportionate to the risk presented, used for the shortest time possible with the least force, and recorded, monitored and subject to appropriate oversight.
- Staff need very clear and detailed guidance and training to equip them to make appropriate decisions in crisis situations. Current levels of guidance and training vary

across schools and sectors, and this policy gap poses a potential risk to staff and students.

- Significant care and consideration is required regarding the use of spaces and structures, even on a voluntary basis, for withdrawal or calming. These spaces can be helpful for some students, but may also be inappropriate or misused, and these practices have the potential to breach human rights.
- There is a lack of documentation, monitoring and oversight of the use of restrictive practices in ACT Schools. Transparency and accountability are vital to reduce the use of restrictive practices, and to avoid situations where a well-intentioned response is inappropriate, or becomes abusive.
- The use of suspension is generally not a long term solution for students with complex needs and challenging behaviour, and may increase risks of disengagement and other difficulties. However, sometimes suspension may be necessary to provide respite for the school and other students, and to allow more effective strategies to be put in place to support the student. In-school suspensions should be considered where possible and appropriate.
- The use of reduced school hours is intended to be limited to circumstances where an exemption is actively sought by a parent/carer. However some parents/carers suggested that they experienced pressure to seek an exemption for their child, as the school was not able to support their child's behavioural needs on a full time basis. The use of exemptions should be carefully monitored, and exemption certificates should be subject to regular review to ensure that they remain necessary.

¹ Darcie Lyons, 'Restraint and Seclusion of Students with Disabilities: A child rights perspective from Victoria, Australia', (2015) 23 (1)International Journal of Children's Rights, 189, 193

²Nick Burnett, School-wide Positive Behaviour Support and Team-Teach, Team Teach Asia-Pacific, 6

³ ACT Government Education and Training Directorate, (2014) Safe and Supportive Schools: Behaviour Support Guide

⁴ Victorian Equal Opportunity & Human Rights Commission, Held Back: The experiences of students with disabilities in Victorian schools (2012) http://www.humanrightscommission.vic.gov.au/media/k2/attachments/1404-VEOHRC_HeldBack_-_studentwithDisabilityReportW3.pdf

⁵ Australian Department of Social Services, National Framework for Reducing and Eliminating the use of Restrictive Practices in the Disability Service Sector.

https://www.dss.gov.au/sites/default/files/documents/04_2014/national_fraemwork_restricitive_practices_0.pdf

⁶ Ihid 5

⁷ Victorian Equal Opportunity & Human Rights Commission , above n 4, 106

⁸ Nick Burnett, above n 2, 13-14

⁹ Ibid. 9

¹⁰ International human rights law also suggests that common law defences such as 'necessity' may not be sufficient to overrule statutory human rights obligations, particularly in circumstances where a person is held for extended periods in a locked environment HL v. UK (2004) - App no 45508/99; 40 EHRR 761(Bournewood)

¹¹ Human Rights Act 2004 s28

¹² Darcie Lyons , above n 1, 227

¹³ Ibid, 232

 $^{^{14}}$ Work Health and Safety Act 2011 (ACT) s 19

¹⁵ Ihid. s 17

¹⁶ See eg Workcover Authority (NSW) (Inspector Stewart) v The Crown in Right of the State of NSW (Department of Education and Training, Department of Juvenile Justice and Tafe) [2002] NSWIR Comm 259 (10 October 2002)

¹⁷ WorkCover Authority of New South Wales (Inspector Pompili) v Central Sydney Area Health Service [2002] NSWIRComm 44

¹⁸ Act Chief Minister and Treasury, Policy No WHS-09-2012: Managing Occupational Violence, (2012) < http://www.cmd.act.gov.au/__data/assets/word_doc/0006/489075/2012_whs_09_managingoccupationalviolence.doc>3-4

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<sup>19</sup> Nick Burnett & Bernard Allen, Reducing Risk and Restraint in Asia-Pacific: The current state of law, policy and guidance in relation to the use of force to control behaviour, (Nick Burnett Publishing, 2010) 6
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- ²² ACT Education and Training Directorate, 'Providing Safe Schools P-12', (2007)
- 4">http://www.det.act.gov.au/__data/assets/pdf_file/0005/19499/SafeSchoolsP-12.pdf>4
- ²³ ACT Education and Training Directorate, 'Inappropriate Structure Investigation Outcome', (2015) <www.det.act.gov.au/investigation-outcomes>3
- ²⁴ Australian Department of Social Services, above n 5, 10
- ²⁵ Victorian Equal Opportunity & Human Rights Commission, above n 4, 112
- ²⁶ Darcie Lyons, above n 1, 334
- 27 Victorian Equal Opportunity & Human Rights Commission, above n 4, 119
- ²⁸ Nick Burnett, above n 2
- ²⁹ Ibid, 19
- ³⁰ Victorian Equal Opportunity & Human Rights Commission, above n 4, 118
- ³¹ Victorian Equal Opportunity & Human Rights Commission, above n 4, 122
- ³² Darcie Lyons, above n 1, 205
- ³³ Victorian Department of Education and Training, Restraint of Student Policy, (2015)
- http://www.education.vic.gov.au/school/principals/spag/governance/pages/restraint.aspx
- ³⁴ Nick Burnett, above n 2, 5
- ³⁵ DE Williams, cited in Krishna Menon, Raghavendra Baburaj, and Sarah Bernard 'Use of restraint for the management of challenging behaviour in children with intellectual disabilities', (2012) 6(2), Advances in Mental Health and Intellectual Disabilities, 62, 64
- ³⁶ Victorian Equal Opportunity & Human Rights Commission, above n 4, 122
- ³⁷ Nick Burnett, above n 2, 6
- ³⁸ Victorian Department of Education and Training, above n 33
- ³⁹ Nick Burnett, above n 2, 24
- ⁴⁰ Darcie Lyons, above n 1, 206 & 237; Darcie Ahern Mulay, 'Keeping all students safe: The need for federal standards to protect children from abusive restraint and seclusion in schools' (2012) 42 (1) Stetson Law Review 338
- ⁴¹ Nick Burnett, above n 2, 20
- ⁴² Nick Burnett, above n 2,, 22
- ⁴³ Victorian Equal Opportunity & Human Rights Commission, above n 4
- ⁴⁴ Nick Burnett, above n 2, 33
- ⁴⁵ Bradley Foxlewin, What is happening at the Seclusion Review that makes a difference? a consumer led research study, (2012)
- < http://www.actmhcn.org.au/images/documents/Research/2012-06 REPORT SRRM RESEARCH incl Executive Summary.pdf>41
- ⁴⁶ Australian Department of Social Services, above n 5, 8
- $^{
 m 47}$ Victorian Equal Opportunity & Human Rights Commission, above n 4, 10
- ⁴⁸ Australian Department of Social Services, above n 5, 8
- ⁴⁹ Victorian Equal Opportunity & Human Rights Commission, above n 4
- ⁵⁰ Darcie Lyons, above n 1, 206 & 237;
- ⁵¹ Education Act 2004 (ACT) s 10a
- ⁵² Victorian Equal Opportunity & Human Rights Commission, above n 4, 96
- ⁵³ Education Act 2004 (ACT) s 36
- ⁵⁴ Education and Training Directorate, 'Suspension Exclusion or Transfer of Students in ACT Public Schools Policy', (2010) 4
- ⁵⁵ Ibid, 2
- $^{\rm 56}$ Victorian Equal Opportunity & Human Rights Commission, above n 4, 103
- 57 Education and Training Directorate, above n 54, 3
- 58 Victorian Equal Opportunity & Human Rights Commission, above n 4, 101 $\,$
- ⁵⁹ Victorian Equal Opportunity & Human Rights Commission, above n 4, 102

²⁰ Darcie Lyons, above n 1, 227-228

²¹ Lyons says restraint is lawful in cases where risk of harm is 'imminent' (a higher threshold). In contrast, Nick Burnett and Bernard Allen say restraint is lawful in cases where risk of harm is 'immediate' (a lower threshold): 'There is sometimes confusion with what is meant by immediate risk, with it being suggested that staff are not allowed to use force until the risk was imminent. The result can be that staff avoid interventions which could have prevented an escalation towards higher risk. There are times when early intervention is justified to prevent an escalation towards serious consequences.'

CHAPTER 12:

Effective Collaboration Among Agencies

12.1 Introduction

Schools can provide a range of interventions and services to support the learning, behaviour and wellbeing of children and young people at school. However, schools cannot meet all of the needs of these students and their families. A range of government and non-government agencies may need to be involved, including health services, disability service providers, Child and Youth Protection Services, and other professionals and services. In cases where children and young people with complex needs and challenging behaviour have intensive support needs, there are significant benefits to schools and other agencies working collaboratively as a team around these students and their families, to develop shared understandings, plans and goals, and shared ways of measuring success. This allows for efforts to be aligned rather than working at cross-purposes, and ensures that services that are consistent and complementary. Schools may be best placed to lead and case manage these teams, but require skills and resourcing to do this effectively.

The Canberra Social Plan 2011 articulates the Government's commitment to collaboration and strengthening partnerships as the cornerstone of an inclusive community. The Plan identifies key priorities, including 'embedding community inclusion principles across government' and 'collaborative and joined-up ways of working'.¹

This chapter examines suggested models of effective collaboration and planning for students with complex needs and challenging behaviour, including wraparound services and engagement with support agencies on the school premises. The Panel recommends the development and resourcing of a case management framework to support collaborative practice. The Panel also makes recommendations regarding referrals to the Strengthening Families project and the development of a memorandum of understanding between ETD, ACT Health, and Child and Youth Protection Services.

The chapter also considers the role of schools as community hubs, and recommends the consideration and piloting of a project to provide a range of child and family services onsite at schools to benefit students with complex needs and challenging behaviour, and their families. Finally the chapter considers issues raised in consultations regarding the National Disability Insurance Scheme (NDIS) and makes recommendations regarding protocols to guide the provision of NDIS services within schools.

12.2 Wraparound services

Students with complex needs and challenging behaviour may have a number of agencies or professionals engaged in their care and support. Joint planning, clear communication and consultation between all parties is important to the success of these multilayered interventions. Parents/carers are key stakeholders and need to be engaged, and if necessary supported to participate, as members of the planning team. When developing strategies and support plans, the perspectives and wishes of the child or young person must also be heard and valued by the team, and they should be involved as far as possible in decisions that affect them.

A wraparound approach is a philosophy that fosters a constructive network or team of services for students and their families. This holistic approach focuses on needs across a variety of domains that may include home and school environment, community supports, safety, social and emotional wellbeing, health needs and educational needs.² Central to the wraparound services model is collaborative planning and innovative service delivery to meet individual need:

Services are identified and designed based on the needs of the family and young people rather then what the system has available and is experienced in providing.³

The team requires a coordinator or lead case manager who acts 'as a conduit between the family and local service providers who may offer clinical or more general support services'. The coordinator does not deliver the range of required services themselves but facilitates linkages between the agencies, family and the family's own networks. Families are viewed as partners in the assessment of their needs and development of a service plan. Their perspectives and choices are valued and respected in the process.

Wraparound services adopt a three step process to case management. The initial phase involves referral, intake and screening of individual needs, which is followed by a thorough assessment phase where all parties engage in a negotiation of resources and information sharing. The final phase involves the collaborative development of a care plan, or care program, which outlines each party's involvement in the case, their role and the expected goals of the intervention. ⁵

Perspectives on case management

Many parents/carers made comments about the benefits of collaborative service delivery for their child with complex needs and challenging behaviour:

There are huge benefits in having parents, therapists, teachers, policy makers etc. in the same room as it gives everyone a chance to hear other opinions, reasons, thoughts etc. and gives us a better understanding of where we are all coming from to help us all be on the same page. (Parent)

Engagement in a team – no one person is going to be able to support this child well – it takes a whole team. Also seeing the parents and carers as part of the professional team and valuing their insight. (Parent)

Teachers and schools who contributed to the consultation supported a wraparound approach. They noted that executive staff often engage in case management in an informal manner, but raised concerns that they do not consider that they have the framework, resources or expertise to collaborate as effectively as they would like.

Approximately 80% (286) of teachers surveyed, who had engaged in case management to support students with complex needs and challenging behaviour, stated that using this strategy was moderately or extremely useful, and likewise 65% (292) who had engaged in collaborative approaches with a number of service providers stated that this approach was moderately or extremely useful. However, only approximately 50% (433) of those surveyed had used either strategy. Comments made included:

A case management approach was sometimes used and this was a more supportive method for everyone involved, including the student, the teacher and the parents. The case management meetings were held with teachers, parents, allied health and Principals or Assistant Principals. (Teacher)

Schools are increasingly required to support all manner of wellbeing issues that students bring from outside the school environment. A school is a hub where students are able to easily access non-educational services such as psychologists, nurses, social workers and other connections. (Teacher)

The case management strategy can be invaluable – as long as all parties show an interest. (School leader)

Members of school leadership teams surveyed by the Panel also supported a wraparound case management approach, with over 20% (15) of survey respondents reporting that this type of approach would make the most significant difference in their schools. A number of survey respondents suggested that schools need greater resources or an identified position to better coordinate case management:

A consistent timely approach to supporting the child through a case management approach where school, agencies and family work together is required.

More resources on the ground, a whole-of-government approach to case management; Political will and leadership.

Further support for executive staff, e.g. social worker or a case manager.

Schools need further support to engage in case management, including offering teachers and executive staff additional time to complete these tasks, or employing welfare officers to engage in this manner. (School leaders)

Similarly, peak bodies and other professionals supported a wraparound approach and raised issues in relation to the need to resource the case management and coordination of services for students with complex needs and challenging behaviour:

Case management services currently offered informally at school need to be formalised and resourced. There needs to be not only an ETD response to the issues, but a whole community response, as it is a whole-of-community issue. (Professional)

Best practice for students with complex needs is achieved by providing a fully integrated multidisciplinary team approach. It is essential that a coordinated pathway of services exists for children with complex needs from the point of early identification and throughout their schooling. Providing sufficient resources and leadership to enable the creation of regular multidisciplinary case reviews, education, planning and program development also facilitates the delivery of coordinated programs. (Peak Body)

Teachers and school leaders raised issues about collaboration and planning of interventions where students are engaged with Child and Youth Protection Services (formerly Care and Protection Services). A number of schools and teachers reported concerns about the operation of the Case Conference process for these children and some perceived a lack of accountability and follow up in monitoring actions under the plan. Concerns were raised about frequent changes in caseworkers and difficulties engaging with Child and Youth Protection Services while it was undergoing a period of restructure. Difficulties with engaging with mental health services in a timely way were also mentioned by some school leaders.

Conversely, a number of peak bodies and other professionals working with children and young people with complex needs and challenging behaviour reported difficulties establishing good communication with some schools:

In our experience, timely and open communication is something that is often overlooked in the school environment due to the increasing demands on everyone's time. (Peak Body)

Peak bodies referred to communication with schools and engagement in the school environment as 'haphazard'. Peak bodies also reported that there appeared to be a number of agencies who are able to support families and students with complex needs and challenging behaviour, but

that there was a lack of cohesion between agencies and that work needed to be done to mobilise current resources:

There needs to be real and effective multidisciplinary support for kids in the whole context of their life. This includes ongoing services, not just one referral here and there, or one bit here or there. (Professional)

Improving case management and collaboration

Where students and their families have already established good relationships with teachers and school staff, and are comfortable in the school environment, schools may be well placed to lead a wraparound case management process. However, school staff need guidelines, skills and resources to undertake this important role.

Schools would benefit from a consistent framework for case management, to provide practical guidelines for effective collaboration with other services. A dedicated case manager within each school, with training in social work or other relevant skills, would strengthen the ability of schools to collaborate effectively with a range of services, to best meet the needs of students with complex needs and challenging behaviour, and their families.

Information sharing is essential for strong collaboration, and requires the support of parents/carers and students to share relevant information between team members to best meet the needs of the child or young person. A process to seek consent to share information should be developed as part of this case management framework. Information sharing may also be required across various school settings, when students transition from one school to another, and as such any information sharing protocol will also need to consider other school requirements.

The approach of 'collective impact' also offers insights into ways in which a number of agencies (both government and non-government) can work effectively together, not just in relation to individual cases, but to take a collaborative approach to complex social issues where isolated efforts have not been effective. This approach focuses on aligning effort through developing a common agenda, consistent data collection and measurement, a plan of action that involves and coordinates the activities of each agency, and continuous and open communication between agencies. This approach also suggests the use of a 'backbone' agency to undertake the coordinating role.⁶

Given the concurrent involvement in many cases of schools, mental health and other health services, and child and youth protective services in relation to children and young people with complex needs and challenging behaviour, it would be useful to have a clear partnership and agreement regarding collaboration between ETD, ACT Health and Child and Youth Protection Services.

The ACT Community Services Directorate (CSD) has recently established the Strengthening Families Program, which aims to support up to 50 ACT families with intensive support needs, by drawing together a number of agencies engaged in their lives and assisting the family to develop and implement an agreed family plan. The families are supported to engage a Lead Worker who will work holistically with the family. This worker is recruited from the families' existing support networks. Many families who have children with complex needs and very challenging behaviour would meet the criteria for inclusion in the Strengthening Families Program. Where schools have identified high support needs in an educational setting, these children and their families should be referred, with their consent, to the Strengthening Families Program. A referral protocol between ETD and CSD should be developed to ensure that these referrals are made and appropriately prioritised.

Recommendation 12.1: That ETD, CE, and each Independent School (a) develop and implement a case management framework for students with complex needs and challenging behaviour; and (b) support all schools to identify or recruit suitably qualified staff to act as case managers, including, for example, social workers, welfare officers, and/or community development workers.

Recommendation 12.2: That ETD and the Community Services Directorate develop a protocol to allow for the timely referral of students with complex needs and challenging behaviour, and their families, to the Strengthening Families Program.

Recommendation 12.3: That ETD, CE, AIS, the Community Services Directorate, and ACT Health, collaboratively develop mechanisms to ensure that service provision with respect to children and young people with complex needs and challenging behaviour, and their families, is offered in a strategic and client focused manner and demonstrates effective communication among all parties.

12.3 Schools as centres for community engagement

Offering additional services onsite at schools has many benefits for students with complex needs and challenging behaviour. Such services can be particularly helpful for families experiencing a range of challenges and disadvantages, and who may have difficulty attending external appointments to receive necessary services. Some parents/carers reported to the Panel that their schools had provided significant support to engage with agencies onsite, with one parent reporting that:

The support available at school has freed me to concentrate on his home needs and, in collaboration with others, to meet his needs overall. I hope other families are able to enjoy this type of supportive school system. (Parent)

Teachers and School leaders held similar views, stating:

We need to redesign and provide alternative programs on site for some students, particularly those with behavioural issues. This is particularly important for students with mental health issues, or experiences of trauma and adversity. (School leader)

If these students were more easily able to access services at school to assist them to engage in the community it would make our jobs much easier. (Teacher)

We need to establish 'full service' facilities in schools; open and competitive recruitment of allied health professionals as part of staff profile of schools. (School leader)

Several schools visited by the Panel had engaged with external agencies to offer support to parents/carers, families and students on the school grounds. Agencies had been engaged to provide training to teaching staff, as well as parents/carers, and to run some school activities, such as breakfast clubs and mentoring. They had also built additional physical resources at the school.

These schools reported that they felt that their school was a 'primary hub' in terms of community engagement, which had led to specific benefits for families associated with the

school. Parents/carers had engaged in a number of activities at these schools, including parenting classes, reading groups and health appointments for younger children. These schools proactively engaged with welfare agencies to encourage them to offer outreach services and felt that the relationships these agencies had built with marginalised families had promoted support for their children. Further capacity to develop this practice would assist these students and families significantly.

In 2009, ETD established four early childhood schools across the ACT, with a fifth established subsequently at Franklin, serving Gungahlin. These schools provide learning opportunities for children and young people from birth to age eight, with a focus on high-quality learning, integrated service delivery and family support and participation. These schools aim to become centres for community participation and offer holistic services to children and their families. In 2012, the ACT Auditor General undertook a performance audit on these schools and the services provided and stated that:

Although ETD's early childhood schooling programs and services are delivering benefits to children and their families, there are shortcomings in ETD's planning, management and delivery of the programs and services. The purpose and objectives of the programs and services are unclear and children and families who need additional support are not targeted or given priority. This creates a risk that the programs and services do not achieve desired outcomes and that those most in need do not receive the additional support. 9

ETD responded to this report and agreed that:

The Early Childhood Schools initiative will be evaluated in 2014 after five years of operation. ¹⁰

The Panel requested information from ETD in relation to the evaluation of the Early Childhood Schools and was advised that there had been a significant delay, and that this process was due to begin in October 2015.

Given the financial resources required to offer this type of targeted support to students with complex needs and challenging behaviour, and the many positive effects of proactive and early intervention, further development of the Early Childhood Schools model and support to delivery programs and services on these sites should be seriously considered.

Recommendation 12.4: That ETD publicly release the report on the evaluation of the Early Childhood Schools and Koori Pre-schools once completed.

An example of successful community partnerships is Doveton College in Victoria, a community-focused school catering for families and children, pre-natal to Year 9. The College opened in 2012 in an urban area of Victoria that experiences significant levels of disadvantage. It offers a fully integrated wraparound service including early learning, family support, maternal and child health and Prep to Year 9 schooling. The Early Learning Centre and Prep—Year 9 school is open from 7am to 6pm.

Doveton College operates through an agreement between the Victorian government and a philanthropic foundation. The College's funding arrangement allows it to partner with other non-profit agencies and foundations to provide services to families and the community onsite. More than 15 separate organisations provide onsite services and outreach programs at the school, including: structured playgroups; parenting outreach programs; a Maternal and Child Health service; immunisation programs; a visiting children's doctor; healthy eating programs; counselling therapy; visiting dental services; family mental health support; adult training and education programs; boys' and girls' groups; coaching and sports clinics; and parenting support

services, including a psychologist who specialises in working with the Aboriginal and Torres Strait Islander community. ¹¹

Initial evaluations showed above average student attendance levels and survey results indicate significant improvement in classroom behaviour, connectedness to peers and student safety. ¹² The College is undertaking a five year independent evaluation study in partnership with the University of Ontario, Canada, to determine whether it is meeting its goals.

Given the evidence of advantages of these types of collaborative models for all students, particularly students with complex needs and challenging behaviour, ETD should further investigate the feasibility of these types of schools. A pilot project could be undertaken at a number of school sites across the ACT. Given the location and large size of some ACT school sites, such as Kingsford Smith, Namadgi, Harrison and the Amaroo Schools, these schools might be appropriate pilot sites. ETD could also invite local universities to be partners in the project and, for example, provide support services to the schools and ensure that the programs are evaluated.

Recommendation 12.5: That ETD investigate the feasibility of a 'Schools as a Hub' project to assist schools in key areas of social disadvantage to develop multiagency outreach services on site, and consider establishing pilot sites using existing P-10 schools.

12.4 The National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) commenced in the ACT on 1 July 2014. By 1 October 2015, the NDIS will have been in place for all children under the age of 18 in the ACT. The NDIS supports people with a disability and provides assistance to identify supports for people to achieve their goals including independence, engagement, health and wellbeing, education and employment. Through a consultative process, the NDIS aims to develop a personal plan with participants, which is tailored to individual needs and goals and can fund additional supports including therapies, equipment, in-home modifications, engagement in community activities, or employment assistance.¹³

Not all children with complex needs and challenging behaviour will have access to the NDIS, as they may not meet the specified disability criteria to participate in this program. Conversely, not all children and young people who are eligible for the NDIS have challenging behaviour or require additional support at school. However, a proportion of children and young people who are eligible for early intervention support under the NDIS have complex needs and challenging behaviour, and it is important that schools can work effectively with these NDIS funded services.

One of the major issues raised during consultations has been about the way in which NDIS providers will interact with schools and provide therapeutic services to students on school sites:

The roll out of the National Disability Insurance Scheme (NDIS) will have a positive impact on the number of children receiving early intervention; however, it is unclear as yet how the NDIS will interface with the education sector. (Peak Body)

I feel there is actually less therapy (Occupational, Speech, Physical) happening at the specialist schools since the move into the NDIS model. There is not the number of providers in the ACT that are required, so often parents are unable to locate any specialised services that their child needs. (Professional)

With the new NDIS scheme, clients are having trouble getting consent for the family's therapy professional to come into the classroom. Some schools are reluctant to engage with outsiders. (Professional)

The National Disability Insurance Agency (NDIA) has categorically stated that it will not provide therapy within a school-based environment. (Peak Body)

Many parents/carers reported that individual engagement with therapists outside school hours placed additional stress on their families. This proved problematic as some of the therapy needed to be undertaken in a school classroom setting and some young children may be too emotionally and physically exhausted to engage with therapy after a full school day. However, schools raised concerns about students having significant time away from the classroom to engage with therapists, which meant that they missed class time and some of the foundational curriculum that they required.

Some schools raised concerns about regulation of NDIS funded service providers and the level of expertise and experience of service providers providing services on school sites. However, the Human Services Registrar in the C SD has a role in providing advice to the NDIA on registration of providers, which requires them to meet a range of criteria (including Working With Vulnerable People checks), and the ACT Government has put in place additional safeguards with the introduction of the NDIS, which should mitigate these concerns.

ETD has developed a Frequently Asked Questions document to support schools in managing NDIS funded providers in schools. This document could be expanded to outline what services are deemed critical to students' wellbeing, and the types of services that are appropriate to be offered on school grounds. ETD reported that NDIS providers are currently managed under their Volunteers and Visitors policy, and that schools are provided a checklist to record information in relation to the service provider. Some specialist schools reported that they have developed specific Service Protocols in relation to NDIS providers who access the school grounds.

Recommendation 12.6: That ETD, CE, and each Independent School, develop guidelines which regulate access to schools by NDIS service providers.

A number of parents/carers of children with complex needs and challenging behaviour raised concerns that government early intervention programs offered to preschool students in a group setting, and that engaged in a multidisciplinary approach to education, had been closed due to the NDIS rollout. Parents/carers reported that while some programs have been offered by private providers, the level of services have not yet developed to the same extent, and that some children and young people who are funded under NDIS cannot yet access appropriate programs such as early intervention preschools.

However, ETD report that many of the new NDIS funded early intervention providers offer a 'best practice' program using a transdisciplinary key worker or a multidisciplinary team approach, focusing on building capacity of the family and educators to meet the child's needs in natural environments. They note that children who meet eligibility criteria are able to access the specialist school preschools.

Schools gave very positive feedback about the previous work of therapists from Therapy ACT in outreach programs, which focused on targeted interventions and small group activities with students with complex needs at schools. These therapists offered support and advice to the schools and teachers about various aspects of learning, including positioning and the supports children may require. The cessation of this support was raised as a significant concern by a number of schools and professionals:

As it stands, Therapy ACT has provided psychologists, occupational therapists, speech therapists and social workers to teachers, students and families. They have provided consultations on sensory processing management strategies, classroom learning adjustments, and behavioural support plans for children with complex needs/challenging behaviour. Recently this resource has disappeared with the advent of the NDIS. (Peak Body)

Schools also reported that engaging with a number of therapists for various students with complex needs is challenging and that managing the logistics was 'unworkable'.

One school reported:

We have 17 therapists/ consultants visiting the school as external providers. This number increases weekly as families come on board with NDIS. We also currently have a range of Therapy ACT therapists in addition to this; this will reduce and cease by the end of 2016. We anticipate that next year it would be reasonable to predict over 40 therapists (maybe more).

This level of uncertainty around NDIS service providers raised significant concerns for some teachers, who stated that due to the closure of services offered by Therapy ACT they did not feel confident referring parents/carers to services that their children may require. They also stated that the administrative burden on parents/carers was challenging and that teachers often needed to support many families to understand and complete application forms:

Now that we no longer have Therapy ACT we rely on our psychologist to assist in providing information for families about where to go for help – before the NDIS it was easy for teachers to direct parents with where to go for assistance. (Teacher)

More support needs to be offered to families in the process of assessing services through NDIS. (Professional)

Health and education pathways for screening, assessment, intervention and treatment need to be better established, particularly due to impact of NDIS/NDIA. (Peak Body)

Parents have needed considerable support to access NDIS. (Specialist school)

The CSD has now developed the Child Development Service to provide assessment and referral services for children with developmental delays and disabilities, and their families. This service will assist families to access appropriate services and should help to address these concerns.

ETD report that its NDIS Project Team and the NDIA are available to provide support to families to understand and complete NDIS application forms. The NDIS Project Team has assisted more than 100 families to complete applications. ETD will continue to make this individual support available. ETD has also organised approximately 40 parent/carer information sessions in ACT Public Schools to assist families to understand the NDIS and to assist them to complete application forms.

The ACT has shown initiative and commitment to the needs of people with a disability by engaging as a trial site for the NDIS. The NDIS reports that, as of June 2015, the ACT had 1,427 participants with approved plans and that participant satisfaction rated at 95% across all trial sites. ¹⁴ Issues that have emerged are being addressed effectively but should continue to be monitored. A new system in which schools, private providers of various therapeutic interventions and parents/carers make individual arrangements for service provision within schools poses new challenges and there are lessons to be learned. For example, expecting parents/carers to navigate a complex service system will be difficult for some parents/carers of children with complex needs and challenging behaviour. Further work to develop a policy framework which includes both ETD and the NDIA, and outlines their role, commitments and legal responsibilities, would be helpful.

Trial projects to provide services in schools

It was reported to the Panel that two small and very different trials are currently being assessed within the ACT to consider possible future options with the final closure of Therapy ACT and full introduction of NDIS.

Firstly, Therapy ACT is participating in a collaborative 15 week research project at Black Mountain and Cranleigh Schools, with therapists working with the teaching team in an integrated approach. Therapy ACT has provided three therapists who spend 50% of their time at Black Mountain School and 50% at the Cranleigh School. The students remain in the classroom and are not withdrawn for therapy. Instead the class program is adjusted to allow access and improve outcomes. The therapists start by observing the students in the classroom, assess their additional needs in that setting and collaborate with the teachers to identify how best to embed support into the class program. The two schools engage in weekly Therapy Team Meetings between their teaching staff and the therapists, to discuss the progress of the trial, focusing on the students and the current plan to support their additional therapy needs. The feedback to the Panel from Black Mountain School was that they have been very impressed by the project and that the response from teachers in this setting has been 'overwhelmingly positive'.

Further work to develop and evaluate these types of collaborative programs may prove to be advantageous across a number of school sites, particularly schools with significant numbers of children who are part of the NDIS, and further review of this program is warranted.

The second project, Therapy Assistants Program (TAP), is being trialled in the Tuggeranong schools network. TAP includes a focus on students with therapy intervention needs who are unlikely to access external therapy providers for a range of reasons, including their family circumstances. The trials are being conducted in four schools identified as having comparatively higher number of students from populations who experience disadvantage. In addition to providing selected students with intensive individual therapy whilst at school (physiotherapy, occupational and speech therapy), the program focuses on teacher training and whole class programs.

The intensive intervention programs are informed by an individual assessment conducted by a relevant health professional. The therapy is provided by therapy assistants under the supervision of the health professional and may resemble what some parents/carers could provide at home. In addition to the individual sessions, the therapy strategies for each student, wherever possible, are reinforced through the curriculum. The staffing for this project is three half-time therapists and four therapy assistants, and part of the program includes assessing the capacity of the program with its current staffing. This project is funded until mid-2017, with work currently being undertaken to decide the future of the program once Therapy ACT closes. These projects demonstrate the value of 'school-based inquiry', a practice that is highly recommended by experts on complex learning difficulties and disabilities, and discussed further in Chapter 15. ¹⁵

Recommendation 12.7: That ETD evaluate the Pilot Projects currently being undertaken at Black Mountain and Cranleigh Schools, and, if suitable, consider developing an ongoing program of therapy specialists at key school sites across the ACT.

12.5 Conclusion

A collaborative approach to service provision for children and young people with complex needs and challenging behaviour, and their families, will assist to ensure consistency and achievement of shared goals.

This chapter made the following key points:

- Wraparound service delivery is a useful model for children and young people and their families with intensive service needs. In this model a lead agency provides case management services and works with students and families to coordinate a range of services.
- In consultations participants noted the benefits of wraparound service delivery, but also reported a range of difficulties in achieving effective collaboration in practice.
- Schools need resources, skills and guidance to provide effective case management for students with complex needs and challenging behaviour. A case management framework, and the employment of social workers or welfare staff with relevant skills, would enhance the ability of schools to provide quality case management to address student needs.
- Collaboration could be improved between schools and ACT health services (including mental health services) and Child and Youth Protection Services.
- Schools can be a trusted and safe place for students and families, and can offer a flexible way of accessing necessary services through outreach programs provided onsite. A number of schools have arrangements with service providers to provide onsite services which are of great benefit to families.
- Other states offer more formal programs to maximise the services and supports available within the school environment to support students with complex needs and challenging behaviour. The Panel recommends that the ACT consider piloting a 'schools as hub' model in some ACT schools.
- The NDIS offers a range of opportunities for students with a disability to receive flexible and tailored services. However, during the initial phase some concern has been expressed regarding the availability of appropriate services and the delivery of these services within schools.
- The interaction between schools and NDIS funded services requires further consideration, monitoring and policy guidance.
- Promising pilot projects are underway to meet identified needs for therapy services within schools and these examples of 'school-based inquiry' should be supported and evaluated, and their findings and implications disseminated.

¹ Chief Minister, Treasury and Economic Development Directorate, Canberra Social Plan 2011, (8 April 2015), 3">http://www.cmd.act.gov.au/policystrategic/socialplan>3

² Positive Behaviour Interventions and Supports, Wraparound Services and Positive Behaviour Support. (2015) https://www.pbis.org/school/tertiary-level/wraparound

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⁴ Ian Nisbet, Anne Graham, & Sallie Newell, Working together to reduce youth recidivism: exploring the potential of a 'Wraparound' Interagency Service Model, (Southern Cross University: Centre for Children and Young People, 2011) 10

⁵ Ian O'Connor, Jill Wilson, and Deborah Setterland, Social Work and Welfare Practice.(Pearson Education Australia, 4th ed, 2003) 184-185

⁶ John Kania & Mark Kramer: Collective Impact, Stanford Social Innovation Review, (Winter 2011) http://ssir.org/articles/entry/collective_impact

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⁷ Community Services Directorate, Strengthening Families, (6 November 2014)

http://www.communityservices.act.gov.au/home/current_news/human-services-blueprint/strengthening-families

⁸ Education and Training Directorate, ACT Early Childhood Schools, (06 March 2013)

< http://www.det.act.gov.au/teaching_and_learning/early_childhood_schools>

⁹ Act Auditor General's Office, Performance Audit Report: Early Childhood Schooling, (June 2012)

¹⁰ Ibid, 17

 $^{^{11} \} Doveton \ College, Our \ Partners, (2015) < http://dovetoncollege.vic.edu.au/about-doveton/our-partners/>$

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¹³ National Disability Insurance Scheme, What is the National Disability Insurance Scheme, (15 August 2014)

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¹⁴ National Disability Insurance Scheme, Quarter 4, 2014-2015 Report, (30 June 2015)

http://www.ndis.gov.au/sites/default/files/Q4Poster.pdf

¹⁵ Barry Carpenter, et al, Engaging learners with complex learning difficulties and disabilities: A resource book for teachers and teaching assistants (London: Routledge, 2015) 127

CHAPTER 13:

Professional Learning to Meet Diverse Student Needs

13.1 Introduction

This chapter focuses on the capacity of the teaching workforce to respond to the diversity of students in ACT schools. We review relevant undergraduate and postgraduate education units offered in ACT universities. We examine the available professional learning and consider the perspectives of teachers, parents/carers and other stakeholders on the adequacy of teacher preparation and their opportunities for ongoing development to meet student need.

The chapter outlines strategies to improve teacher training and professional learning to address the skills required to support students with complex needs and challenging behaviour. Professional learning that best helps teachers to respond to students with complex needs and challenging behaviour is learning that directly translates into practice. It is learning that is embedded throughout schools and systems, so that meeting the needs of these students is not restricted to a few teachers with expertise, but is understood as everyone's work. The Panel makes recommendations regarding training and professional learning to equip all teachers and school leaders with knowledge of complex needs and challenging behaviours, and opportunities for advanced training for some teachers who work in specialised areas. We focus on the Australian Professional Standards for Teachers and the Australian Professional Standard for Principals as both provide a strong platform and directions for professional learning. This chapter also highlights the need for supportive professional supervision for teachers who work with students with complex needs and challenging behaviour.

13.2 Importance of teacher training and professional learning

Teachers in ACT schools teach an increasingly diverse range of students, including students with complex needs and challenging behaviour. High-quality, pre-service education and ongoing professional learning, including mentoring and supervision, must support the expectations on teachers.

Education systems aim to empower all students to reach their potential, however students with complex needs and challenging behaviour often struggle in classrooms. To facilitate a productive learning environment, teach a diverse range of students and support their behaviour, teachers require sophisticated knowledge and highly developed skills. This includes the ability to assess students' individual strengths and areas for improvement, and to teach to different levels in a way that motivates and engages students of different abilities. Teachers require a range of skills and tools for classroom management, and an ability to reflect upon and regulate their own emotions and responses in order to de-escalate behavioural crises and assist students to develop behavioural skills. A

A key factor in achieving student learning outcomes is ensuring that teachers develop expertise in *diagnosis* of students' individual learning needs, application of a range of *interventions* and *evaluation* of the success of these interventions.³ To maintain evidence-based teaching practices throughout their career, pre-service teachers must also be equipped with the capacity to research effective strategies, and to evaluate their own practice.⁴

As discussed in Chapter 5, universal strategies and a positive school culture are the foundation for addressing the needs of all students, but some students will require additional targeted approaches, and their teachers will need to learn 'distinct pedagogies' to respond to individual needs within a larger class group. Teachers will also need to learn how to collaborate and work effectively with other professionals; for example, in the multidisciplinary, wraparound approaches recommended in Chapter 12 for students with complex needs and challenging behaviour.

13.3 Australian Professional Standards and teacher registration

The Australian Professional Standards for Teachers apply to all teachers in the ACT. The seven standards relate to working with all students, including those with complex needs and challenging behaviour. They are a powerful impetus to improve teacher capacity and are grouped into three domains of teaching: Professional Knowledge, Professional Practice and Professional Engagement. They cover the following areas:

- know the students and how they learn;
- know the content and how to teach it;
- plan for and implement effective teaching and learning;
- create and maintain supportive and safe learning environments;
- assess, provide feedback and report on student learning;
- engage in professional learning;
- engage professionally with colleagues, parents/carers and the community.⁵

The standards describe what teachers should know and be able to do. The descriptors are developed at four career stages: Graduate, Proficient, Highly Accomplished and Lead. The corresponding Australian Professional Standard for Principals focuses on leadership skills, including supporting teacher development and building a professional learning community.⁶

The Panel emphasises the importance of school leaders working with teachers to embed understanding of the Teaching Standards and to ensure teachers' professional learning plans support growth in meeting diverse student need. Professional learning relevant to students with complex needs and challenging behaviour must develop across the four career stages.

Teacher Quality Institute

The Teacher Quality Institute (TQI) mandates and regulates the professional learning requirements of teachers to ensure they meet registration requirements. The TQI is responsible for: the professional registration of teachers; accrediting pre-service education courses and professional learning programs; certifying teachers against national professional standards; developing and applying codes of professional practice for teachers; and working closely with employers to promote continuous professional learning by teachers.

13.4 Pre-service training

Pre-service education programs should provide a solid foundation for building relationships with and teaching a diverse range of students. Respondents referred to pre-service training frequently as an area for improvement. In survey responses some teachers reported that in their view their undergraduate courses provided no training in complex needs and challenging behaviour:

There is no real pre-training that prepares teachers for the reality of their work. (School leader)

A lot of new teachers are coming to school unprepared for managing a classroom. I also believe some basic information on the range of behaviours within schools should be part of the teacher training process. (Teacher)

Pre-service teachers feel they are not prepared to cater for the diverse needs of students or to manage challenging behaviours when they graduate. (Professional)

Teachers feel ill prepared and untrained to deal with and teach students with complex needs and challenging behaviours. (School leader)

At uni, education students learn quite a lot about other special needs but not trauma, and it has huge implications for learning and classroom practice.... Teaching students with complex needs and challenging behaviours requires flexibility and a willingness to make big alterations to teaching practice. Teachers need to be given the support and tools to do this. (Teacher)

Developing teachers' practical expertise in specific teaching and behavioural interventions is particularly important to support students with complex needs and challenging behaviour. While many student teachers might express generally supportive attitudes about diversity and inclusion, they often lack a sense of self-efficacy or understanding of how they might teach these students in practice:

There is then an imperative for pre-service programs to develop ways not only to promote positive attitudes towards inclusion but also to provide learning programs that support new teachers to work effectively with pupils who have diverse special educational needs within the mainstream classroom.⁷

Most ACT teachers hold either a Bachelor of Education or a bachelor degree with a Graduate Diploma in Education. Most Bachelor of Education degrees are sector specific, focusing on early childhood, primary, secondary or middle schooling. One university has recently introduced a new Bachelor of Education from K–12 but is yet to have any graduates from this course.

Foreman and Arthur-Kelly propose that it would be expected that all teachers, including those who move into special education, undertake, as a minimum, core curriculum around the values, skills and knowledge required to effectively include all students in the diverse classroom. They report that some relevant content is included in courses in all Australian States and Territories however, there is no national benchmarking on content coverage.⁸

Data received from the TQI showed that the majority of teachers currently registered in the ACT received their initial qualifications from University of Canberra and a fifth of teachers received qualifications from the Australian Catholic University. A smaller, but significant number of currently-registered ACT teachers received their training from universities in NSW.

Units and courses

At the University of Canberra, current teacher training units include those with a focus on Aboriginal and Torres Strait Islander education, promoting: positive learning environments; responding to individual needs; teaching students with severe and multiple disabilities; early intervention; advocating for and supporting students at risk of being devalued or marginalised; and evidence-based approaches to interventions at professional, cross-disciplinary and systems levels.

The Panel was informed that the University of Canberra will offer a unit in 2016 which explores how learning and behaviour is explained by development. Other planned units cover: learning and information processing; knowledge and skills when teaching a diverse range of students; evidence-based classroom management strategies and skills; social and political underpinnings of inclusion; and reviews of national and international policies and legislation, with the view that teachers become change agents for inclusive practices.

The Australian Catholic University provides a mix of generalist content in relation to diverse students, and a number of skills-based units more directly relevant to teaching students with complex needs and challenging behaviour. These units cover: strategies and practical approaches to achieve positive outcomes for diverse students; development of emotional, communication and interpersonal skills in children, with emphasis on life-long development in school and family settings; creating inclusive, safe and supportive schools including working with parents/carers and students with high needs; and collaborations between teachers, families and the community for the purpose of supporting students and their families.

While the course content at both universities appears to cover a range of relevant topics, it is vital that these courses provide trainee teachers with practical strategies and skills that can be used in the classroom to support students with complex needs and challenging behaviour. Trainees also need structured opportunities to apply and practise these skills, as well as developing a theoretical perspective on the issues.

All pre-service teachers are currently required to undertake a sequence of school-based professional experience units in which they apply their knowledge and receive mentoring from experienced teachers; however, the skills learned during these units will depend on the nature of the placement and the interests and focus of supervising teachers. They may not provide a specific focus on supporting students with complex needs and challenging behaviour, or the opportunity to apply and assess the effectiveness of relevant skills. As Linda Darling-Hammond states in her work on teacher development:

Teachers learn best by studying, doing and reflecting, by collaborating with other teachers, by looking closely at students and their work and by sharing what they see. This kind of learning cannot occur in college classrooms divorced from practice or in school classrooms without knowledge about how to interpret practice. Good settings for teacher learning... provide lots of opportunities for research and inquiry, for trying and testing, for talking about and evaluating the results of learning and teaching.⁹

During consultations the Panel heard from many recent teaching graduates who felt unprepared for the reality of supporting very challenging behaviour in the classroom, and from experienced teachers who confirmed that new graduates lacked these skills. In our view the structure and content of these courses should be reviewed to ensure that they are sufficiently practical and skills based. We note that the National Plan for School Improvement reform agenda requires the ACT to:

Partner with universities to implement an agreed national approach to delivering quality practicum, to improve the quality of preparation and readiness of graduate teachers, with a focus on priority areas of teacher supply. ¹⁰

Recommendation 13.1: That ETD, CE, and AIS, liaise with the Australian Catholic University (Canberra Campus) and the University of Canberra to review and improve the theoretical and practical relevance of teacher education units with respect to teaching students with complex needs and challenging behaviour.

13.5 Induction

Hattie highlights the importance of the beginning of a teacher's career:

When we look at the development of teacher expertise, the greatest learning is not from teacher-education programmes but from the first year of full-time classroom teaching (the next is from the second year). ¹¹

The provision of continuing support for beginning teachers is a priority in agreements between the ACT and the Commonwealth about educational reform. Schools and the profession have a responsibility to develop beginning teachers to full professional proficiency, and it is important to ensure that the induction process allows new teachers to develop and refine skills to support students with complex needs and challenging behaviour. Induction activities may include participation in structured professional learning programs, observations of specific teaching strategies, coaching and mentoring support, and feedback from experienced teachers.

The level of formality and structure of induction programs varies across States and Territories. Western Australia invests heavily in graduate teachers in government schools through a mandatory two-year Graduate Teacher Professional Learning Program, which includes modules of professional learning and confidential coaching by teachers employed by the Institute of Professional Learning.¹⁴

Within the ACT Public School system, teachers in their first three years of teaching have reduced face-to-face teaching hours to facilitate their learning and development, and receive informal mentoring and coaching through their school.

The most recent report on induction of beginning teachers across Australia cited particular concerns about insufficient induction for these teachers in temporary employment. Recent evidence shows that a high proportion of beginning teachers are employed on a casual basis, either on short-term contracts or as casual relief teachers. In many cases, these teachers do not receive the same support in the early years as those employed on an ongoing basis. These findings were corroborated in comments received by the Panel about the lack of relevant professional development opportunities for casual, beginning, itinerant, part-time and relief staff in ACT schools.

Relief teachers

Attention to developing the capacity of relief teachers through professional learning and comprehensive onsite briefings, prior to their working with students with complex needs and challenging behaviour, is essential for learning outcomes and safety. Schools reported that they endeavour to secure a pool of relief teachers who get to know students and the appropriate strategies to use with them, however there was often a shortage of suitable relief staff.

Consideration of system induction programs for relief teachers, addressing complex needs and challenging behaviour, would prepare them more adequately to work in ETD and CE schools.

School specific induction

School-based induction usually includes attention to policies and practices regarding the management of students, including those with complex needs and challenging behaviour. School-based induction complements the system level induction that teachers should receive in regard to students with complex needs and challenging behaviour, particularly in regard to the supports that are available.

School leaders need to ensure that sufficient time and structured sessions are allocated to school-based induction for all staff and that processes and management plans are established. This is key in establishing the culture and relationship-building strategies of the school. In addition, effective annual audit mechanisms need to be in place so that the current level of staff knowledge and skills in complex needs and challenging behaviour is evaluated, to ensure areas of need are addressed strategically.

Recommendation 13.2: That ETD, CE, and each Independent School, ensure that the program of induction for all permanent and temporary teachers includes components on the teaching of students with complex needs and challenging behaviour.

13.6 Ongoing professional learning

Hattie notes that when it comes to professional knowledge and expertise there is no recipe, no professional development worksheets, no new teaching method and no Band-Aid remedy. Teachers:

Gather defensible and dependable evidence from many sources and hold collaborative discussions with colleagues and students about this evidence... making the effect of their teaching visible to themselves and others. ¹⁶

ACT schools and individual teachers have considerable autonomy in choosing the focus and source of professional learning that they believe is timely and appropriate for their individual context and circumstances. Their choice is dependent on the availability of courses and their time to attend.

School submissions highlighted the difficulties experienced by teachers in finding and/or making time for professional development, particularly teachers in specialist roles. In addition to mandatory requirements for professional learning – in disability and discrimination law, mandatory reporting and regular training for supporting students with complex medical needs such as anaphylaxis, diabetes, asthma and epilepsy – teachers need professional development in curriculum, pedagogy and a wide range of other professional learning priorities. The Panel became aware of the high level of commitment and time teachers in the ACT already devote to meeting student need. There is a clear need for leadership that assists teachers to contextualise and make connections among policies, strategies and new learning, and helps teachers prioritise and meet their professional learning needs.

On-the-job support

Notwithstanding the need for formal professional learning opportunities, the majority of teachers surveyed by the Panel indicated that professional learning at school was very valuable.

This included observations of other teachers' classes, professional conversations with colleagues, delivery of professional learning sessions by other teachers in the school, and the sharing of useful information and ideas. The Panel strongly endorses teachers participating in 'professional learning communities'.¹⁷

The Panel was told that school leadership teams are crucial in working alongside teachers to increase their expertise. An active learning model that includes some form of coaching, often with specialists working alongside teachers, feedback and data-led implementation of instructional or support strategies in context is strongly supported by the Panel. This is particularly the case for teachers working with extremely high need students.

The Panel is aware that the 2009 Review of Special Education¹⁸ suggested that special school personnel provide some services to mainstream schools:

Innovative practices documented by Farrell (2008) and by Gibb (2007) involve special schools in providing outreach services. Exemplary special schools share best practice in teaching multi-age and diverse classes through professional development, mentoring and working collaboratively with regular schools.¹⁹

Others have made similar suggestions:

In some mainstream schools with specialist bases the autism specialist staff provide training for the staff and pupils in the mainstream school or to other local schools. Schools and units were involved in training and dissemination of knowledge around good practice to other schools in their local area, allowing a broader community of practitioners and schools to benefit from their autism expertise and experience.²⁰

While this is already done informally in the ACT, the Panel proposes consideration of more formal arrangements for staff with particular expertise; for example, highly skilled teachers in a specialist school being released to provide shoulder-to-shoulder support for mainstream teachers and/or those in units or centres. The geographical size of the ACT makes it an ideal location for sharing excellent peer practice and supporting colleagues.

13.7 Professional learning priorities

Stakeholders raised issues such as: the professional learning needs of teachers in specialist roles; the importance of school leaders having relevant knowledge and skills; access to professional learning in a range of modes; and particular topics that should be given priority. The latter included: learning about trauma; mental health (including depression and anxiety); the brain, neuroscience and behaviour; Positive Behaviour Support; learning difficulties; ADHD, and ASD.

Professional learning for teachers in specialist positions

School leaders spoke to the Panel about challenges in recruiting highly qualified teachers for specialist units and roles. This issue needs to be addressed through recruitment processes and professional learning. The Panel heard that not all teachers working in special units have the specialised qualifications, and in some cases did not have specific professional learning in the area when they were appointed. If factual, these comments are of great concern and comments made to the Panel suggest the need for more advanced training:

Teacher training provided in Australia does not prepare teachers to educate students with ASD successfully. (Parent)

Even with a diagnosis there is often no professional development to do on more specific topics, ie: Trisomy 21. (Teacher)

Educators should be taught how to communicate with non-verbal students, make adjustments to manage children with special needs, positive behaviour support management, how to write comprehensive Individual Learning Plans, understanding and managing challenging behaviour. (Organisation)

Recommendation 13.2: That ETD immediately review the qualifications, experience and professional learning needs of all staff working in Learning Support Units and Centres, and ensure that these staff have access to appropriate and ongoing professional learning, further study and networking opportunities that are most relevant to their settings, their students and their personal professional needs.

School leaders

The essential role of informed and supported school leadership is emphasised throughout this report, and is reinforced by the University of London in their practice guideline on students with ASD:

Head teachers and other senior staff had a deep and wide understanding of autism and set the expectations high for all their staff in terms of knowledge, training and commitment to working with pupils with autism.²¹

Teachers turn to school leaders for advice and support when they encounter difficulties in teaching or managing particular students. Leadership teams therefore need a practical knowledge of the diverse areas of complex needs and challenging behaviour so that they can provide practical assistance for their colleagues and assist them to connect their professional learning pathway with the needs of their students. School leaders must recognise that targeted professional development for the *teacher* and for *themselves* may be the most efficient way to support a *student* with complex needs and challenging behaviour.

Delivery modes

As noted above, key areas are identified as priorities for ACT teachers. ETD has adopted a multi-modal approach involving online and face-to-face support in some of these areas as evidenced in the following programs:

- Autism Spectrum Disorder;
- Dyslexia and Significant Reading Difficulties;
- Motor Coordination Difficulties;
- Speech, Language and Communication Needs;
- Understanding and Managing Behaviour;
- Understanding Hearing Loss.

Teachers are required to complete the Disability Standards for Education e-Learning module and attend three face-to-face workshops after hours, and complete online reading and activities (generally around 6 hours). Each of these courses is accredited with TQI. ETD collects and analyses data on participation in these programs. Individual and school participation is collected and monitored, and NSET teams use this data when following up with a school. ETD data is

supplemented with reports from TQI, which currently provide strong evidence of teacher satisfaction with these programs.

CE also provides extensive training using the six online training modules used by ETD. CE is not implementing the Dyslexia and Significant Reading Difficulties module. AIS has also provided staff in Member Schools access to the Disability Standards for Education e-Learning modules.

CE reported the success of these programs and that relief teachers are employed so that teachers can participate. In November 2015 several teachers will train as tutors so that they can offer the course to other staff at the school, supported by the CE Trainer/ Tutor for On-line Learning. Mentor support is provided through observations, strategy development and email follow up. The mentor also works with the school leadership team to ensure appropriate supports are in place for the teacher.

The Panel strongly supports the continued resourcing of these programs and particularly the additional personal support, coaching and workshops that supplement online training. In regard to online modules the Panel believe that supplementary coaching, workshops and other forms of face-to-face support from experienced colleagues are critical. The latter may require staffing adjustments such as, in ETD, the addition to the NSET of an officer with expertise in learning difficulties.

Recommendation 13.4: That ETD, CE, and AIS, cooperate to (a) make available to all member schools existing online learning modules in: autism spectrum disorder; dyslexia and significant reading difficulties; motor coordination difficulties; speech, language and communication needs; understanding and managing behaviour; understanding hearing loss; and/or other courses as identified by member schools; and (b) ensure that these learning modules are complemented by follow-up support including face to face assistance, workshops and coaching components.

Recommendation 13.5: That ETD, CE and AIS, (a) develop, and liaise with the Teacher Quality Institute to accredit, a suite of professional learning options relevant to teaching students with complex needs and challenging behaviour. This would include, but not be limited to, modules on: de-escalation and safe use of restraint; trauma; autism spectrum disorder; mental health; attention deficit hyperactivity disorder; and/or learning difficulties; and (b) establish mechanisms to monitor staff and school participation in these programs.

Involving specialists in teacher professional learning

In Chapter 12 a case was made for more multidisciplinary support systems, such as wraparound services, for students with complex needs and challenging behaviour. As most teachers have not had significant training or experience in working with other disciplines, this initiative (working in multidisciplinary, interdisciplinary and/ or transdisciplinary teams) will need to be supported by professional learning. For example, teachers will need to learn what to expect from various disciplines and the most appropriate ways to work with them to support students with complex needs and challenging behaviour.

Similarly, specialists in other disciplines are unlikely to be knowledgeable of best practice pedagogy, the organisation of schools and how best to work with teachers to support students. Therefore, and depending on the extent to which multidisciplinary approaches are further

extended in ACT schools, teachers and other professions may need professional development in best practice approaches in school-based, multidisciplinary collaboration.

Specific topics

Teacher survey responses showed that professional learning is needed in a very wide range of topics. High frequency responses to 'the most useful training' included; Positive Partnerships and other Autism Spectrum courses; Managing Challenging Behaviours; Trauma Training; Team Teach, and Learning Difficulties. Many of these programs connect with teachers' immediate needs by providing them with practical support; for example, in the use of individualised learning plans and individual behaviour support plans. More detailed information about the professional learning experience teachers found most useful is presented in Appendix E.

Some teachers told the Panel how they transfer knowledge and skills gained about a particular topic to meet other purposes.

Professional development that dealt with autism helped me to deal with students with a variety of needs. In particular, Positive Partnerships was particularly useful. It provided strategies, information, relevant templates that dealt with behaviour, classroom set up and many ways to record and monitor adjustments in the classroom. (Teacher)

De-escalation and restrictive practices

As discussed in Chapter 11, school leaders, teachers and other staff need to be trained in techniques to de-escalate conflict, which in many cases will avoid the need for restrictive practices such as physical restraint or seclusion. Staff members also need to know how to safely use restraint techniques to protect safety in crisis situations. As also discussed in Chapter 11, there are a number of accredited training providers who provide a package of training in legal obligations, de-escalation and effective responses to behavioural crises, together with training on the use of safer techniques of restraint. Provision of this training should be a priority for all staff who will work with students with complex needs and challenging behaviours, and should be provided in conjunction with the clear policy guidelines recommended in Chapter 11.

Autism Spectrum Disorder

Autism Spectrum Disorder (ASD) is a lifelong neuro-developmental disorder characterised by impairments in communication and social interaction, as well as unusual patterns of behaviours, interests and activities, which affect a person's capacity to engage in the social world. Children with ASD may experience difficulties with: initiating and responding to others; displaying and understanding non-verbal communication; establishing relationships; over- or under-sensitivity to their environment; restricted interests; and repetitive behaviours. Often children with ASD will prefer to engage in routine activities and adaptation to change can present as a major challenge.²² Many children with ASD have one or more comorbid mental health conditions such as high anxiety.²³

It is currently estimated that ASD affects 1% of children in Australia and is more common in boys than girls, with diagnosed boys outnumbering girls by four to one. ²⁴ The US National Autism Center reports that the number of diagnosed cases of autism and related disorders has dramatically increased over the past decade. The most recent US studies conducted by the Centers for Disease Control and Prevention (2014) found that ASD occurred in approximately one in every 68 births in the 2008 census sites. Meeting the needs of students with ASD is challenging, as ASD can manifest in many different ways, is as individual as each child, and usually requires intensive and specialised intervention.

There is no single intervention that is effective for everyone with ASD. We wish it were that easy.²⁵

Many respondents described the challenges in mainstream classroom settings when engaging with students who have ASD. One teacher described attempts to support a young boy, stating:

Several years ago I was faced with a new student. He had autism and was accepted into my class half way through the year. I made visuals, charts, minute by minute outlines of his work for the day, boxes of toys and other manipulative items to help him, I tried to understand and cater for his needs but I was completely out of my depth. I had never taught a child with needs such as his. (Teacher)

Other teachers told us that:

Difficulty in communication is a big problem for all my students, as they have autism and are non-verbal. This is a major cause of frustration for them and can often lead to very challenging behaviours. (Teacher)

Teachers reported that seminars by Sue Larkey and Tony Attwood, and workshops conducted by Positive Partnership, were very useful for learning about autism-specific strategies. The ETD online modules and associated workshops on ASD, referred to above, provide a foundation for teaching students on the autism spectrum.

Research outcomes on effective pedagogy for individuals with ASD are under constant review. The work of The National Autism Center Massachusetts, and the Centre for Research in Autism and Education, London, provide reviews of good practice. The *What is Good Practice in Autism Education?* report by the Centre for Research in Autism and Education addresses professional learning as one aspect of their research:

Senior staff placed great emphasis on training – with many emphasising how all school staff received regular training – including administrative and support staff, school bus drivers and catering staff. Schools emphasised the regularity and ongoing nature of training required, in part because of staff turnover but also so that, where possible, knowledge and understanding of autism and approaches to support the learning and behaviour of pupils with autism went beyond an introductory level. ²⁶

The National Autism Center has produced two reports – the first National Standards Project report in 2009, and a second review in 2015, which continued the focus on evaluation of educational and behavioural intervention literature for children and youth on the autism spectrum. The 2015 resource identified the following interventions as 'established by evidence': behavioural interventions; cognitive behavioural intervention package; comprehensive behavioural treatment for young children; language training (production); modeling; natural teaching strategies; parent training; peer training package; pivotal response training; schedules; scripting; self-management; social skills package; and story-based intervention. Teachers will need specific professional learning to apply these distinct pedagogies. The UK Autism Education Trust and the Ontario Ministry of Education have produced other excellent resources.

In sourcing ASD professional learning it is important that schools seek advice about evidence-informed programs that will suit their context and students. As recommended in Chapter 15, schools should seek, and take, the advice of their system experts when making decisions about evidence-informed professional learning in ASD.

Trauma

Teacher comments and school visits indicated to the Panel that professional learning focussed on trauma was an area of complex needs that had not been addressed discretely or comprehensively until relatively recently.

One of the most recent learnings I have undertaken is learning about how trauma affects children. Learning about causal factors and triggers for behaviour, how to interact and when it is appropriate to communicate with students when they are in a heightened state. Learning around what is fair and what is reasonable adjustment, and learning about providing options for students and not backing them into a corner. (Teacher)

Trauma is the emotional, psychological and physiological residue left over from heightened stress that accompanies experiences of threat, violence and life-changing events. The American Psychological Association describes reactions, such as shock and denial, which occur immediately after a traumatic event and more long-term reactions, including unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea. Headaches or nausea.

The trauma associated with experiences of neglect, violence and relationship disruption is poisonous to the lives of children and young people. It undermines their self-confidence and eats away at their self-esteem. It can make them feel worthless and unlovable. It reinforces their vulnerability.³²

Memories of these events are real and even small reminders can cause children and young people to relive their fear and confusion. Ongoing traumatic experiences, over a prolonged period of time, are referred to as 'complex trauma' and have significant implications for brain development. This often makes the behaviour of children who have experienced complex trauma unpredictable:

They do anything to survive, not because they want to but because they need to. They shut down their feelings. They push away memories of pain. They stop relying on relationships around them to protect them. They stop trusting and believing in others.

Even after the stressful or traumatic situation has passed, children's brains and bodies continue to react as if the stress is continuing. They become self-protective. They spend a lot of their energy scanning their environment for threat. Their bodies act as if they are in a constant state of alarm. Their brains are endlessly vigilant. Traumatised and stressed children and young people have little space left for learning.³³

Children who have experienced trauma may exhibit a number of behaviours that affect their capacity to manage their behaviour:

For many children who have experienced traumatic events, the school setting can feel like a battleground in which their assumptions of the world as a dangerous place sabotage their ability to remain calm and regulate their behaviour in the classroom. Unfortunately, many of these children develop behavioural coping mechanisms in an effort to feel safe and in control, yet these behaviours can frustrate educators and evoke exasperated reprisals, reactions that both strengthen the child's expectations of confrontation and danger and reinforce a negative self-image.

Many of the effects of traumatic experiences on classroom behaviour originate from the same problems that create academic difficulties: the inability to process social cues and to convey feelings in an appropriate manner. This behaviour can be highly confusing and children suffering from the behavioural impacts of trauma are often profoundly misunderstood. Whether a child who has experienced traumatic events externalises (acts

out) or internalises (withdraws, is numb, frozen or depressed), a child's behavioural response to traumatic events can lead to lost learning time and strained relationships with teachers and peers.³⁴

Throughout consultations, the Panel was told about the effects of trauma on learning and behaviour:

I think there needs to be greater and more widespread understanding of the effects of trauma on children's brain development and in turn how this influences learning and behaviour. I believe secure safe learning environments with consistent clear expectations and teaching children the social, emotional and academic skills they need with adult support is crucial. (Teacher)

In my experience, children with severe behavioural problems often have underlying emotional trauma, family violence backgrounds, or psychological disorders which need to be addressed before that child can learn and function in a mainstream public school environment. (Teacher)

Male adult violence and domestic violence are clearly huge social issues and have been underestimated. To think that a school is unaffected by this aspect of social disintegration and trauma is to be naïve. Trauma is a factor, and once again we do not have the resources to manage the negative consequences of such life events at the classroom and at the school level. (Teacher)

Trauma-sensitive professional development focuses on a set of critical school-wide changes: leadership; specific trauma-sensitive professional development for all staff; access to external resources and services (supporting the wellbeing of both students and staff); academic and non-academic strategies, including building on what students like and are good at, and providing a place where children and young people feel physically and psychologically safe; regular review of policies and protocols to become more trauma-sensitive; and collaboration with families, encouraging active engagement with all aspects of their child's education. 35

Students who have experienced trauma require support and safety to foster a sense of predictability, and to connect with peers and adults in a supportive and consistent manner. They also require strategies to contain their behaviour and keep calm, supporting them to shape their emotional reactions. In practice, this may include: setting clear boundaries and predictable consequences; ensuring routine and predictability in the classroom; focusing activities on building social and emotional literacy; rewarding positive choices, and creating safe spaces that allow children to be calm. ³⁶ Focusing on building key supportive relationships with adults, as described in Chapters 5 and 6, is vital in supporting these students and, as such, the positive connection between teachers, support staff, executive staff and the student are of paramount importance. ³⁷

The trauma professional learning modules developed and delivered by ETD school psychologists are cited by the Panel as an example of positive practice in the area. However, this training does not reach all teachers.

Positive comments were received about the TRUST program, which is a partnership with ANU and four Public Schools. Other programs developed to support schools to meet the needs of students who present with issues associated with trauma include Calmer Classrooms and the Strategies for Managing Abuse Related Trauma initiative. These programs provide specific advice and training about approaches to use. Some schools in the non-government sector are accessing trauma training but we could not obtain overall data on how extensive this was. The

Panel believes that the significant and worthwhile programs that have been developed on trauma should be used across all ACT schools.

We redesign/provide alternative educational programs/experiences for students with challenging behaviour. This is particularly important for students with mental health or behavioural difficulties relating to experiences of trauma and adversity. (School leader)

Additionally, in mainstream classrooms, and also in our units, we have a number of students with a trauma background and several students currently in care. Since I became principal, staff have been trained in Team Teach and Trauma in a concerted attempt to upskill management strategies for these students. (School leader)

We work as a strong team who all share a philosophical approach based on brain research with specific knowledge in dealing with trauma. (School)

Information received by the Panel also included the need for specific training in trauma informed approaches to meet the needs of children in out of home care. This type of training would also be applicable to young people who have been exposed to other traumatic events. Little comment on professional learning needs was received in relation to cultural identity, sexual identity, substance abuse, social isolation or intergenerational trauma; however, understanding the complexities faced by students with these experiences is of vital importance to teachers' abilities to assist students to achieve positive educational outcomes.

Teachers who understand the effects of trauma on children's education, who are able to develop teaching practices to help them, and who are able to participate actively and collaboratively in the systems designed to support traumatised children will not only improve their educational outcomes but will assist in their healing and recovery.³⁸

Attention deficit hyperactivity disorder (ADHD)

Children who have ADHD face significant challenges in schools and are at higher risk of learning, behavioural and emotional problems, because of conduct which may include defiance, aggression, emotional disregulation and an inability to concentrate. This is in line with information reported to the Panel by teachers around the expertise required to assist these children:

Over the course of my career I have found that my day-to-day job is becoming more about managing children with significant learning disorders such as ADHD and many other issues. I find it incredibly difficult managing these children. (Teacher)

I did training called 'What Teachers Should Know About ADHD' (Uni of Canberra). While a couple of years ago now the training/understanding I received that day has stayed with me. (Teacher)

The students that take up the most teacher time, effort and executive support are usually the ones that the parents have spent thousands on getting a diagnosis of ADHD and they are the ones that are not funded. (Teacher)

We currently have no professional support or assistance to provide the specialist, small group intervention programs needed by students with attention deficits, memory and information processing issues and other conditions; while class teachers use individual Learning Plans and differentiated instruction this is not enough – we need a full-time Learning Support Assistant. (Teacher)

ADHD affects a child's behaviour and development. Most commonly diagnosed in childhood, symptoms may include: inattention, such as difficulty concentrating and forgetfulness; impulsivity, such as being prone to accidents and injury due to risk taking behaviours; and

overactivity, which may include fidgeting and restlessness.⁴⁰ It is currently estimated that ADHD affects up to 5% of children in Australia, and is more common in boys than girls.⁴¹

As is the case with all other disabilities, students with ADHD are not all alike and the nature and impact of ADHD on learning and behaviour will vary significantly. Students with ADHD can be creative problem solvers, good public speakers, energetic and enthusiastic, have good conceptual skills and intuition; but also have difficulty paying attention, controlling impulsive behaviours and maintaining focus on tasks. Adjustments need to be tailored to meet the individual's needs. Teachers should always discuss with the student, and/or their parents/carers, their particular needs. 42

Research suggests that assisting education staff to understand the neurological aspects of ADHD is beneficial as it promotes greater empathy and understanding of these students, and that a focus on supporting learning strategies rather than behaviour management promotes greater academic achievement. Strategies to assist children with ADHD generally fall into three categories – teaching, environmental and behavioural. Research suggests that adapting general teaching strategies to incorporate options for movement, and positive peer attention, may also prove beneficial for children with ADHD. 44

There are a wide variety of behaviour management strategies that can be adopted for children with ADHD, and all strategies must focus not only on decreasing problem behaviour, but also teaching replacement behaviour that is positive.⁴⁵

Mental health conditions

Mental illness currently affects 20% of the Australian population, and people with mental illness can be amongst the most disadvantaged and face significant marginalisation across the community. ⁴⁶ Mental health conditions may be transitory or of longer duration, with symptoms ranging from mild and episodic to severe and ongoing. This means that some students may require academic accommodations at some times but not at others. It is important to note that 'mental health issues' is a broad term used to describe a large number of complex diagnoses and, as such, teachers and schools must be supported to obtain information in regards to individual diagnosis and how this may affect student behaviour. Many students with complex needs and challenging behaviour have a number of co-existing conditions; for example, Down syndrome and mental health needs. ⁴⁷

These conditions can sometimes be referred to as 'invisible disabilities' and are often overlooked.

The impact of these 'invisible' disabilities might not be immediately noticeable but can include anxiety, panic attacks, limited attention span, fluctuating motivation and disorganisation. These may be accompanied by unpleasant physical effects, such as rises in temperature, sweaty palms, difficulty in breathing and heart palpitations. Students taking prescription medication may experience drowsiness, persistent thirst, vision difficulties, and problems with coordination.

Students experiencing an episode may be either unusually withdrawn or hyper-interactive with others, or erratic in their behaviour. Students may: have frequent or unexpected absences; display rigid thinking patterns and inflexible approaches to tasks; isolate themselves from others; or, engage in rote learning or have difficulty performing consistently or following through on tasks. This can be due to anxiety, and perceptions of inadequacies. Severe anxiety may significantly impair participation in tutorials and performance in examinations and there may be short-term memory loss which will affect

both the ability to recall information and attention span. Students may have difficulty following sequences, complicated instructions and directions, and with integrating material from different sources. They may be easily 'overwhelmed' by information. 48

Public, Catholic and Independent school personnel told the Panel of a concerning increase in mental health issues among students of all ages, with a growing number in primary schools. Anxiety and depression were frequently referred to in submissions and school visits. It was reported that schools and teachers face significant challenges in supporting the needs of children and young people who have mental illness:

The social, mental health and behavioural needs of students has become much more complex over recent years. Schools are being asked to do more with less all of the time. The external resources available to schools are dwindling. The greatest problem I see is the increase in high level mental health needs in students. There are many students coming into school every day with very significant mental health issues, and we are under-equipped to deal with this. (Teacher)

The majority of these students are affected by mental illness and are at risk of disengaging from education. It is important that teachers are kept informed and are equipped to deal with such students to provide adequate support for them in the classroom. (Teacher)

We need alternative programs for those children, particularly at high school level, who are really struggling with book type learning to enable them to experience success and use the school time to develop strategies and skills that will equip them for life. (Teacher)

Mental health issues are blowing us out of the water. (Organisation)

Kids are self-diagnosing: their access to social media helps this, but maybe it's contributing to it. (Organisation)

Mindmatters and Kidsmatter programs were discussed in Chapter 6 in regard to their general contribution to positive relationships. However, these programs also provide valuable support for teachers dealing with students' mental health and wellbeing issues.

Funding for professional learning in these programs has been available since 2009. However, the Panel was told that there are currently no permanent officers in the two federally funded positions that are made available in the ACT to deliver professional learning in the Mindmatters and Kidsmatter programs. Given the very positive feedback from schools on these two programs, and the requests for further training in mental health, recruitment to these positions should be addressed as a matter of urgency. Further recommendations regarding the implementation of Mindmatters and Kidsmatter programs can be found in Chapter 6.

The Australian Disability Clearing House also provides a range of teaching and assessment strategies to support students with mental health conditions. 49

Learning difficulties

Learning difficulties, also referred to as learning disabilities and disorders, refer to students who experience significant difficulties in learning and making progress in school despite a student's intelligence. Students with learning difficulties can experience high levels of frustration that can result in challenging behaviour at school. In addition, learning difficulties may exist in conjunction with other conditions such as ADHD.

Research suggests that behavioural problems among children with learning disorders are approximately three times higher than in the general population by the time a child reaches eight years of age. ⁵⁰ The *Back on Track Speech Pathology Report* states:

That oral language competence forms the foundation for transition to literacy and literacy acquisition plays a key role in school engagement, which is a significant protective factor against offending.⁵¹

Estimates of the percentage of students experiencing learning difficulties in Australia vary depending on definitions and are estimated at between 5% and 20% of students. ⁵² Learning difficulties include dyslexia, dyspraxia, dyscalculia and dysgraphia. It is important to note that students with learning difficulties often experience behavioural challenges including those affecting self-organisation, coordination, impulse control and focus.

Many teachers who responded to the online survey reported that learning difficulties affect their capacity to teach and that more support is required to meet the needs of these students:

25% of student will have learning difficulties, and could be picked up with language screening, followed by learning screening. Learning disabilities need to be assessed, supported and have ongoing management. The school system is not adequately set up to manage children with learning difficulties. Students with learning difficulties can thrive in academic areas if given support with one-on-one explicit learning (Teacher)

There is very little funding allocated for education purposes for learning difficulties, yet this is the main area that is needed to assist students with learning difficulties. Many students are not eligible for LSA support or there are limited LSU placements available. The LSU placements often have students with significant behavioural and learning issues that make the environment not conducive for students with learning difficulties without the behaviour issues. (Teacher)

Parents echoed the view that more support is needed:

Dyspraxia – none of the teachers have heard of this condition, yet statistics suggest 1–2 children in each classroom will have it, most being undiagnosed in Australia. These children then tend to end up on government support instead of working. The lack of knowledge is a massive issue. These children require significant intervention, yet even when I tell the classroom teachers about it – they try, but they just don't have the resources to accommodate the needs anywhere near what is required. (Parent)

Since 2014, ETD has been implementing a suite of programs, including online modules and support materials for teachers, and parents/carers, to build capacity within Public Schools in regard to students with learning difficulties. A submission from an ACT peak body endorsed the work that had been done in this area and called for continued funding and support for the goals of the Taskforce on Students with Learning Difficulties. 53

The Panel believes that it is essential that ETD continues to resource professional learning in learning difficulties, both online and face to face, as this is a vital, proactive strategy for reducing learning and behavioural difficulties.

Learning difficulties PD helps teachers address some primary causes of challenging behaviour. (Teacher)

The ETD suite of PL on Learning Difficulties has been comprehensive, targeted and sustained. I found it to be the most useful PL I have ever participated in. (Teacher)

In some cases, students' behaviour can be a result of their particular learning difficulties. I believe that more support for the learning needs of students in both the primary and secondary settings from teachers (not LSAs) is an essential component in meeting the needs of students. (Teacher)

13.8 Professional supervision

The Panel could not find evidence of a formal approach to professional supervision for teachers working with students with complex needs and challenging behaviour. School leaders told us that:

Supervision and support for teachers working with complex students is often not available. (School leader)

Some teachers and school leaders told us that teachers working with students with complex needs and challenging behaviour need a model of supervision similar to the clinical supervision of school psychologists and social workers. Supervision is a distinct professional practice that is collaborative and has both supportive and evaluative components. Supervision that includes ongoing skill development, service monitoring and attention to the professional's wellbeing is essential for those in stressful roles.

Recommendation 13.6: That ETD and CE develop and implement a formal program of professional supervision to support staff working with students with complex needs and challenging behaviour, with priority for those staff who work in Learning Support Units and Centres.

13.9 Post-graduate study and further education

Many people mentioned the importance of further education in developing high level expertise in complex needs and challenging behaviour. Approximately 50% of the respondents to the teacher survey reported undertaking other education and training, many of them at their own expense. Just over a quarter had accessed further university studies with the majority of these completing Masters level degrees and many others doing post-graduate diplomas and certificates.

Most higher education study has been in special education, disability education and inclusive education, with many of these courses being provided through the University of Canberra. Teachers reported positively on graduate diplomas and post-graduate programs such as in Inclusive Education at the University of Canberra.

The Panel proposes that a range of supported opportunities for leaders, aspiring leaders and classroom teachers to engage in post-graduate study in areas of complex needs and challenging behaviour would provide a network of highly skilled educators across all sectors, who could lead cluster and network capacity building.

We need ongoing teacher training which includes new research, working with parents, knowledge and expertise. (School leader)

The Panel is aware that a range of scholarship opportunities are available across the ACT and strongly recommends that these be targeted to studies in complex needs and challenging behaviour over the next five years.

The geographical size of the ACT facilitates a collaborative professional learning approach that could bring together not only educators from different sectors but different agencies and disciplines to 'share knowledge, build skills and develop their capacity and commitment to collaborative working relationships'. ⁵⁴

Recommendation 13.7: That ETD, CE, and each Independent School, (a) prioritise scholarships and sabbaticals for school leaders and teachers to undertake formal study in relation to students with complex needs and challenging behaviour; (b) create opportunities for school leaders and teachers to visit and see in action practices in schools with a reputation for creative and resourceful approaches to teaching students with complex needs and challenging behaviour; and (c) create opportunities for these school leaders and teachers to become mentors and facilitators within networks, sectors, and schools.

13.10 Conclusion

This chapter examined pre-service training, and the structures and programs available, to support ongoing professional learning in complex needs and challenging behaviour. Perspectives of school leaders, peak organisations, teachers and parents/carers were considered, as was research in professional learning that meets both student and teacher needs.

Key points covered in this chapter include:

- Professional learning in complex needs and challenging behaviour must be needs-based, strategic and systematic.
- The Australian Professional Standards for Teachers and the Australian Standard for Principals are powerful drivers for increasing the capacity of teachers to address complex needs and challenging behaviour, and should be used to focus professional learning for teachers at any stage of career development.
- School leaders need to drive professional learning in complex needs and challenging behaviour through: the development of their own knowledge; the alignment of budgets and time to provide for professional learning; the recognition that learning in this area is multifaceted and that teachers require professional supervision when working in this area.
- An effective multifaceted approach would include courses, coaching, mentoring, observations and working alongside experienced colleagues and specialists from other fields. Within this approach ETD, CE and AIS are best placed to provide support to schools regarding evidence-based practice.
- Ongoing reviews with universities are essential to ensure teachers are receiving adequate academic training for working with students with complex needs and challenging behaviour.
- Online courses on complex needs and challenging behaviour should be continued and should be supported by workshops, ongoing coaching and other forms of face-to-face assistance.
- A comprehensive suite of professional learning that addresses diversity of student need is required in the ACT. The ETD, CE and AIS, in partnership with the Teacher Quality Institute, are best placed to ensure consistent and wide-reaching implementation.
- The qualifications and professional learning of teachers in specialist settings should be audited immediately and, where necessary, subsequent appropriate professional learning provided as a matter of urgency.

- Given the increasing need for many students to receive coordinated, multidisciplinary support, professional learning is necessary in regard to best practice, multidisciplinary and transdisciplinary collaboration in schools.
- Induction is a priority and time must be invested in it both at system and individual school level, with permanent, contract and relief teachers having programs to equip them to work within different contexts to maximise learning for students with complex needs and challenging behaviour, and ensure learning outcomes and safety for all students.
- Scholarships, sabbaticals and focused school visits in areas of complex needs and challenging behaviour are strategies that would develop specialist knowledge and create a network of school leaders and teachers to become mentors and facilitators within networks and sectors.

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CHAPTER 14:

Funding Issues

14.1 Introduction

The Terms of Reference did not refer to funding but many stakeholders expressed their view that funding issues affected the quality of support for students with complex needs and challenging behaviour. The amount, flexibility and use of funding were often mentioned in connection with other issues raised in this report.

Many submissions referred to the funding of *students with a disability* – itself a highly complex and contested topic that overlaps with *students with complex needs and challenging behaviour*. Many of the funding issues that were raised in regard to students with a disability were identical to those reported in the 2009 *Review of Special Education in the ACT*.¹

This chapter provides a brief overview of the current funding policy landscape, one that is being transformed by the National Education Reform Agreement (NERA) that was overviewed in Chapter 4. We propose greater flexibility and innovation in the use of funds at school level, discuss the perceived disparities in government funding between the sectors, and make recommendations for improvements to the Student Centred Appraisal of Need (SCAN).

14.2 Current Commonwealth policy

The NERA commits Australian States and Territories 'to the objective that Australian schooling provides a high quality and equitable education for all students'. The agreement outlines broad, evidence-based actions to achieve national education targets by 2025.

The NERA also sets out the Commonwealth's implementation of the Schooling Resource Standard (SRS), based on the recommendations from the *Review of Funding for Schooling* (2011).³

This Review recommended that the Australian Government, in collaboration with the States and Territories, and in consultation with the non-government sector, should develop and implement a new funding model for schools based on the principles of:

- fair, logical and practical allocation of public funds;
- funding in response to need;
- funding from all sources must be sufficient;
- support for a diverse range of schools;
- driving broader school reform;
- partnership between governments and across sectors;
- transparency and clarity;
- value for money and accountability.⁴

At State and Territory level the NERA is operationalised by formal agreements. The agreement between Commonwealth and the ACT outlines how they 'will work together to introduce reforms that will contribute to the outcomes of the NERA by':

- a) ensuring the continued prosperity and growth of Australia by improving the educational outcomes of primary and secondary students in the ACT;
- b) ensuring the different educational needs of ACT students are supported by taking a fairer, needs-based and equitable approach to education funding; and
- c) providing a more sustainable funding model for the provision of education.⁵

The agreement also outlined a long-term plan to improve student outcomes, allocate funding so that students and schools with the greatest need receive more resources, and provide a sustainable funding model into the future.⁶

The 2014–15 Commonwealth Budget committed to the first four years of the six-year NERA agreement and this will result in significant changes to Commonwealth funding from 2018. It appears that the Commonwealth's new funding arrangements from 2018 will mean that school funding (both government and non-government) will be based upon the 2017 per capita amount indexed by Consumer Price Index. It is important to note that Commonwealth funding from 2018 and beyond still remains subject to formal negotiations between the Commonwealth, the States and Territories, and the non-government school sector. A key concept in the NERA is the SRS. The application of this standard means that the dollars that flow to each school will be adjusted up or down, year by year, until they align with the standard. Most ACT Public and Independent schools are already above the standard so there will be no significant increase in funds to these schools. As discussed below, the situation is somewhat different for ACT Catholic systemic schools.

The ACT has committed to improving its existing needs-based funding arrangements for ACT Public Schools and is currently in the process of progressively implementing a new model –the School Resource Allocation – from 2016, with full implementation by 2019. The new model is based on similar principles to NERA and aims to improve needs-based school funding according to the profile of students.

14.3 Funds and their flexible use

Many submissions from Public, Catholic and Independent schools and from the community raised the issue of the quantum of funds to support students with complex needs and challenging behaviour. The Panel believes that this complex issue can only be reasonably and productively discussed with reference to the parameters set and agreed in the NERA.

Under the new needs-based model school leaders will make decisions and use resources to meet their students' needs – a clear call to think laterally, reconsider traditional practices, use funds in strategic and innovative ways, and get maximum benefit from available resources. While this capacity largely exists under current funding arrangements, school leaders now must embrace this opportunity and plan and operate the school budget in, what will be for some, a radically different way.

The new funding arrangements notwithstanding, some teachers believe that some students 'fall between the cracks':

Please consider the impact of behaviours from non-funded disabilities. Behavioural and mental health disorders and disabilities are often more difficult to manage and ensure academic progress than those funded. These students also don't have the same lobby group to demand the resources as students with funded disabilities. There is an outcry for the

student who is blind/hearing impaired, has ASD or low IQ when they aren't getting a fair deal, but who speaks out for the student with behavioural issues, everyone just thinks (and other parents say) 'they should not be in our school', and 'why does my child have to suffer because of them?' (Teacher)

One of our most demanding and troubled students that requires my ongoing executive support, intervention to help with behaviour management counselling for his emotional needs after a meltdown, continuous communication with his family and 'monitoring/following' when he leaves the school during school hours, does not fit any category that allows us to apply for funded support from ACT ETD. (Teacher)

There needs to be more support around engaging very challenging students, e.g., our school has put a lot of time and resources into getting students back to school who have fear/anxiety/behaviours that means they don't easily transport to school. We feel like we have to do this alone. What support can be given from the Directorate and external agencies? Why is it ok just to put some students in the too hard basket? (Teacher)

Many children without formal diagnoses exist in classrooms and these children can be more challenging and more disruptive because there is no funding, no resources and often no acknowledgement or acceptance from parents that issues exist. As a teacher I regularly feel a great sense of inequity and frustration as these students with needs 'soak up' more and more of my time to the detriment of the rest of my class. (Teacher)

Special needs kids are not too challenging to manage as they have been given specific resources, but students with a disability are losing out because of the needs of complex and challenging behaviours from other kids, who are not getting extra resources. We can't give them (students with a disability) what they need or give them a calm environment to assist them due to the challenging behaviour of other kids. (Teacher)

In our visits to schools we heard views that seemed to reflect an assumption that funds provided to the school on the basis of one student's needs must be strictly apportioned on the basis of the way they were obtained – that the method of input should determine the method of use. The Panel appreciates why some parents/carers and teachers may hold this view, particularly when, in the past, school systems have identified and supported particular 'special needs' in precisely this way, often by employing a teaching assistant to support a single student. However, the use of funds in this way is not a policy requirement and is not consistent with policies about 'school autonomy' (in Public Schools) and 'subsidiarity' (in Catholic Schools) that foster local decision-making in response to local circumstances. In addition, and as illustrated below, research on effective responses to individual need and student diversity, and current good practice, suggest that more flexible, creative and innovative use of funds is not only desirable but necessary as well.

The Panel observed a wide variety of school responses to students with complex needs and challenging behaviour and while some schools struggled to support these students using traditional methods of resource allocation, teaching and behaviour management, other schools used their resources in innovative, needs-based and creative ways.

A parent commented:

Being brave enough to change how we spend the money is important. This doesn't mean more money, it means doing it differently. (Parent)

Some teachers suggested ways that money could be better spent:

Case management, rapport building, flexible student directed options and the resources to implement these. (Teacher)

Most students with challenging behaviours can be supported to be successful at school with some fundamental changes to the way we 'do school' – more emphasis on relationships, student interests, relevant and challenging learning opportunities – this can be achieved with minimal cost, just reallocation of resources. (Teacher)

One school leader told the Panel:

We all own the children, safety for all is our mantra, children with complex and challenging behaviours are known to all staff and we ensure that we all invest time in these children in classrooms, playground, etc. to build a positive relationship for a time when we may need to deal with an inappropriate behaviour. We build capacity in staff – whole staff with Principal in attendance so professional discussions can take place after the PD, more targeted for those who require it now. We invest time in staff – work with individual teachers about what they need to help support a child with complex needs or challenging behaviours.

If a teacher calls to have a complex or challenging child removed we always negotiate the consequences and return of the child; this empowers the teacher; we always facilitate the repair and make the future expectations very clear. Staff are given additional time to create resources. We use outside agencies to support the staff. Collaborative team discusses strategies to trial and then review. Deputy discusses needs of each student and the support timetable is fluid and changed regularly depending on need. We have a strong Social and Emotional Learning Program throughout the school. Our resourcing model places additional teachers in each team across the school to ensure students' academic needs are being met, increases engagement of the students and reduces opportunities for disengagement. (School leader)

One person wrote to the Panel about her experiences as a 'volunteer grandmother' in a local school:

The rewards are too numerous to mention. I was not asked to take these most challenging children for my reading group. However, I have been able to offer extra instruction to four slow readers who would have missed out on their reading because of the chaotic behaviours in the class. Hence my first suggestion is that my cohort of literate older women could be directly approached to consider taking up the sort of voluntary one-on-one work I am doing. (Community member)

The Panel was pleased to see some ACT schools creatively using their funds to recruit and support skilled volunteers, run small group programs, employ additional targeted staff — including Learning Support Assistants, Youth Workers, teaching staff and psychologists — and in general, marshal all of their resources in innovative ways to support student learning and behaviour. Most schools do this to some extent and the Panel strongly supports more thoroughgoing, creative and resourceful uses of funds.

The Panel believes that the way in which funds are used is crucial. As school leaders and teachers tend to listen to and learn best from their professional colleagues⁷, the Panel believes they should seek firsthand experience of effective, innovative, whole school use of funds to support all students. As this is a professional learning issue, in Chapter 13 we make a recommendation about developing school leaders' capacity to use their available funds in the most resourceful, innovative and evidence-informed ways.

Some parents and carers expressed concerns about schools' flexible use of funds, particularly those derived from the SCAN – a supplementary support for students with particular disabilities.

The intent of the SCAN is to deliver additional resources to the *school* to support individual need, but it is not an allocation that must be used for one student only. The range of views is illustrated below.

Children diagnosed disability must have additional funding explicitly dedicated to addressing their needs in the school system. Funding attached to a child in a mainstream school with inclusion support must be made transparent to the family. Schools need to consult with the family and be accountable to parents/carers around how this money is spent. This transparency is critical to empowering parents/carers to advocate for what the children need. Systems need to be put in place to prevent schools from diverting these funds elsewhere. (Parent)

We need to ensure that when additional funding is provided to schools to support children with identified special needs that money is spent on providing learning assistance for each child, rather than the current situation where additional money is spent at the discretion of the principal, meaning often that learning assistants are spread across 345 children, diluting the effectiveness. (Parent)

We need more transparency and accountability around the resources attached to each child identified as having complex needs. (Parent)

We appreciate why parents and carers might hold these views. We agree that additional funds, such as those derived from the SCAN, should be used to the best advantage of the child, with appropriate transparency and accountability and effective collaboration among parents, carers, school leaders and teachers.⁸

The views about rigid restrictions on the use of funds were not universal. One parent wrote:

Rather than fund students, fund systems or teams that we know improve the outcomes for students. (Parent)

Research suggests that one-to-one support for a student is not the only way to meet individual need. For example, meta-analyses on 'individual instruction' in general reveal a very low effect size. Meta-analyses also suggest major benefits for learning and behaviour when resources are used to establish and maintain a cohesive classroom tillies the student's peers and/or teach students in small groups. Research has also highlighted the benefits of teaching in natural environments such as classrooms, where the cues and demands are continually changing and where other adults and peers may be involved.

The Panel believes that decisions about the use of funding are primarily about pedagogy, and as such should be informed by available evidence. In seizing the opportunity to use available funds to best advantage, effective leaders should of course thoroughly involve parents/carers in these decisions, and discuss how they are informed by evidence and how they will benefit their child.

A high degree of autonomy and flexibility in regard to the use of funds raises important issues discussed in other chapters including leadership capacity, professional learning, collaborations with parents/carers, accountability and the systematic use of school and student data to monitor and fine tune initiatives to support the participation, engagement, behaviour and learning of every student.

14.4 Perceived funding disparities

The Review of School Funding acknowledged that in the past there has been a significant lack of transparency in regard to government funding responsibilities for non-government schools. Recommendation 22 of the Review states: 'The Australian Government and the States and

Territories, in consultation with the non-government sector, should negotiate more balanced funding roles as part of the transition to a new funding model for all schools, with the Australian Government assuming a greater role in the funding of government schools and the states in relation to non-government schools.'14

However, Government did not agree to this recommendation and so the current situation remains that *in relation to government funding of non-government schools* the ACT Government provides approximately 25% and the Commonwealth 75%. In regard to Public Schools, the ACT Government has funding responsibility for approximately 86% and the Commonwealth 14%. ¹⁵

These markedly different funding responsibilities of the ACT and Commonwealth Governments for government and non-government schools make it virtually impossible to draw meaningful comparisons about individual government funding equities and relativities. Useful comparisons can only be made when total government funding is considered, and this is the premise operating under the NERA. The School Resource Standard applies to all schools.

Those associated with non-government schools referred to significant resource issues in their schools at this time.

The Catholic system doesn't have the resources to provide this support. The limited number of personnel do their best under very difficult circumstances. (Teacher)

There has been the continuing lack of adequate resources to provide appropriate school supports and necessary adjustments, a situation that particularly impacts upon the non-government schooling sector. (Organisation)

Disability loadings be paid as a fully publicly funded entitlement by all governments in all schooling sectors. This is not happening. Consequently students with disabilities attending non-government schools receive only a small proportion of the funding they need and had previously been promised. (Organisation)

Funding for a child with a disability should follow the child regardless of what school sector the child is enrolled in. (Organisation)

When referring to students with a disability, many told us that 'funding should follow the student'. However, this intuitively appealing point of view must also be understood with reference to a provision of the NERA that all schools transition to the SRS. It seemed to the Panel that at the present time many people are not fully aware of the implications of the NERA including the highly complex and transitional arrangements to it. The Panel believes that students with a disability do attract the same level of funding under the SRS regardless of Sector and the SRS incorporates a clear no disadvantage test, that no school will be worse off percapita. However, the point that is sometimes overlooked is that the test is established on whole school funding not on loadings for individual students. As documented in the 2013 Education Act, all schools receive the calculated loading for students with a disability irrespective of sector, but if they are already above the SRS there is an equivalent reduction in funding because of the transition arrangements. The Commonwealth introduced this reduction in transition funding to ensure that all schools, over time, transition to the new model.

ACT Catholic schools are currently below the SRS and attract additional total funding in line with the SRS disability loading.

Currently, around 80% of ACT Independent schools are above the SRS so they attract an indexation rate of only 3% increase on the previous year's pool of government funding. This alone may pose hardship as the cost of educational services is arguably in excess of 3% per annum.

The Panel believes that the issue of 'perceived disparity' remains an unnecessary, ongoing, contentious and sometimes divisive one in parts of the ACT community. The Panel urges the ACT Government and the non-government sector to work together to promote greater school and community understanding of the regulations of the needs-based SRS model, in regard to additional funding for students with a disability.

14.5 The Student Centred Appraisal of Need

The Student Centred Appraisal of Need (SCAN) is the method by which supplementary financial resources are delivered to schools to support students with a disability in the ACT. The SCAN aims to provide:

A consistent approach to determining educational needs of individual students, so that additional resources to support students with a disability can be allocated to schools on an equitable basis.¹⁶

This process is undertaken in ACT Public schools at the end of preschool, kindergarten and in Years 3, 6, 7 and 10. In ACT Catholic schools the process occurs on enrolment and at other times as deemed appropriate by the school, and in Independent schools a review is undertaken as required at significant transition periods.

The ACT will continue to use the SCAN in regard to students with a disability until nationally consistent and agreed standards that recognise differential levels of need for students with a disability are developed. Although the current Commonwealth loadings for students with a disability are perceived by some to be inadequate¹⁷, and although the Commonwealth is undertaking work that may lead to adjustments in the future, for the present, these loadings have been determined.

The 2009 *Review of Special Education in the ACT*¹⁸ dealt with SCAN in some detail and drew the following conclusions:

- Whereas the funding delivered by SCAN is seen by ETD as supplementary to other school funds, there is widespread belief among parent/carers and teachers that SCAN delivers all or the majority of funds to support students with a disability.
- SCAN offers 'perverse incentives' to over-identify disability and to seek a diagnosis whether it is warranted or helpful.
- The SCAN process is upsetting for many parent/carers and teachers and puts the focus on what students cannot do and how they may be different.
- SCAN focuses on a narrow set of disability-related characteristics that in themselves are but one set of many determinants on learning.
- The allocation of SCAN, essentially a supply model of funding, is not sufficiently tied to student outcomes.
- The SCAN is a capped fund, and as such and despite its name is not calibrated to need in a meaningful or realistic way.

Submissions and interviews suggested that little has changed since 2009:

The Student Centred Appraisal of Need process does not adequately address the support needs of the most complex behaviour students. The SCAN review process, whereby schools can apply for additional levels of support, is a long and slow process. The maximum additional support allocated (12 points) does not adequately take into account the teacher component of the student's education. (School Leader)

Because I did not add Post Traumatic Stress Disorder, as I did last year, the school will not get the additional funding unless I amend the letter and add it, as those are the magic letters that attract funding! (Health Professional)

The Panel was told that there is significant pressure to identify a medical diagnosis in order to secure funding. Paediatricians told us that parent/carers pressure them to give their child one of the diagnoses that attracts SCAN funding even if the child does not strictly fit the diagnostic criteria.

We were told how the focus of SCAN on the individual student ignores the complexity of school and classroom realities:

Consideration needs to be given to complexity of classes. The needs of our students are so complex, they need room to have their own space to meet their sensory needs etc., in some cases two small rooms need to be used for one class. (Teacher)

Many people felt that the diagnostic criteria for the additional support provided by SCAN are too narrow. Particular concerns were raised about children who have learning difficulties, behavioural issues, emotional needs, illness or injury, or who have other complex needs. Many of these students do not meet the diagnostic criteria for additional support through the SCAN.

We were told of significant issues in the transition of additional resources between different school settings, with both Independent and Catholic School leaders reporting that this is an issue for them, particularly in view of the funding implications of schools' transition to the SRS.

The Panel wondered whether the current requirement for all Public school students with a disability to participate in the SCAN process at preschool, kindergarten, and years 3, 6, 7 and 10, is necessary for every student and whether the frequency of reappraisals is a good use of resources.

The Panel was told that all States and Territories experience difficulty in determining disability loadings and no State or Territory has a perfect model. We considered whether to recommend a major overhaul of the SCAN model, or the development of a different model.

However, as both tasks would be complex, and as the Commonwealth is developing a model for 'disability loadings' and there is doubt that the Commonwealth model will be 'fit for purpose' by 2016¹⁹, we instead recommend immediate improvements be made to SCAN where possible, with particular attention to the issues raised in this chapter.

We listened to parents and carers, and heard how the SCAN process can be very distressing for them. The process must be made more parent/carer friendly.

We didn't ask to have 'special needs' children but I was made to feel like we're at fault, or costing the government, putting the school out, etc etc. We need support. It is hard, exhausting and quite often a lonely battle having 'special needs' children. (Parent)

SCAN is a life or death situation not an exercise regarding how to lie to get the required care they need. (Parent)

Do not make parents attend SCAN meetings!!!! They are horrible and parents walk away crying. They already know they have special needs children, they don't have to be told. We'll have to trawl through documentation to say how 'special' their children are. Surely the school can assess the child and attain the required help a child needs. (Parent)

Recommendation 14.1: That ETD (a) undertake an urgent review of the Student Centred Appraisal of Need (SCAN) model, with particular attention to the: appropriateness of the current eligibility criteria for SCAN funding; adequacy of funding; the effectiveness of the appraisal process, and its impact on parents, carers and students; and (b) in undertaking this review, consult with school leaders, teachers, parents, and students, as well as the Disability Education Reference Group, CE and AIS.

14.6 Conclusion

The NERA and the SRS now determine education and funding policy for all Australian schools, government and non-government. The transition has differential effects on sectors and schools and this new policy landscape poses new demands and provides exciting opportunities for innovation.

Along with other State Governments, the ACT has committed to the NERA and has made the required forward financial commitments. Major change will not occur unless there is major change in Commonwealth Government policy.

A key message of this chapter is the responsibility and challenge for school leaders to use resources to the best advantage of *all* students. Students with complex needs and challenging behaviour are part of each system's and school's 'universe' and their needs should be considered when school-level decisions are being made about the use of funds to support all students. More thorough planning and greater creativity, flexibility, innovation and resourcefulness are essential if schools are to respond to student diversity and deliver the best possible outcomes for all students.

Chapter 15, 'Leadership and System Issues', examines planning issues and the implications for quality assurance and accountability, with specific reference to students with complex needs and challenging behaviour.

¹ Anthony Shaddock, et al, Disability Diversity and Tides that Lift All Boats: Review of Special Education in the ACT (2009). ACT Government

² ACT Chief Minister, Treasury, and Economic Development Directorate, Heads of agreement between the Commonwealth of Australia and the Australian Capital Territory on National Education Reform, 2013

 $< http://www.cmd.act.gov.au/__data/assets/pdf_file/0010/460198/hoa-schools-reform.pdf > 6 \\$

³ Ibid. 1

⁴ David Gonski, et al, Review of Funding for Schooling—Final Report, 2011,

< https://docs.education.gov.au/system/files/doc/other/review-of-funding-for-schooling-final-report-dec-2011.pdf > xxiii + x

⁵ ACT Chief Minister, Treasury, and Economic Development Directorate, above n 2, 1

⁶ Ibid, 1-2

⁷ Joe Murik, et. al, 'Reported strategies for responding to the aggressive and extremely disruptive behaviour of students who have special needs' (2005) 29 (1), Australasian Journal of Special Education, 21

⁸ John Hattie, Teachers make a difference: What is the research evidence? Paper presented at the Australian Council for Educational Research Conference (2003) 2

⁹ John Hattie, Visible Learning: A synthesis of over 800 meta-analyses relating to achievement, (Routledge, 2009) 198

¹⁰ Ibid, 103

¹¹ Ibid, 105

¹² Ibid, 95

¹³ Laura Schreibman, et al, 'Naturalistic Developmental Behavioral Interventions: Empirically Validated Treatments for Autism Spectrum Disorder', (2015) 45 (1) Journal of Autism and Developmental Disorders < http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4513196/>

¹⁴ David Gonski, et al, above n 4, xxv

¹⁵ Ibid

¹⁶ ACT Department of Education, Student Centred Appraisal of Need: Booklet for parents, carers and staff. (2010), http://www.det.act.gov.au/__data/assets/pdf_file/0012/20127/Student_Centred_Appraisal_of_Need_-_Appraisal_booklet_for_Parents_Carers_and_Staff.pdf

¹⁷ National Catholic Education Commission , Submission to the Senate select committee on school funding, 2014
http://www.ncec.catholic.edu.au/images/stories/documents/NCEC_Submission_to_Senate_Select_Committee_on_School_Funding.pdf > 1-2

 $^{^{18}}$ Anthony Shaddock, et al, above n 1, 219-220

¹⁹ National Catholic Education Commission, Senate inquiry into current levels of access and attainment for students with disability in the school system, (2015) http://www.ncec.catholic.edu.au/images/stories/documents/NCECSWDInquiry.pdf 8

CHAPTER 15:

Leadership and System Issues

15.1 Introduction

The 'systems perspective' outlined in Chapter 5 suggests that changes in policy and practice occurring in one part of the school system, for example, in regard to students with complex needs and challenging behaviour, will necessarily affect other parts of the system. The topics in this chapter reflect some of these 'whole system' themes from submissions and visits and overarching issues the Panel identified in its five months of work on its task.

Leadership is a pervasive theme in this chapter and we address leadership issues in regard to school autonomy, accountability and evidence-informed practice. We also explore how system leadership may assist teachers and school leaders to navigate the complex and sometimes confusing education policy terrain; for example, in regard to the Commonwealth's current prioritisation of students' literacy, numeracy and science performance as indicators of schooling outcomes. We review research that shows unintended negative effects on vulnerable students of robust assessment programs that focus on a limited set of educational outcomes.

We address the need for useful data, the importance of evaluation, particularly of the longer term outcomes of schooling for students with complex needs and challenging behaviour, and the need to use data to identify where improvement is necessary.

Often the research or evidence to help with a unique situation is not available, for example in regard to a student who has several disabling conditions, such as Autism Spectrum Disorder (ASD) and attention deficit hyperactivity disorder (ADHD), with additional trauma-related and mental health issues. We propose that teachers be supported to engage in ongoing, systematic inquiry to bolster the 'pedagogical floor' under their feet, and propose that the ACT Government supports innovation and a culture of inquiry in ACT schools.

This chapter makes recommendations about: the need to monitor the impact of policy on students with complex needs and challenging behaviour; the need to evaluate and report on the post-school outcomes of students; increased priority in plans and strategies to assist students' to reach personal, and social—emotional goals; planning approaches that clarify how system and school strategies give effect to system and/or school vision; ACT Government backing and support for innovation in ACT schools; and the need to follow up the report of the Expert Panel by establishing an independent advisory group to monitor progress in implementing recommendations of this report.

15.2 Leadership and school autonomy

School autonomy and risk management

School autonomy was frequently mentioned in submissions to the Panel. In many countries, particularly those in which market principles exert some influence on the delivery of education, there is a trend for increased school autonomy. Catholic schools have considerable autonomy

under the principle of 'subsidiarity', and Independent Schools are wholly autonomous. In recent years, the ACT Education and Training Directorate (ETD) has delegated greater authority to school leaders of ACT Public Schools through 'school-based management'.

ETD plans to pursue further devolution of decision-making in the public education sector, and move towards even greater levels of school autonomy. ETD informed the Panel of a new, comprehensive School Performance and Accountability Framework (SPA Framework). According to ETD, the SPA Framework identifies approaches to assist schools to engage in ongoing self-assessment, evidence informed practice, strategic planning and internal accountability, and that 'external accountability' will be referenced to relevant ACT legislation.²

Although this section of the report deals with the introduction of the SPA Framework in ETD, it may apply in general to CE.

Some submissions expressed reservations about school autonomy:

The long tradition of school autonomy in various forms in the ACT since the 1970s can facilitate innovation, but can also impede effective implementation of system strategies. (School)

There is not a unified understanding of, or an approach to, complex needs and challenging behaviours, especially those based in trauma, and/or mental illness, throughout the education system. (Organisation)

As at the time this report was written ETD had not finalised the implementation details for the SPA Framework, we restrict our comments to the identification of potential disadvantages of increased school autonomy and the need for proactive management of risks for students with complex needs and challenging behaviour.

There are significant risks and challenges if the new framework, about which little detail is available at this stage, is not implemented in an appropriately regulated, authorised and supported way. Public Schools currently participate in a validation process every five years, but this timeframe may allow ineffective practice to remain in place for considerable periods, and may not provide sufficient quality assurance and accountability where schools have increased autonomy. Schools may lose the time-saving and financial benefits that come from centralised resources, expert advice and economies of scale. School leaders expressed concerns to the Panel that they may be held accountable for decisions where they have insufficient support or resources to meet the needs of particular students, or where matters are outside their control; for example, decisions of the Centralised Placement Panel to place a student with very high needs within the school.

Research shows that although autonomy has significant benefits for schools that are already performing well, as is the case generally in the ACT, it is less likely to improve the performance of schools and systems that are functioning poorly.³ Research also shows that unless increased autonomy is accompanied by an emphasis on collaborative networks (as is the intention in ACT Public schools), schools may seek to attract greater numbers of highly achieving students and discriminate against students with disabilities.⁴

Under the right circumstances school autonomy promotes local decision-making that may more efficiently address the particular needs of school communities and particular groups of students. When the focus is on professional practice and student outcomes, including those of students with complex needs and challenging behaviour, it is more likely that increased autonomy will benefit all students.

Leadership and regulatory burden

Teachers and school staff are understandably frustrated with paperwork or other regulatory requirements where they cannot see the purpose, or identify any benefit to students. This is particularly the case where compliance with a requirement is time consuming or difficult.

One school leader described a requirement to complete a particular risk assessment template when there had been a serious incident involving challenging behaviour by a student. In the school leader's opinion, the completion of this template document was resource intensive and it did not contribute to the school's capacity to support the student in the future.

The Panel noted that within ETD there is an acknowledgement that compliance requirements and processes have been unnecessarily unwieldy and ETD aims to simplify them in the SPA Framework.

Mutual accountabilities

An organisation referred to the need for two-way, 'vertical' accountability. For example, when schools submit reports about a reportable incident with a student, the 'system' must respond with an appropriate action:

We submit that policy and/or practice needs to be modified such that (a) reporting of critical and non-critical incidents always receives a proportionate response, and (b) there is monitoring to verify that this is occurring. We recommend the development of an enhanced system of monitoring that triggers proactive intervention, and continuous evaluation of programs and policies. (Organisation)

There are also ethical, professional and personal dimensions in reporting processes. One teacher asserted that:

It is not uncommon practice for principals to refuse to suspend students, and to direct staff to not use official reporting channels, in order to improve statistics around student behaviour. (Teacher)

The Panel believes that a system of devolved decision-making must be carefully designed with proactive attention to the risks involved. The implementation of the new SPA Framework within ETD, and school autonomy more generally, must incorporate oversight mechanisms to monitor safety and quality in schools and ensure evidence-based practice and accountability for decisions. These mechanisms must ensure that the needs of vulnerable students are met by the system as a whole; and prevent inefficiencies, for example, when a school that is faced with complex needs they had not previously experienced, and 'reinvents the wheel', because they were not aware or advised about sound practices by system experts.

Paradoxical as it may be, schools that are largely autonomous will benefit from centralised support and guidance in addition to oversight and accountability. At this stage, however, important details about the SPA Framework are unavailable; for example, the mutual responsibilities of central administration and schools. In Chapters 4 and 11 the Panel make recommendations regarding the role that we believe ETD should have in assisting schools with policy advice and guidelines; for example, around restrictive practices.

The extent to which the SPA Framework improves the school experience and outcomes of students with complex needs and challenging behaviour will depend, to a large extent, on 'implementation fidelity' – how well school autonomy with accountability is actually enacted. School boards and peak organisations should monitor the implementation and effects of greater school autonomy in Public Schools and policy more generally. The policy landscape is changing

rapidly in ACT education and the unintended deleterious effects on the most vulnerable students and families should be predicted, monitored and managed.

Support for school leaders

School leaders play critical roles in shaping positive school cultures and they need support to be effective in these roles. The Panel spoke to some school leaders who reported feeling vulnerable and unsupported in responding to the needs of students with very challenging behaviours, and considered that they would be held to account if things went wrong. One school leader told us that:

As a leader and principal I feel unsafe. Not just physically unsafe, but I feel a huge responsibility for staff and other students, and I fear that I will be held personally responsible for things I have no ability to control.

Responding appropriately to students with violent or dangerous behaviours demands careful assessment, professional judgement and risk management. However, it is impossible to eliminate every risk. Where school leaders are worried and defensive about liability, job security, censure and/or public criticism, they are likely to be extremely risk averse and unsupportive of their staff developing creative and innovative approaches to support student behaviour.

It is important that ETD, CE and school boards support school leaders to establish the school as a professional learning community in which teachers collaborate in systematic, data-informed ways to analyse and improve their practice, and engage in an ongoing cycle of identifying need, trying new approaches and analysing their effectiveness. An important element in a well-functioning organisation is a culture of trust, in which mistakes and weaknesses may be admitted and help may be requested. (Later in this chapter we make a case for increased innovation in ACT schools.) The Panel believes that as long as innovative and creative strategies are developed within established frameworks and guidelines, school leaders should be able to feel certain that they will be supported (both publicly and privately) when, for example, a well-chosen initiative is not as successful as planned. Opportunities must also be available for school leaders to receive further assistance; for example, when they are struggling to meet student needs, or have exhausted the resources provided through centralised services. Sometimes school leaders may simply require advice or a sounding board.

A consistent theme in this report is the need for a 'culture of support' for students and the importance of wellbeing, particularly of the most vulnerable. The Panel believes that in implementing ETD's new SPA Framework, in which school autonomy is a key component, ETD must aim to develop a pervasive 'culture of support', which should be experienced at all levels, and particularly by school leaders.

Practice informed by evidence

Through submissions and school visits the Panel learned that practice in some schools is well-informed by current evidence about the value of preventive measures, positive behaviour support, 'trauma-informed' education, engagement with parents/carers, families and support agencies, mentoring relationships, and the latest research on the impact of cognitive development on behaviour and learning. For example:

Much of the time I am interpreting the needs of children with ASD and other disabilities through their behaviour and using many sensory strategies and calming techniques as well as a predictable routine, so the child feels secure. (Teacher)

Relate to them. Get to know them. Challenge them. Love them. (Teacher)

However, the approach of some schools and teachers seemed to reflect more traditional behaviour management and disciplinary approaches that did not take children's circumstances into account, that seemed less informed by contemporary research, and that was unlikely to produce good results for students or teachers.

The students know we actually can't make them, so what options do we have? (Teacher)

A degree of autonomy and school independence give schools significant discretion in the practices adopted and the Panel is aware that tensions can arise between schools and central administration. One teacher expressed annoyance:

When directors and experts tried to impose a particular program or way of dealing with children onto the school – even in programs in place that were working well. (Teacher)

On balance, as the adoption of evidence-informed approaches is a professional responsibility, the Panel believes that in Public and Catholic schools, advice from 'system experts' about evidence-informed practices and programs should be quite prescriptive, particularly in situations where the school's approach is not working and where there is data to show that the school has not availed itself of available professional learning opportunities.

The Panel understands that performance and accountability frameworks should ultimately detect where problems exist in schools, for example in situations in which methods were poorly chosen or not evidence-based. However, teaching is a knowledge-based profession and the Panel believes that, particularly in regard to students with complex needs and challenging behaviour, system experts should be proactive and directive in informing schools about evidence-informed practice.

15.3 The role of leadership in interpreting policy

In our visits to schools, we saw, or heard about, the excellent work by many ACT teachers in: ensuring students feel safe; building relationships; developing students' social competencies; establishing relationships with families; and responding appropriately to students with complex emotional needs. We also heard that some aspects of current education policy, mainly that driven by Commonwealth–State/ Territory agreements in regard to the National Education Reform Agenda (NERA), challenge some teachers' beliefs about teaching and their teaching approach, and does not reflect what some parents/carers want for their child:

That there has been so little official policy recognition of the centrality of relationships to all aspects of schooling is one of the major policy mysteries of recent times.⁷

Some parents just want the stability that school provides for the child and themselves. When teachers try and push learning, the parents may not be so happy and threaten to withdraw the child. When teachers focus on teaching and learning that's not necessarily what parents want. (School leader)

Focus on pedagogy will be inadequate on its own – we just deal with the kids' stress levels. (School leader)

There's too much emphasis on technique and there's a whole school culture of lack of respectful relationships. My child's stress was not detected by staff. (Parent/carer)

The whole pastoral element of the school is the greatest resource for developing students. (School leaders)

In my experience, during the last 10 years, the focus on meeting goals related to standardised testing have narrowed the focus of teaching. It has cheapened the craft of the

teacher and their ability to make professional judgements about what they teach, when they teach, and how they teach it. Where once, teachers would develop new and exciting curriculum based on their passion and expertise; now, all curriculum is common, standardised and aimed to meet broad goals of standardised testing. The result is a profession that teaches less from passion and more from fear of not meeting external goals developed with no consideration to students as individuals. (Teacher)

As the views expressed above describe a broad vision of education and educational priorities, the Panel examined research on one aspect of concern – the impact of current literacy and numeracy testing programs on students, teachers, teaching, student—teacher relationships, classroom activity and schools. In particular we examined the effects of robust assessment programs that focus on a limited set of academic outcomes on teaching approaches that are known to be most effective for vulnerable students.

The research suggests that a preoccupation with narrow forms of excellence excludes many other potentially valuable forms of student achievement – such as aspects of personal development most needed by students with complex needs and challenging behaviour. Current president of the Australian College of Educators, Professor Stephen Dinham, notes the harm to children's wellbeing and health of a narrow focus on a limited curriculum, and asks whether we are using the wrong measures to assess and compare our national education performance.

A recent Senate Committee reported negative effects of NAPLAN, including self-esteem issues and anxiety leading to disengagement, absenteeism, apathy, and behavioural problems and difficulties for disabled students. ¹⁰ The Primary Principals' Association found that the greatest negative impact of NAPLAN was on student wellbeing, with two thirds of respondents stating that NAPLAN had a negative effect on student wellbeing. There is evidence that

Pedagogical responses to the test (NAPLAN) include adopting a teacher-centered style that has flow-on effects of promoting less-inclusive classrooms where students have less of a voice, less time spent on higher-order thinking skills, and less conversation between teachers and students occurs for no appreciable improvements in literacy and numeracy.¹¹

The Panel agrees that it is important to measure literacy, numeracy and science outcomes. However the evidence suggests that resolute policy attention to a few academic outcomes may unwittingly hinder more 'relational' pedagogy that is essential for many students, such as students with complex needs and challenging behaviour, who require more than 'technical pedagogy'.

The Panel believes that a focus on academic outcomes without due attention to the *processes* that help to achieve those outcomes is not only ineffective for students with complex needs but also a cause of stress for teachers.

Teachers find themselves in the middle when it comes to mediating the relationships between the school, home, classroom and school administration. Although teachers provide a great deal of emotional, social and intellectual support for students, they are also expected to maintain institutional norms and practices that can sometimes damage personal relationships with students. 12

The Panel believes that it would be helpful for teachers if education leadership at system and school level named and articulated these policy complexities and explained to teachers how they may be reconciled at classroom level. The Panel believes that their resolution does not imply that a choice be made between personal/social and academic outcomes. Both are necessary, and as illustrated by research cited in Chapter 5, the former support the latter. Both goals can be pursued in harmony and good teachers do this. That is, student-focused and relational pedagogy support the engagement, learning and behaviour of all students and are essential for students who have complex needs and challenging behaviour. Teachers need to be

clearly told and given assurances that attention to relational aspects of teaching is sound pedagogical practice.

15.4 Vision, priorities, targets and indicators

Operational plans

It can also be helpful to support system or school vision with a linked action plan. The ETD website displays the 2015 Action Plan-Education Capital: Leading the Nation. ¹³ Although, in the Panel's view, the headline goal to 'Lead the Nation' presents as unnecessarily competitive and a somewhat adult-centric aspiration, the policy does express a laudable, student-focused goal that:

Every child in the ACT deserves the opportunities provided through an excellent education irrespective of where they live, their circumstances, or the school they attend. In short, students must believe, 'I can achieve. I am confident. My future is exciting'.

The Panel believes these to be truly admirable sentiments and they are consistent with themes in ACT Government policy and with some expressions of Commonwealth education policy — which focus on relationships, wellbeing, resilience, support and safety. They are evident in the vision and principles in Chapter 5 and entirely consistent with the case made by the Panel for schools to give greater attention to the personal and social factors that provide the foundation for learning.

However, the Panel believes that the *performance indicators* and *targets* that have been specified in the *Education Capital: Leading the Nation* policy are quite narrow, and in regard to primary and lower secondary students, refer mainly to students' performance in literacy, numeracy and science. It seemed to the Panel that in the translation from 'aspirations' to 'indications' the ETD's laudable child focus may have been rendered invisible, and that the prominence, if not reliance, on literacy, numeracy and science outcomes sends a mixed message about priorities.

The Panel is impressed with ETD's very progressive Engaging Schools Framework that outlines principles and practices that schools 'can' use to support student engagement. However, to the Panel's knowledge, this is not a public document and its links with the 2015 Action Plan-Education Capital: Leading the Nation are unclear.

The Panel is well aware that bilateral agreements with the Commonwealth in regard to the NERA require specified targets and performance indicators (and these have a considerable focus on NAPLAN results), and we of course acknowledge the undoubted benefits for all children of good outcomes in literacy, numeracy and science. However, we also believe that ETD should give full effect to its child-centered vision and present a coherent linkage of vision and strategy in a more complete, publicly available plan.

The Panel was informed that CE is about to launch its new *Principles of Pedagogy* policy. This document lists and explains principles and articulates a 'shift in thinking' about pedagogy and a renewed focus on 'belonging and learning' for all. Both the Engaging Schools Framework in ETD and the *Principles of Ped*agogy policy in CE are excellent initiatives. However, the Panel believes their status and impact would be elevated if they were incorporated into publicly available plans (such as *Education Capital: Leading the Nation*) that make clear to the community and to teachers the program logic – the elements in the implementation and their links to the intended outcomes. ¹⁴ Such plans would properly acknowledge and honour what most teachers try to do every day.

Recommendation 15.1: That ETD and CE, and each Independent School, make clear in their strategic plans a) how their student-centred vision and principles are operationalised with respect to priorities, targets and indicators; and b) how the various components, services and programs that they provide contribute to the implementation of their student-centred vision.

Identification and measurement of indicators

As noted above, from our visits to schools and submissions from school leaders and teachers, the Panel understands that many schools and teachers work hard to develop students' social and emotional skills and wellbeing. For example, one school told the Panel about their

Well-established 'rituals', breakfast and soccer clubs, disco, girls' group, lunch club, in addition to an extensive pastoral care presence. (School)

The Panel believes that it would be progressive of ETD to develop tools to measure and report on, for example, Public School students': 'sense of achievement', 'perceptions of confidence' and 'feelings about the future', as well as their literacy, numeracy and science outcomes. Given the demonstrated importance of these attributes for all students and their prominence in the goals of Australian schooling, the reporting of significant improvements in student performance in these areas would be welcome good news in ACT and national media.

ETD currently collects data on social and emotional wellbeing and school climate. Catholic and Independent schools could adopt similar positive initiatives in regards to monitoring and reporting practices.

The Panel read a recent report on a Wellbeing Consultation undertaken by CE in 45 of its schools. CE is to be applauded for undertaking this work that was designed to support the implementation of the National Safe Schools Framework in Catholic schools. The Panel also notes that CE has an Inclusion and Wellbeing Strategy supported by a Wellbeing and Inclusion Team and a School Engagement Team. However, the Panel was unable to identify performance indicators for the wellbeing goals established by CE.

On a related matter, the Panel is aware of national plans to give greater priority to the teaching and assessment of the Capabilities in the Australian Curriculum. Many are highly relevant to students with complex needs and challenging behaviour. For example, the Capabilities include: critical and creative thinking, ethical understanding, intercultural understanding, and personal and social capability. However, the Panel believes that which is valued gets measured. While we hope that in the future the Capabilities will be assessed and reported on as part of the NAPLAN program, we believe that a broader range of child-focused goals – particularly those expressed in systems' and schools' vision statements and policies – should be assessed and reported on now.

The Education Act 2004 requires school leaders of Public, Catholic and Independent schools to establish procedures for 'giving reports to the parents of a student enrolled at the school about the student's academic progress and social development at the school'. ¹⁵ ETD informed the Panel that ETD is currently reviewing school reporting processes, and in 2016 intends to implement a common reporting template, which includes reference to students' personal and social capabilities. This is a positive development.

Recommendation 15.2: That ETD, CE, and each Independent School, complement the reporting of students' academic performance with reports on student progress towards the personal and social-emotional goals listed in school's vision statements and strategic plans.

15.5 Making good use of data

The need for useful data was mentioned in some submissions:

Better data is needed for targeting resources. (School leader)

We don't have a really good record of using data to measure performance. (System leader)

Continuous service improvement is the ultimate aim, not data collection for its own sake. ETD policy states:

Data should be used to inform decision making at the classroom and whole of school levels, including to monitor and improve the school culture and environment.¹⁶

As discussed in Chapter 4, schools should be collecting and monitoring data internally, and ETD and CE should be conducting centralised monitoring across all schools, in areas of practice related to behaviour support, including: suspensions, transfers, exclusions; part time attendance; behavioural incidents; use of restraint and seclusion; injuries; and complaints.

The collection of such data at school level assists schools to adjust their approaches to students with complex needs and challenging behaviour. Once collated, analysed and reflected on, data compiled under these categories offers insights into students' experiences at school, including: the aggregate burden of challenging behaviour on a school; the support needs of the student population; safety; risks; and the capacity of the school staff to cope with the challenges they face. The School-wide Positive Behaviour Support model advocated in Chapter 9 relies on good data to determine what level of behavioural support each student needs.

Data collection should be guided by purpose and usefulness and be teacher-friendly. The Panel noted that the focus of data collection relating to complex needs and challenging behaviour tends to address mainly the absence of good outcomes — student non-attendance, non-participation and/or failure to learn. This approach should be complemented by a more positive and proactive focus and this first involves the identification of the behaviours that schools seek to promote and the behaviours students should be engaging in; that is, what behaviours schools want to promote and observe, not just their absence. The identification of these positive targets allows identification of performance indicators and the collection of data about them as well.

Data collection, accountability and management systems must be efficiently designed to minimise the burden on busy teachers and the procedures need to have legitimacy among teachers and school staff. Where possible, they should be: based in evidence; developed in consultation with the school community; communicated clearly (including conveying the reasons for particular procedures, or the purpose for which data collection will be used); and reviewed periodically in response to feedback about effectiveness, clarity or burdensome compliance costs. They should also deliver a result.

A good data system, when used with integrity, is diagnostic; it will identify strengths, gaps and shortcomings, including unmet needs. It will stimulate professional discussion about what could be done, the re-ordering of priorities, adjustments to strategy and, where necessary, help make the case for more resources and/or using them more creatively. Schools and teachers are sometimes data rich but information poor. The results-oriented professional learning community not only welcomes data but also turns data into useful and relevant information for staff.¹⁷

Finally, a good data system disallows the excuse, 'I didn't know things were in such bad shape!'18

Evaluation of longer term outcomes

While it is important to monitor student outcomes as they progress through school, it is also important to take a longer-term perspective and assess how schools prepare students for life.

The test of schooling is not whether you can do well at – or even whether you enjoyed your school days – but whether what you have done has prepared you effectively for something else. 19

An organisation submission in regard to students with ASD stated:

Education is the foundation for employment, community participation and more independent living. ABS data shows education outcomes for Australians with ASD are abysmal; as are outcomes for independent living, employment and labour force participation. (Organisation)

Other parent/carers called for the evaluation of what schools are ultimately achieving for students with complex needs and challenging behaviour and advocated that the evaluation should be from the student's perspective:

I rarely have felt that anyone in the school system has seen it from my child's point of view. (Parent)

Evaluation should focus on what schools had actually achieved for students when they had left school. (Parent)

The importance of assessing the longer-term outcomes of schooling was addressed in the 2009 *Review of Special Education in the ACT* and that report suggested an evaluation of the effectiveness of schooling for students with a disability.²⁰ In 2015, parents/carers are still calling for the evaluation of schooling outcomes, particularly the outcomes of graduates of secondary, specialist schools. The Panel agrees; data-based evaluation and review can only strengthen approaches in these schools to better prepare their students for life beyond school.

The Panel is aware that ETD conducts an annual survey of school outcomes and publishes the results on its website; for example, 2013 ACT Year 12 Graduates & School Leavers: Where were they in 2014?²¹ This process, and the public sharing of results, is commendable and should be extended and the results used to improve practice.

It would be helpful to collect data on the outcomes of students with complex needs and challenging behaviour. The collection and analysis of this specific data would benefit from the involvement of researchers to develop and implement appropriate methodology to ensure that the data is valid and reliable. It may be beneficial for ETD to partner with a tertiary institution, or other relevant research institute, to undertake a longitudinal study on post-school outcomes of students with complex needs and challenging behaviour.

Recommendation 15.3: That ETD, CE, and AIS co-fund a tertiary institution, or other relevant research institute, to undertake a longitudinal study on post-school outcomes of students with complex needs and challenging behaviour.

Recommendation 15.4: That ETD undertake an evaluation of the post school outcomes of graduates of the two senior specialist schools, and special units in mainstream high-schools and colleges, by following up recent graduates, their parents/carers and others where appropriate, and consider any implications for program development at these schools.

15.6 Innovation and a culture of inquiry

The range of complex and challenging issues confronting our society and community, the pace of educational reform, and the diversity within our schools, make it difficult for each of us to 'keep up', including teachers. As important as 'evidence-informed practice' is, teachers cannot always rely on evidence to 'tell' them what to do as the available evidence may have little to assist them with *their* specific issues, context or circumstances.

Most teachers 'think on their feet' and innovate as situations arise. However, major innovation requires a 'supportive culture of inquiry' – one that encourages and is not risk-averse.

Teachers should incorporate systematic inquiry into their teaching; it is a practice required by their Professional Standards.²² It is also a necessity:

There comes a time when every educator's experience runs out. If they are not to be caught out, they need to have strategies that will take them into teaching's unknown and enable them to pioneer pathways into learning with children with complex learning difficulties and disabilities.²³

There is no escaping that pedagogy for complex, 21st century learners will be evolved through, and maintained and informed by, a dynamic process of inquiry.²⁴

These exhortations notwithstanding, an OECD report on 'innovative learning environments' lists 'risk aversion of bureaucracies' and 'lack of institutional support for innovation' as two major barriers. Contemporary schools *must* innovate, and as proposed in Chapter 14, school leaders should use their funds creatively and resourcefully to address their school's unique issues, including those related to students with complex needs and challenging behaviour. However, for innovation to flourish systems and schools must operate as professional learning communities where teachers are encouraged to collaborate to change traditional practices and revise prevalent assumptions. ²⁶

It has been proposed that education policy makers should rapidly increase the use and funding of public 'challenge' structures, and to share and fund new solutions to tangible problems.²⁷ This proposal involves posing 'learning challenges' with specific learning intentions and goals, and inviting individuals or groups to develop, trial and evaluate solutions, and then share their results. Possible examples are provided below.

The Panel is aware that funding for this general type of activity was once available in ETD through an Excellence and Enterprise fund but its functions have been superseded by other structures. For example, it is envisaged that the new ETD SPA Framework will give network leaders greater responsibility for stimulating innovation. The Panel is not aware of similar funds to support innovation in CE or Independent Schools.

Obviously innovation must be undertaken within an authorised legal and policy environment. However, if leadership is confident in its vision and the logic and overall defensibility of a thoughtful, evidence-informed strategy, innovation should be fostered, and, for example, be supported by 'challenge funding'.

One such challenge might be to find better solutions to issues relating to the support of students with complex needs and challenging behaviour, and their families. For example, 'challenge funding' could be provided to an inter-agency and/or inter-directorate group to use the procedures of 'collective impact' to develop and trial effective collaborations with families who have not so far been successfully engaged with schools or services. As students with complex needs and challenging behaviour often have negative experiences in the playground and at recess, 'challenge funding' might also support the development of innovative solutions to this

perennial problem, such as lunchtime activities or better playground design or enrichment. Challenge funding might also support trials of empowered personalised behaviour plans in which the student chooses who participates in the meeting, who chairs it (including, possibly, the student, parent/carer or advocate), what decisions are made, and what actions are included in the plan.

The Panel believes that 'challenge funding' should not be restricted to addressing intractable difficulties directly, as useful as that may be. Educators must be encouraged to 'imagine an alternative future'. The stimulus for innovation provided by 'challenge funding' and other means could support a 'whatever it takes' mindset and the realisation of a more hopeful school experience for students with complex needs and challenging behaviour.

Professor Tanya Byron calls for a 'quiet revolution':

We need a radical rethink of our school systems to help our children get ready for the challenges and opportunities they will face. Without this equipment, many will flounder and become unhappy. But we can't wait for the politicians and policy makers – they will always do too little, too late. Teachers and parents have to help each other to regenerate what goes on in schools via an alliance and a quiet revolution.²⁹

Every day students with complex needs and challenging behaviour test the prevalent assumptions, current orthodoxies and the status quo of schools. Consistent with the point made by Burrello et al. in Chapter 5, we should be grateful to these students because they lead us to question what our schools do *to* students, *about* students, *for* students and/or *with* students, and they stimulate the development of innovative approaches to support and prepare them for *their* future.

Recommendation 15.5: That ETD support innovation in ACT schools through the establishment of a 'Challenge Funding' program to provide tangible support for cross-sector collaborations involving students, parents/carers and/or others to stimulate, evaluate and share innovative and hopeful approaches for students with complex needs and challenging behaviour in all ACT schools.

15.7 Acting and responding: joining the dots

The model of professional practice prescribed for Australian school leaders would see this report as but one part of a cycle involving: a) working collaboratively with others; b) planning and acting; and c) reviewing and responding.³⁰

The Expert Panel has written a report and made recommendations designed to improve schools' response to meeting the needs of students with complex needs and challenging behaviour. The next steps in this model are for the government and non-government sectors to 'plan and act', and, after a suitable period of implementation, 'review and respond'.

Recommendation 15.6: That the Minister for Education and Training establish an appropriately constituted advisory group to consider progress reports from ETD, CE and AIS on their response to, and implementation of, the recommendations of this Expert Panel report. ETD, CE and AIS should provide progress reports annually to the advisory group for three years, with the first reports to be provided in November 2016.

15.8 Conclusion

This chapter addressed a range of system and school-wide issues that affect students with complex needs and challenging behaviour, and, indeed, all students.

Key points covered in this chapter include:

- leadership in a context of increased school autonomy;
- support for school leaders;
- leadership's support for teachers in interpreting and implementing policy;
- the need for clarity in regard to system and school priorities, targets and performance Indicators;
- the use of data and the need to evaluate longer term outcomes of schooling;
- the need for Government backing of innovation in ACT schools.

In addressing how complex systems such as sectors and schools can better support students with complex needs and challenging behaviour, we have, throughout this report, examined issues from within contemporary frameworks that address rights and obligations, policy, system rationality, evidence, data, management of risk, management of cost, monitoring, bureaucratic structures, consumer choice and evidence-informed practice – all indicators of what O'Brien has referred to as the 'system world'. However, the Panel agrees with O'Brien, that the 'system world' approach will be inadequate unless complemented and humanised by an appreciation of each student's unique gifts, concerns and experience, and 'only relationships can do that'.

¹ Pasi Sahlberg, Finnish lessons: What can the world learn from educational change in Finland? (Teachers College Press, 2011) 70-71

² Information provided to the Panel by ETD

³ Mona Mourshed, Chinezi Chijioke and Michael Barber, How the World's Most Improved School Systems Keep Getting Better, (McKinsey & Company 2010) 32,37

⁴ David Mitchell, Education that fits: Review of international trends in the education of students with special educational needs: Final report, (University of Canterbury, 2010)

⁵ Richard Du Four, 'What is a professional learning community?', (2004) 61, (8) Educational Leadership, 6,6

⁶ Patrick Lencioni, (The five dysfunctions of a team: A Leadership Fable.(John Wiley & Son, 2007)

⁷ John Smyth, and Peter McInerney, Teachers in the middle: Reclaiming the wasteland of the adolescent years of schooling, (Peter Lang Publishing Group, 2007) 205

⁸ Tom Bentley and Ciannon Cazaly, The shared work of learning: Lifting educational achievement through collaboration, http://www.sanoblepark.catholic.edu.au/documents/formstemporary/SharedWorkOfLearningReport.pdf

⁹ Stephen Dinham, The quality teaching movement in Australia: Losing our confidence, losing our way and getting back on track, (2013) http://www.aph.gov.au/DocumentStore.ashx?id=87703b5d-4391-42a5-8169-f5bf826743ed. 6-7

¹⁰ Parliament of Australian, Senate Enquiry: Effectiveness of Naplan, (27 March 2014)

 $< http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/Naplan13/Report/index>3.11$

¹¹ Greg Thomson & Allan Harbaugh, The Effects of NAPLAN: Teacher perceptions of the impact of NAPLAN on pedagogy and curriculum, (2012) http://eprints.qut.edu.au/86167/1/86167.pdf>15-16

¹² John Smyth, and Peter McInerney, above n 7, 7

¹³ ACT Government Education & Training Directorate, Education Capital: Leading the Nation. (2014) http://www.det.act.gov.au/_data/assets/pdf_file/0008/517463/Strategic-Plan-2014-2017.pdf.pdf

¹⁴ For example, the following authors outline a 'Program Logistics' model for showing these relationships: James McDavid, Irene Huse, and Laura Hawthorn, Program evaluation and performance measurement: An introduction to practice, (Sage Publications, 2006)

¹⁵ Education Act 2004 (ACT) s25 & s103

¹⁶ ACT Education and Training Directorate, Engaging Schools Framework: Literature Review, (Education and Training Directorate, 2013) 27

¹⁷ Richard Du Four, above n 5, 6-11.

¹⁸ James Gallagher, Driving Change in Special Education, (University of Michigan, 2006) 154

¹⁹ Guy Claxton, Bill Lucas, and Tanya Byron. Educating Ruby: What our children really need to learn, (Crown House Publishing, 2015) 68

²⁰ Anthony Shaddock, et al, Disability Diversity and Tides that Lift All Boats: Review of Special Education in the ACT (2009). ACT Government, 127-128

²¹ ACT Education and Training Directorate, 2013 ACT year 12 graduates and school levers: where are they now?, 2014, http://www.det.act.gov.au/__data/assets/pdf_file/0006/679875/2013-ACT-year-12-graduates-and-school-leavers-where-were-they-in-2014-updated-20150109.pdf

²² Australian Institute for Teaching and School Leadership, Australian professional standard for principals and the Leadership Profiles (2014) http://www.aitsl.edu.au/docs/default-source/school-leadership/australian-professional-standard-for-principals-and-the-leadership-profiles.pdf?sfvrsn=8

²³ Barry Carpenter, et al, Engaging learners with complex learning difficulties and disabilities: A resource book for teachers and teaching assistants (London: Routledge, 2015) 126

²⁴ Ibid, 127

²⁵ OECD, Innovative learning environments, (2013) < http://www.keepeek.com/Digital-Asset-Management/oecd/education/innovative-learning-environments_9789264203488-en#page1>192

²⁶ Richard Du Four, above n 5, 6-11

 $^{^{27}}$ Tom Bentley and Ciannon Cazaly, above n 8, 11

²⁸ Kitty te Riele, Philosophy of hope: concepts and applications for working with marginalized youth, (2010) 13(1) Journal of Youth Studies, 35, 45

²⁹ Guy Claxton, Bill Lucas, and Tanya Byron, above n 19, vi

³⁰ Australian Institute for Teaching and School Leadership, Australian Professional Standards for Principals, (Education Services Australia, 2011) 8

³¹ John O'Brien, The Trouble with Person-Centered Planning, 2013 http://www.centreforwelfarereform.org/uploads/attachment/402/the-trouble-with-personcentred-planning.pdf>

Appendices

Appendix A: Terms of Reference

Role

The Expert Panel will review policy and practice in ACT schools with reference to contemporary best practice, engage in extensive community consultation, and provide a report, including findings and recommendations, to a Select Committee of the ACT Legislative Assembly through the Minister for Education and Training.

Membership

Emeritus Professor Anthony Shaddock, University of Canberra, Psychologist and Educator, (Chair)

Dr Sue Packer, Community Paediatrician and Children's advocate

Mr Alasdair Roy, ACT Children and Young People Commissioner

The Panel may establish Reference groups and co-opt consultants to support its work.

Scope and activities

The work of the Panel may include, but not be limited to,

- 1. Evaluating the current legislative and policy framework, guidelines and protocols that support ACT schools in teaching students with complex and challenging needs
- 2. Consulting with schools, community organizations and individuals including students and their families about the ways in which the policy framework, guidelines, protocols and practices are implemented in schools
- 3. Exploring issues with school communities
- 4. Reviewing current practices in ACT schools in regard to complex and challenging behaviour, with particular attention to responses such as exclusionary withdrawal
- Reviewing research, evidence-based practices, and current policies and practices in other jurisdictions including proactive approaches that successfully promote attendance, participation and learning.

Time frame

The Panel is required to provide its report to the ACT Minister for Education and Training by 1 October 2015 or by agreement between the Chair and the Minister.

Clarification of terms

As "Complex Needs" and "Challenging Behaviour" do not have precise or universally agreed definitions, the working definitions [below] help to frame the focus of the Panel.

Complex Needs: "Children with complex needs present with a range of issues and combination of layered needs; for example, mental health, relationship, behavioural, physical, medical, sensory, communication and cognitive. (Carpenter et al. 2015, p.10)

Challenging Behaviour: "Challenging behaviour is defined as any repeated pattern of behavior, or perception of behaviour, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults. Challenging behavior is thus defined on the basis of its effects." (Technical Assistance Center on Social Emotional Intervention, 2011)

"These behaviours can be caused by biological, environmental, psychological and/or social factors and are a significant educational and social issue when they present at school." (Michail 2011, p. 1)

"Challenging behaviour may also pose a risk to the health and safety of a person and those with whom they live and work." (Australian Psychological Society, 2011, p. 10)

References for working definitions

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Appendix B: Staff assisting the Expert Panel

Contributing authors

The Panel engaged a small team of specialist authors to assist research and draft material for the Expert Panel:

Gabrielle McKinnon (Co-ordinator): BA, LLB (Hons)

Human rights lawyer, and Senior Policy Adviser to the ACT Children and Young People Commissioner.

Mandy Gray: BAppEc, BSocWk

Social worker specialising in working with disadvantaged and traumatised children and young people.

Irene Lind: BEd

Former principal and current education consultant.

Brianna McGill: BA (Hons), LLB, MPubPol

Social policy and complaints investigation expert, and Senior Policy Adviser to the ACT Children and Young People Commissioner.

Naomi Nicholson: BA, BEd (Grad)

Teacher, foster carer, and current consultant in education and child protection.

Judy Pettiford: BEd

Former principal and current education consultant.

Consultants

The Panel engaged consultants to undertake specialist tasks for the Expert Panel:

Michael Arthur-Kelly:

Michael Arthur-Kelly is an Associate Professor in Special Education at the University of Newcastle and currently serves as Assistant Dean (Teaching and Learning) in the Faculty of Education and Arts. He is Sole Editor of the Journal of Intellectual and Developmental Disability and Joint Editor-in Chief of the Australasian Journal of Special Education. He also reviews for many academic journals. Throughout his academic career, Michael has collaborated with relevant educational authorities, research teams and groups to scaffold research processes and outcomes that make a difference for individuals in the field of disability and special education. Michael's underpinning interest is real world improvement for people with disabilities and his research has focused on the needs of students with multiple and severe disability and also branched into related areas such as professional needs and characteristics of staff working in disability support, the management of challenging behaviour, and early childhood intervention. Michael's work has emphasised the central importance of high quality teaching and learning programs for all students. His research in instructional design, diversity, behaviour and classroom management and communication intervention, has helped to influence two decades of teachers, both in preparation for and as they develop their skills in the classroom.

Ian Claridge:

lan Claridge is a former teacher, school principal and senior bureaucrat with the Department of Education in Victoria. Prior to retirement in 2010, Ian was General Manager in the Office of Schools, responsible for student wellbeing and health support for over 1500 schools in Victoria. During that time he presided over a significant reform program in the area of disabilities and special needs. Since his retirement Ian has established his own consultancy firm and currently acts as a strategic advisor to the Victorian Department of Education in the review of their disabilities program. In addition, Ian is a member of the Australian Institute of Family Studies Ethics Committee and works as an executive coach across a number of jurisdictions. Ian has qualifications in special education, educational leadership and executive coaching.

Critical Friends

The Expert Panel engaged a team of critical friends to provide high-level advice, feedback and support to the Expert Panel:

Dr Diana Boswell

Dr Boswell holds a BA (ANU), and clinical and research MA and PhD (University of Toronto). She has held honorary appointments at the University of Canberra and the Australian Catholic University and is an Instructor with Bronfenbrenner Centre for Translational Research at Cornell University. She is a Member of the Australian Psychological Society with recognition as a specialist provider for children with an Autism Spectrum Disorder. She has worked across 40 years in the area of applying these professional skills in clinical, program development, and agency direction across the child and family welfare, education, juvenile justice and out of home care sectors. Her particular areas of clinical and program expertise are in children with ASD, and children with aggressive and violent behaviours.

Professor Alan Hayes AM

Currently, Alan is Distinguished Professor of Family Studies, and Director of the Family Action Centre, at the University of Newcastle, and previously was Director of the Australian Institute of Family Studies, preceded by academic appointments in disability studies at University of Queensland and as a Professor and Dean of Education at Macquarie University. He has been a member of the NSW Child Protection Council, Chair of the Australian Council for Children and Parenting, Deputy Chair of the Commonwealth Stronger Families Partnership, and now a member of the Child Aware Approaches National Initiative Steering Group. In 2012 Alan became a Member in the General Division of the Order of Australia.

Dr Tim Moore

Tim Moore (BA, MChild&Adol Welf, MYouth Studies, PhD) is Senior Research Fellow at the Institute of Child Protection Studies: Australian Catholic University where he has developed an expertise in designing and implementing child-centred research, policy and practice. He is currently conducting a project for the Royal Commission into Institutional Responses to Child Sexual Abuse that explores the way that children understand and experience safety within institutions and the responses institutions have to their safety needs. Previous studies have, among other child-related issues, focused on the support needs of young carers and families affected by disability, mental health issues and problematic alcohol and other drug use. He has spoken widely about the need for child-centred and family-responsive disability and mental health systems, both nationally and internationally. Prior to his work at the ACU, Tim was a youth and

disability support worker. He is also the immediate past president of Carers Australia, a former member of the Commonwealth Minister's National People with Disability and Carer Council and has advised territory and commonwealth governments on issues related to disability, mental health and caring. In 2012-13, Tim was a member of the Expert Panel on Eligibility and Assessment Panel for the National Disability Insurance Scheme and the National Disability Strategy Implementation Reference Group where he demonstrated his interest in issues for children with a disability.

Professor Jacqueline Roberts

In 2011 Jacqui took on the role of the Chair of Autism in the Autism Centre of Excellence at Griffith University. Jacqui worked in Aspect schools for children with autism as a teacher, speech pathologist, principal and Director of Services, as a consultant and held several short-term fractional research appointments at different universities teaching autism studies and leading/managing research projects including content in the Australian Autism Education and Training Consortium Positive Partnerships program. ACE is an essential partner in the Cooperative Research Centre for Living with Autism Spectrum Disorders and offers an extensive multidisciplinary postgraduate study program in Autism. In 2015 Jacqui co-authored a book for parent/carers, 'Understanding Autism: The Essential Guide for Parents' with Professor Katrina Williams.

Professor Roger Slee

Professor Roger Slee is the Inaugural Director of the Victoria Institute for Education, Diversity and Lifelong Learning. He is also the Chairman of The Board of Directors of Children with Disabilities Australia. Roger is the Founding Editor of The International Journal of Inclusive Education and author of books on student behaviour, school discipline, inclusive education and disability studies. His most recent book is called The Irregular School.

Roger held the post of Chair of Inclusive Education at the Institute of Education at the University of London and was Dean of Education at McGill University in Montreal and The University of Western Australia. Roger was also the Deputy Director General of the Queensland Department of Education and Acting Director General.

Research support

Gay von Ess:

Autism consultant and special educator

David Zilber:

Psychologist and consultant in behaviour and disability

Other assistance

The Panel would also like to acknowledge the assistance provided by: Ms Christine Cawsey AM; Sean Costello; Mr John Frew; Ms Joanne Garrisson; Associate Professor Linda Graham; Ms Diane Joseph; Professor Stephen Lamb; Mr Mark Tainsh; Mr Mark Whybrow; Ms Maree Williams; and Mr Andrew Wrigley.

Appendix C: Consultations with students

The views of students were central to the work of the Expert Panel, including the content and recommendations of this report. Students have a unique perspective on what happens within schools, not only because of their age, but also by nature of being students.

Students experience things within schools that are frequently invisible or inaccessible to adults; will describe these experiences in a way unique to them; and will have solutions to problems that adults will never think of.

In one sense, students are the true experts of what works and doesn't work in a school, and it is the view of the Expert Panel that for this report to be a catalyst for any meaningful change, it needed to reflect the views and opinions of students.

In line with this view, the Panel arranged a series of structured consultations with 275 students from seven ACT Public, Independent, or Catholic Systemic schools.

Table 1: Number of stude	ents by age and educat	ion sector		
	Year Three	Year Six	Year Nine	Total
Public schools	34	23	29	86
Independent schools	32	38	30	100
Catholic systemic schools	37	38	14	89
Total	103	99	73	275

The consultations explored a range of topics including:

- The range of behaviours that students notice within their school.
- Whether the behaviour of other students ever disrupts their own learning and, if so, how.
- Ideas about how to make school a place where everyone can learn and have fun.
- Characteristics of 'good' and 'bad' teachers (some groups only).

All of the consultations were undertaken by the ACT Children and Young People Commissioner, Alasdair Roy, with assistance from Panel staff. All people involved in the consultations have significant experience facilitating consultations with children and young people of all ages, and hold a current Working with Vulnerable People card.

All consultations took place in a classroom setting at the various schools, and took approximately 45 minutes to an hour. In the majority of cases, teaching staff were not present, and on the few occasions where teaching staff did remain in the class, they did not take any role in the consultation.

There were approximately 15-20 students in each of the groups, and while the consultations followed the same general sequence for each of the groups, there were slight changes in each session depending on the age and interests of students.

Students who participated were selected by each school, and were reasonably representative of the general student population. There was an apparent cross section of interests, aptitudes and backgrounds, and, on balance, an equal number of males and females in each group.

Students were told that what they said might be included in a report to be written by the Expert Panel, but that information would not be attributed to an individual or a particular school. Students were also told their participation was voluntary, and that they could withdraw from the

consultation at any time. This option was only taken up on 2 occasions. All students appeared to enjoy the opportunity to have their say and be listened to. In fact, when students realised that the facilitators were genuinely interested in what they had to say, and that they weren't being tested or taught anything, they expressed delight (and surprise) and became very involved in the process.

Before presenting the results of the survey, it needs to be noted that the Expert Panel encountered resistance from many schools when attempting to arrange the consultation sessions. While many schools were enthusiastic and went out of their way to help, others were dismissive about the proposal; hesitant to become involved; or simply did not return phone calls. Given the importance of students having a say about issues that affect them, the Expert Panel is concerned about this response. Additionally, many of the older students questioned whether anything would change as a result of their participation, noting that on the rare occasions when they had previously been asked their views about how to improve things at school, very little of what they suggested actually happened.

In response to these concerns, facilitators agreed with the students that, unfortunately, it may well be that nothing changes as a result of the work of the Expert Panel, but that Panel members are committed to ensuring that the views of students are accurately and respectfully represented in the final report.

Results

Session One: Introduction.

Facilitators introduced themselves and asked everyone else to do the same. Facilitators then led a general conversation about the role of the Expert Panel, and the overall purpose of the consultation. Facilitators stressed that they weren't there to teach the students, and that there were no right or wrong answers, or things to say. Students were reassured that they could speak feely, and say what they wanted, but were reminded to not name individual students or teachers.

Session Two: Group discussion about 'differences' between students, including the range of behaviours that students notice within their school.

Facilitators led a group discussion about what makes people different, and the types of differences that the students observed within their school. All groups, regardless of age and school, very quickly identified a range of differences, including:

- Physical differences, such as: culture; hair or eye colour; body shape; accent; language; gender; age.
- Personality differences, such as: likes and dislikes; different friends; favourite sports and school subjects; talents; religion; being funny or serious; stuff at home; being smart or not so smart; learn in different ways; rude or polite.
- Behavioural differences, such as: level of anxiety; anger issues; use of violence; being noisy or quiet; fidgeting or running around; bullying people; being annoying or silly; damaging property.

Students also identified 'disability' as a difference, including: autism; ADHD; learning difficulties; behavioural difficulties; dyslexia; cerebral palsy; mental health issues.

Other students identified factors outside the school, with family and what happens at home being a common answer.

Session Three: Whether the behaviour of other students ever disrupts their own learning and, if so, how.

Students were asked to complete an anonymous survey that asked three questions:

- Does the behaviour of other students in class make it hard for you to learn?
- If so, how often does this behaviour happen?
- If so, what happens, and how does it affect you?

Students were advised that facilitators would assist them with understanding a question, or with spelling or writing, if required. All students appeared to enjoy the activity, with most writing detailed answers, rather than just single words or dot points.

Does the behaviour of other students in class make it hard for you to learn?

Overall, 87% of students answered yes, but with variations between the education sectors:

- 92% of Public School students answered yes
- 87% of Independent School students answered yes
- 83% of Catholic Systemic School students answered yes

Table 2: Does the behavio	our of other students in clas	ss make it hard for you to I	earn?	
	Yes	No	Not sure	Total
Public Schools				
Year Three	33 (97%)	1 (3%)	0 (0%)	34 (100%)
Year Six	18 (78%)	1 (4%)	4 (18%)	23 (100%)
Year Nine	28 (96%)	0 (0%)	1 (3%)	29 (100%)
Overall	79 (92%)	2 (2%)	5 (6%)	86 (100%)
Independent Schools				
Year Three	29 (91%)	0 (0%)	3 (9%)	32 (100%)
Year Six	32 (84%)	5 (13%)	1 (3%)	38 (100%)
Year Nine	26 (86%)	2 (7%)	2 (7%)	30 (100%)
Overall	87 (87%)	7 (7%)	6 (6%)	100 (100%)
Catholic Systemic Schools				
Year Three	32 (87%)	3 (8%)	2 (5%)	37 (100%)
Year Six	34 (89%)	3 (8%)	1 (3%)	38 (100%)
Year Nine	8 (58%)	3 (21%)	3 (21%)	14 (100%)
Overall	74 (83%)	9 (10%)	6 (7%)	89 (100%)

Year Three: all schools	94 (91%)	4 (4%)	5 (5%)	103 (100%)
Year Six: all schools	84 (85%)	9 (9%)	6 (6%)	99 (100%)
Year Nine: all schools	62 (85%)	5 (7%)	6 (8%)	73 (100%)
All students	240 (87%)	18 (7%)	17 (6%)	275 (100%)

If so, how often does this behaviour happen?

Overall, 52% of students answered *most days* or *always*, but with variations between the education sectors:

- 62% of Public School students answered *most days* or *always*
- 60% of Catholic Systemic School students answered *most days* or *always*
- 38% of Independent School students answered most days or always

			<u> </u>	<u> </u>	
Table 3: If so, how often	does this behaviou	ır happen?			
	Never	Sometimes	Most days	Always	Total
Public Schools					
Year Three	0 (0%)	12 (35%)	16 (47%)	6 (18%)	34 (100%)
Year Six	0 (0%)	12 (52%)	10 (44%)	1 (4%)	23 (100%)
Year Nine	0 (0%)	9 (31%)	14 (48%)	6 (21%)	29 (100%)
Overall	0 (0%)	33 (38%)	40 (47%)	13 (15%)	86 (100%)
Catholic systemic schools					
Year Three	0 (0%)	12 (32%)	19 (52%)	6 (16%)	37 (100%)
Year Six	2 (5%)	13 (34%)	20 (53%)	3 (8%)	38 (100%)
Year Nine	1 (7%)	8 (58%)	5 (35%)	0 (0%)	14 (100%)
Overall	3 (4%)	33 (37%)	44 (50%)	9 (10%)	89 (100%)
Independent schools					
Year Three	0 (0%)	12 (38%)	9 (28%)	11 (34%)	32 (100%)
Year Six	2 (5%)	22 (58%)	10 (26%)	4 (11%)	38 (100%)
Year Nine	0 (0%)	26 (87%)	4 (13%)	0 (0%)	30 (100%)
Overall	2 (2%)	60 (60%)	23 (23%)	15 (15%)	100 (100%)
Year Three: all schools	0 (0%)	36 (35%)	44 (43%)	23 (22%)	103 (100%)
Year Six: all schools	4 (4%)	47 (48%)	40 (40%)	8 (8%)	99 (100%)
Year Nine: all schools	1 (1%)	43 (59%)	23 (32%)	6 (8%)	73 (100%)
All students	5 (2%)	126 (46%)	107 (39%)	37 (13%)	275 (100%)

If so, what happens and how does it affect you?

Almost all students, irrespective of age or school, said that the behaviour of other students was distracting or annoying, and made it hard for them to concentrate or learn.

Students identified a range of specific behaviours which, broadly speaking, can be grouped as 'being loud or disruptive in class', including:

Mucking around; shouting and yelling out; being annoying; poking or prodding people; talking in class; dropping things on the floor; throwing pens or paper planes; banging desks or chairs; swearing or being rude; making homophobic comments; arguing with the teacher; start irrelevant conversations; people speak over me and other people; dancing or walking around the room; make up stuff and fight about it; whole of school announcements; the class never shuts their mouth.

Fewer students, and generally (but not always) within the two older groups, also identified more physical or potentially dangerous or distressing situations, including:

Pushing desks over; punching or kicking other students or teachers; slamming doors; hurting people; smashing things; fighting; being hit by lunchboxes; throwing chairs around the room; stealing things from other students; screaming and running in and out of the classroom.

Even if students did not initially identify these behaviours, when facilitators said 'some other kids have mentioned...', many students agreed that they had seen some of these behaviours, albeit with varying levels of frequency depending on age and school.

Regardless of the level, type, or frequency of behaviour, almost all students commented that they were routinely distracted or couldn't concentrate in class. Comments included:

It's hard to focus; affects my learning; we can't hear the teacher; the noise level is way too high; I forget what I was writing; it stops the whole class from learning; I lose time on my work or don't finish my task; I don't know what I am supposed to be doing; it's hard for me to think and to do my work properly; it makes it hard to keep working; everyone starts yelling and screaming so I can't do my work and it gives me a headache; people call out in tests which makes me forget what I am writing; I struggle to learn; the whole class is delayed and valuable time is lost; people are behind on learning; I take my work home and do it faster; the volume of their voices can sometimes give me a headache; valuable lessons are thrown out the window; I have to leave and sit somewhere else or I won't get my work done; it only adds to my stress at this school; I learn less and I am not as focussed.

Other frequent comments related to teachers not being available due to having to focus on 'naughty or bad students':

The teachers spend most lesson trying to calm them down rather than helping students trying to learn; teachers are reprimanding them instead of teaching the class; the teachers can't teach because they are with the trouble maker; it makes it hard for my teacher to teach us and hard for us to learn; teachers spend more time settling naughty kids rather than teaching the kids that want to learn; students that need help can't get it; teachers only attend to them and don't answer the questions of the other students; teachers ignore the people that don't seek attention; even though the teachers tell them to stop they still do it; the teacher pays more attention to one student in the class; teachers need to have control over their students; teachers pay attention to them, not the whole class.

A less common, but consistent, message across all ages and schools was that despite being exposed to a range of potentially disruptive, dangerous or distressing behaviours, some students said that they are able to 'switch off' from what is happening around them:

I ignore it; my own learning is up to myself, I don't really mind; I just concentrate and keep working; I just concentrate on doing my work; this doesn't affect me personally as I ignore it them but it can affect others; everyone does distracting things all the time but it doesn't bother me.

Despite the majority of students reporting that the behaviour of others routinely interrupts their own learning or concentration, and that they find these disruptions annoying, it was rare to find students making negative or derogatory comments about the students concerned. The majority of students either understood that sometimes these students couldn't control their behaviour (they have a disability; you can't help it if you have anger issues; they have horrible homes), or just accepted it as a fact of life in a contemporary school (it is always like this; schools are chaotic).

Having said that, during the next session a small number of students across all ages and schools suggested that the 'disruptive students' needed either additional support, and/or that they should be in separate classes.

Session Four: Ideas about how to make school a place where everyone can learn and have fun.

Students were asked to work in groups or individually to come up some ideas about how to make school a place where everyone, regardless of their behaviour, can learn and have fun.

Responses were varied, and while there were a handful of light-hearted suggestions (a water slide; Subway in the canteen; disco every month; bring your pets to school), the majority of comments were directly relevant to their enjoyment of, and learning at, school.

Common themes included:

- Classes and education program: make more classes get out of the classroom; smaller classes; make classes interesting; more visual learning; subjects that are actually important, like saving money or how to apply for jobs; have a science lab; get laptops for every class; two teachers in every class; stop the class announcements; learn more languages; more arts and crafts; students teaching students; more good range of lessons; letting students have their pencil cases on the desk; more excursions; trig and Shakespeare is probably irrelevant to 80%, make school useful; teachers should explain why we are learning certain subjects; where is education on things we need to know, things like life, sex, feelings; don't give us assignments over the holidays; choose our own classes; allowing talking breaks during longer classes; there are not enough teachers in the big classrooms, so you have your hand up half the lesson; more male teachers.
- learning achievements; more control over students with mental issues; talk to students that are having trouble and get the people that know to help them; put the naughty kids next to the teacher; reward the good kids; teach the naughty kids to try to settle them down; help people having trouble; put loud kids with loud kids, and quiet learners together; the people who are noisy are sent to a room with more strict teachers; free internet program for kids who have a hard time in some subjects, and for the kids who have disorders.
- The school environment: comfy chairs; heating fans; air conditioning; have a brighter looking school so it looks nice; more grass; the toilet doors are too short, you feel uncomfortable going to the toilet; have free fruit; give children a map of the school; keep the school clean; more bubblers; free wi-fi; the toilets are disgusting; a room where it's

warm and you can play when it is cold outside; we need some decent heaters, these are 200 years old; the school is too big; stand-up tables; the toilets are so dirty, and there is no hot water so people don't wash their hands; there is too much rubbish around that needs picked up.

- Access to toilets: teachers should let students go to the bathroom/bubbler when needed; be allowed to go to the toilet whenever; always let the student go to the bathroom; it is embarrassing not being allowed to go; why can't I go to the toilet when I need to.
- **Uniform:** why is uniform more important than education; no uniform; a no uniforms day; free uniform; our school cares more about uniform than they do bullying; if we have to wear it, at least make it look nice; they are so uncomfortable.
- Personal study time: days off to work on assignments; allocate periods for assignments; 'passion time' where you get to explore your passion; the library is getting worse and worse
- Homework: still have homework, but cut down on it; all teachers must have a better understanding of what work we have from other subjects; shouldn't have to come to school for 6 hours and then go home and expect to do hours of assignments; the amount of homework is ridiculous; homework is too stressful in that there is just too much; instead of homework, give us more work at school; at least make it interesting; there needs to be a whole of school understanding of our work load.
- **Breaks:** *longer recess and lunch; longer break time; letting us out on time when the bell rings.*
- **Physical activities:** more ovals; to have more playgrounds; make the playground bigger; kids should be allowed to go outside more.
- **General:** have a class pet to be taken home to try to make people sensible; holidays should start after finishing all assessment at the end of term; school bags the colour of our house groups; more stuff at the canteen; no religion; recognise that LGBT [lesbian, gay, bisexual, and transgender] kids exist and that needs to be addressed not ignored; we need lockers, not bag racks; don't bunch all the tests together at the same time; wrigale break with music.

Good and bad teachers

In some groups, students raised the issue of what makes a good and bad teacher. During these discussions, students were reminded to speak in generalities, and to not mention the names of individual teachers.

Terms used to describe a good teacher included:

Being fair; strict but not mean; able to control a class; don't embarrass you in front of others; wants to be there; that explain and help; flexible; able to give consequences; makes learning fun; respects students; give you second chance; explains what you are supposed to be doing in class; don't mind wrong answers; don't just cut us off; explain until everyone understands; fun but don't waste time; understand the content; challenge you in a supportive way; teaches with stories, not just boring facts; teachers that hear your opinion before shutting you down.

Terms used to describe a bad teacher included:

They target or favour some kids; they punish you if you ask why; they punish you as a group; obviously don't like their job or are cranky or miserable all the time; they ignore you; they hate teaching; they make assumptions about you and who you are; teachers that pretend to

be all nice and then suddenly snap; they punish you for accidents, not bad behaviour; they don't know what they are supposed to be teaching you; they assume the worst about students; jump to conclusions without asking you.

Relief teachers were frequently mentioned as being worse teachers than permanent teachers, with students saying that:

They don't want to be there or know the subject; they don't really know you; they don't care as much as our other teachers; they don't know the subject.

Other students, however, said that:

Some relief teachers are fantastic; it depends on the teacher; teachers and students can be good or bad so it depends on the situation; I guess it depends on who the teacher is.

Appendix D: Consultations with students with a disability

The Panel engaged Gay von Ess, Autism Consultant and Special Educator, to undertake a series of structured discussions with 32 students with a disability from six ACT schools, and with students who had left school in the last three years.

One student was quite overcome by the experience, so the discussion was terminated; as a result, data was only acquired from 31 students.

Only one school out of the six schools visited was a special school. The others were all mainstream schools with the majority of students in mainstream classes. Two of the four exstudents had been in mainstream, with some support from Learning Support Units; one of the ex-students had been in mainstream in an Independent School; and the fourth ex-student had been in Learning Support Units until the last two years of school when he was enrolled in a Special School.

Table 1: Number o	of students by schoo	l type and sector			
	Primary School	High School	High School (Special)	Ex-students	Total
Government schools	4	4	5	3	16
Independent schools	0	2	0	1	3
Catholic schools	6	6	0	0	12
Total	10	12	5	4	31

The consultations explored a range of topics including:

- The students' attitude to school both positive and negative.
- How they liked to learn, and how they thought the teachers helped them to learn.
- Whether the behaviour of other students disrupts their own learning.

All of the consultations were undertaken by Gay von Ess, Autism Consultant. Gay has significant experience working with children and young people of all ages who have a disability. She holds a current Working with Vulnerable People card.

All consultations of school aged students took place at the students' schools, and took approximately 15 to 30 minutes. In the majority of cases, teaching staff were present; on one occasion a parent was present. Usually they did not take any role in the consultation but on two occasions staff helped interpret what the student was saying. The ex-students were interviewed in private settings of their choice.

The students were seen individually, and while the consultations followed the same general sequence for each student there were slight changes in each consultation depending on the age and interests of each student.

The students who participated were selected by their school, and live with a range of disabilities, including: Down syndrome; physical disability from brain tumor; hearing impairment; intellectual disability; auditory processing disorder; language disorder; ODD; and autism spectrum disorder.

It was interesting to note that students with ASD were in the majority. There was an apparent cross section of interests and aptitudes. Most students came from Caucasian backgrounds. The

number of males exceeded the number of females by a ratio of about 2 to 1, and this reflects the preponderance of males over females with a disability in school systems.

Before visits to the schools were made, the schools sent out a letter to each parent/carer seeking permission for their child to participate in a discussion with a consultant. The format of the discussion was also supplied to each school at the same time so that staff clearly understood the process.

Before the discussion started each student was asked if their parent/carers or teachers had explained that information was being sought to find out about the experiences of students at school to help make school better for other students in the future. They were told that a number of students were being asked as they were the 'experts' at school. It was explained to each student that the information they gave would not necessarily change their own experiences of school but might help students in the future. The students were also told that the information would not be shared with their teachers or the school so that they could say what they liked. In addition they were told that there were no 'right' or 'wrong' answers.

Many of the students with additional needs appeared pleased to be told that they were 'experts' at schools, smiling broadly and sitting up taller as a consequence. Some students found the process of having to reflect on their experiences difficult; a number gave concrete answers and some did not answer particular questions. One student replied "I don't know" to every comment by the facilitator so the discussion was curtailed. A few students (for example: those with a physical disability, with no intellectual involvement, and two year 10 students) were particularly interested and involved in the discussion.

The facilitator took notes during each discussion in order that direct quotes of what the students said could be recorded. Paper was available for students to write or draw but only one student took up this option (drew a picture of friends).

Before presenting the results of the survey, it needs to be noted that the consultant encountered difficulty when attempting to arrange the discussion sessions in the Independent Schools. In the end only two students from one Independent High School participated. Difficulty of access was no doubt because the Independent Schools do not have a central office like the Government and Catholic School Systems. All schools contacted were enthusiastic and went out of their way to help. Given the importance of students with a disability having a say about issues that affect them, the consultant is concerned about that representation from Independent Schools has been limited.

Results

Terms used by students to describe what they like about school included:

Making friends; recess and lunchtime; the teachers; the electives; the Learning Support Assistants; homework; the facilities; the environment; no drugs, smoking or violence.

Many students seemed somewhat surprised by this question and had to think about their answers. Two students with ASD forcefully stated that they: *did not like school at all*.

Terms used by students to describe what they don't like about school included:

School work - finding it hard, having trouble engaging and not caring about the work; being forced to take classes student not interested in; heavy workloads with assignments being

due at the same time; writing; being bored; the noise - talking, shouting, yelling; too many people; other students; assemblies; bullying.

Two students with ASD commented vehemently that there was nothing they liked about school; one saying it was 'the worst time in my life'.

Several students commented that the work was 'boring' and that they 'didn't care about it'.

The noise of other students in the class, and in one case outside the classroom, made it hard for the majority of students to attend and process.

Although not always volunteered by the students, the vast majority agreed that other students teasing or bullying them was horrible. One student admitted that he had joined in teasing other students and now regrets having done so. Four students said that they had never been bullied. Comments made about bullying included:

I like school. It would be better if there are no bullies;

In High School if you want to fit in, you want to be liked, be accepted;

Girls in Third Grade made my life miserable;

Most students stated that they had friends; one saying that he had one friend who made friends with other students so that he (the student with a disability) now has a number of friends.

A number of students disliked going to assemblies and other presentations. For two students the issue was that there are 'too many people', whereas other students didn't get anything out of them finding them a waste of time. A student with a hearing impairment commented that she had difficulty hearing at assemblies and presentations.

Terms used to by students with additional needs to describe how they like to learn included:

Visual learner, pictures; videos, having a schedule, teacher provide a step by step written plan; actually doing things; copying off the board; working individually; being told stories; being allowed to do something else like drawing when listening; a combination of ways.

The majority of students liked to have some visual component in their learning with one student expressing a strong preference for having a schedule as otherwise it was 'too hard' and he didn't know what to do. A few students stated that they didn't have a preference, and three stated that they liked to listen as pictures didn't give enough information.

Terms used by students to describe how teachers can help them learn included:

Using pictures, videos, smart board rather than just talking; speaking clearly and in short sentences; being more specific about tasks; explaining things; coming round individually; double checking that the student understood; being aware of the individual student's needs and letting other teachers including relief teachers know; providing a detailed plan of how to do tasks; notes on lesson being taught; scaffolding assignments, being flexible Learning Support Assistants; using a visual reminder to control class noise; running Theory of Mind classes; having a 'Tutorial' line where students with additional needs could catch up on homework and receive extra help if they needed it; calm down area; smart board; laptop; iPads; taking more interest in individual students' interests and listening more to students.

Some students made very positive comments about the support their teachers offer, including:

Actually I am pretty happy with what they do at the moment;

Doing pretty much all they can to help me;

My relationship with teachers is an equal relationship;

The students who took part in the consultation nearly all mentioned the importance of Learning Support Assistants; even the ones who no longer needed them mentioned how valuable they had been in the past.

Several students commented that they felt more comfortable with the LSA than with the teacher and that when the teacher was away the LSA taught them better than the relief teacher. One exstudent stated that the LSA:

Made me finish it (work). Stayed on top of me until I did it. Kicked me in the arse. Wouldn't let me think about anything else (until work completed.)

Other students commented that LSAs: 'get to help people learn,' 'repeat the things you didn't understand or didn't hear; and 'they pick up on the things I miss'.

The majority of the students felt that the LSAs are important to students as teachers are generally too busy with everyone else. The role of the LSA in helping students with a disability calm down and manage their behaviour was also important to a number of students.

Some students had noticed a change in their schools, with LSAs being allocated to an area and not a student. One high school student commented that he thought this was a good thing as he is more independent without having a LSA there to automatically ask.

Terms used by students to describe what makes it hard for them to learn at school included:

Other students talking, shouting, yelling and/or interrupting the teacher; teachers' inability to maintain control of the class; teachers shouting and being cross; vague instructions; teacher talking too fast; the teacher covering work too quickly; teachers having high expectations of students ability to organise workloads when these are areas of deficit; having to write lots of notes; following dictation as teacher is too fast; not having time to review work; writing; reading; group work; feeling embarrassed to ask or answer questions in front of the whole class; bullying; general movement and activity of other students.

Noise was a significant problem for most students. Students made several comments including:

Teachers have to speak so much. Louder when people are chatting in the background;

When people are yelling it's really hard to concentrate;

Tiniest noises kick me off for some reason;

When the classroom is noisy it is hard to do your work;

When people right next to me are talking about other stuff, not work stuff;

Loud, unexpected noises are a problem for some students with ASD and the talking, shouting and yelling of other students was mentioned time and again. A student with a hearing impairment commented that the classroom environment could also be an issue (sounds echoing off hard walls, outside noises when the window is open and the fans are being used).

Students with additional needs found other students moving around the class disruptive and one student commented that another student rocking his chair and pushing his desk, which then bumped into hers making it hard to write.

Table 2: Does the behaviou	r of other students in class	s make it hard for you to I	earn?	
	Yes	No	Not sure	Total Students
Government Schools				
Primary	2	1	0	3
High	5	0	0	5
Special High	3	1	1	5
Overall	10	2	1	13
Independent Schools				
High		2		2
Overall		2		2
Catholic Schools				
Primary	4	1	1	6
High	4	2	0	6
Overall	8	3	1	12
Ex-students Government	3	0	0	3
Ex-students Independent	0	0	1	1
Overall	3	0	1	4

General Comments

It was an interesting exercise talking to this range of students with a disability. Many of the students had difficulty understanding the concepts behind some of the questions and their ability to reflect was limited. Most of the students spoken to were better at identifying things they didn't like about school rather than what they did.

Four main points emerged from these discussions:

- The noise and disruption of their mainstream peers was an issue in most settings for students with a disability. The students spoken to showed no insight into the fact that their own behaviour might impact on other students. However, many of the students were able to say they couldn't concentrate and lost focus when other students were yelling, chatting among themselves and moving round the classroom. Thus it would appear that classes which are poorly managed are least suited to students with a disability.
- The importance of LSAs was frequently mentioned by the students. Although not all students spoken to had Learning Support Assistants themselves, they commented on the value of having someone other than the teacher, who usually did not have time, being available to assist them when required.

- Teasing and bullying continues to be a reported despite teachers' efforts to stop it. One student commented that some teachers are actually quite proactive - he had been approached by a teacher when a teacher noticed the student was looking a bit 'down.'
- Finally it is of concern that a number of students with a disability appear to be disengaged from learning; two stated that they just didn't care (both students with an ASD).

Appendix E: Survey of teachers

Background

The Expert Panel developed and distributed an online survey, with the support of ETD. The survey was designed to obtain the views of teaching staff in the Public, Catholic, and Independent sectors across the ACT. The views and experiences of teachers and other education staff are central to the work of the Expert Panel, as they have on-the-ground knowledge of the implications of policy and practice, as well as an understanding of the challenges associated with meeting the needs of students with complex needs and challenging behaviour. A total of 1,145 responses were received from education staff: 60% (680) of which were from Public Schools; 21% (243) from Catholic Schools; and 19% (212) from Independent Schools. There are currently approximately 5380 teachers across ACT schools, and thus the response rate was 21%

indicated that they were in a learning support role. Approximately 14% (100) stated they are currently engaged in student welfare roles; 57% (645) Of those who responded, almost 70% (747) currently work in mainstream schools and nearly 11% (75) in 'specialist schools'. Just over 17% (142) were classroom teachers and 27% (302) held school leadership positions.

the survey. This may have been due to the way in which the survey was distributed and the consequential lack of awareness and access for relief staff. The overwhelming majority of respondents (1,011) were permanent teachers, with less than 10% on contract. Very few relief teachers responded to

third of teachers who responded to the survey have been teaching for more than 20 years. Details of the years of experience of respondents are set out The number of years of teaching experience varied considerably and this reflects the diversity in the ACT teaching population. Significantly, almost one in the table below.

Table 1: Number of Years Experience	
Less than 5 years	14% (160 teachers)
5-10 years	20% (221 teachers)
10-15 years	20% (229 teachers)
15-20 years	15% (166 teachers)
20-30 years	19% (220 teachers)
More than 30 years	12% (139 teachers)

Understanding teacher's experiences of working with students who have complex needs and challenging behaviours

respondents stated that they currently work with students who have complex needs and challenging behaviours. There was little difference between The Panel used the online survey as an opportunity to gain an understanding of the experiences of teaching staff across the ACT. 84% (951) of sectors in relation to this question; however, teachers in Independent Schools reported a slightly lower rate of 73%.

behaviours, 89% stated that they had worked with these students in the past. This indicates that of all respondents, less than 2% (22) reported never working with children who have complex needs and challenging behaviours. Of those respondents who had worked with children who have complex needs and challenging behaviours, 72% (680) had more than five year's experience in teaching these students. Details of the number of years of Of respondents across all three sectors, who stated that they are currently not working with students who have complex needs and challenging experience working with students with complex needs and challenging behaviours are set out in the table below.

Table 2: Number of Years Experience teaching students with complex needs and challenging behaviours	needs and challenging behaviours
Less than 1 years	5% (43 teachers)
1-3 years	11% (107 teachers)
3-5 years	13% (119 teachers)
5-10 years	23% (218 teachers)
10-15 years	20% (189 teachers)
15-20 years	12% (116 teachers)
More than 20 years	17% (157 teachers)

There was considerable diversity in response to this question, which may be due to the diversity of roles that respondents hold. Details of responses Respondents were asked to state the proportion of their time each day spent managing students with complex needs and challenging behaviours. can be found in the table below.

Table 3: Percentage of each day spent managing students with complex needs and challenging behaviours	nex needs and challenging behaviours
Less than 20%	29% (232 teachers)
21-40%	26% (206 teachers)
41-60%	16% (127 teachers)
61-80%	11% (91 teachers)
More than 80%	19% (149 teachers)

Respondents were asked to comment on the frequency with which they experience a number of different challenging behaviours that children may exhibit in the educational environment. Details of the frequency of behaviours reported can be found in the table below.

	-	•	-				
Table 4: On average, how frequently do you experience th	experience the foll	lowing types of st	he following types of student behaviour?				
Answer Options	Never	Every few months	Once or twice each month	Once or twice each week	Every day	Several times each day	Response Count
Being late for class	5% (43)	3% (27)	5% (38)	23% (190)	47% (380)	17% (139)	817
Avoiding doing school work	3% (24)	2% (17)	3% (28)	14% (117)	40% (332)	37% (309)	827
Disengaging from classroom activities	1% (11)	2% (19)	3% (26)	18% (153)	40% (330)	35% (294)	833
Disrupting the flow of a lesson	2% (18)	3% (21)	4% (36)	20% (162)	34% (281)	37% (310)	828
Running away	26% (217)	23% (188)	14% (118)	19% (155)	11% (87)	(09) %2	825

Tearfulness or bouts of crying	10% (80)	21% (176)	23% (193)	28% (233)	12% (99)	6% (48)	829
Making distracting noises intentionally	6% (52)	10% (84)	(02) %8	24% (199)	27% (223)	24% (198)	826
Interfering with property	11% (87)	18% (144)	15% (125)	23% (191)	20% (160)	14% (113)	820
Inability to concentrate	0.5% (4)	3% (22)	5% (42)	13% (105)	40% (334)	39% (319)	826
Using a mobile inappropriately	50% (406)	14% (114)	7% (58)	10% (79)	(22) %6	10% (86)	820
Using a laptop or iPad inappropriately	29% (235)	20% (165)	17% (136)	18% (146)	10% (82)	(05) %9	814
Making impertinent remarks	12% (95)	13% (108)	14% (118)	26% (211)	20% (168)	15% (121)	821
Withdrawal from peers	7% (54)	15% (125)	16% (128)	27% (222)	24% (191)	11% (91)	811
Displaying uncharacteristically erratic behaviours	10% (81)	22% (178)	19% (157)	22% (179)	18% (144)	10% (83)	822
Spreading rumours	30% (243)	22% (172)	19% (156)	17% (140)	(02) %6	4% (32)	813
Excluding peers	12% (99)	20% (163)	19% (161)	27% (217)	16% (128)	6% (46)	814
Stealing	36% (288)	36% (288)	16% (127)	9% (71)	3% (23)	1% (11)	808
Verbally abusing other students	14% (114)	21% (171)	19% (154)	23% (190)	15% (126)	(99) %8	821
Verbally abusing teachers	23% (191)	24% (198)	14% (118)	21% (175)	10% (82)	7% (55)	819
Sexually harassing other students	60% (488)	24% (191)	10% (81)	4% (31)	2% (14)	1% (7)	812
Sexually harassing teachers	78% (637)	16% (129)	4% (29)	1% (9)	1% (7)	1% (5)	816

Physically aggressive towards other students	11% (87)	27% (222)	17% (139)	23% (187)	15% (125)	8% (62)	822
Physically aggressive towards teachers	39% (323)	23% (192)	13% (104)	12% (102)	(65) %8	4% (37)	823
Extremely violent to students	49% (397)	23% (190)	12% (99)	(02) %6	4% (36)	3% (23)	815
Extremely violent to teachers	(488)	19% (155)	(77) %6	(25) %9	3% (26)	2% (16)	815
Physically destructive	26% (212)	29% (242)	17% (140)	16% (129)	7% (59)	5% (40)	822

Respondents were also asked to describe how challenging it is for them to manage various behaviours that children may exhibit. Details of these responses can be found below.

Table 5: How challenging is it for you to manage the following types of student behaviour?	wing types of student b	ehaviour?			
Answer Options	Not challenging	Moderately challenging	Extremely challenging	Have not experienced the behaviour	Response Count
Being late for class	62% (510)	31% (251)	4% (35)	3% (26)	822
Avoiding doing school work	22% (179)	63% (517)	14% (117)	2% (14)	827
Disengaging from classroom activities	15% (125)	63% (522)	21% (176)	1% (6)	829
Disrupting the flow of a lesson	17% (137)	55% (456)	28% (229)	1% (5)	827
Running away	13% (103)	35% (284)	36% (294)	17% (141)	822
Tearfulness or bouts of crying	35% (290)	51% (417)	(89) %8	(20) %9	825
Making distracting noises intentionally	27% (219)	54% (445)	16% (133)	4% (29)	826
Inability to concentrate	20% (160)	58% (476)	20% (161)	2% (18)	815

Using a mobile inappropriately	36% (295)	23% (185)	(65) %2	34% (277)	816
Using a laptop or iPad inappropriately	40% (329)	31% (252)	8% (62)	21% (173)	816
Making impertinent remarks	29% (242)	51% (420)	12% (95)	8% (64)	821
Withdrawal from peers	27% (219)	54% (441)	14% (111)	6% (46)	817
Displaying uncharacteristically erratic behaviours	13% (108)	48% (393)	30% (245)	9% (74)	820
Spreading rumours	31% (249)	38% (309)	10% (79)	22% (178)	815
Excluding peers	27% (219)	53% (428)	12% (94)	9% (74)	815
Stealing	26% (214)	37% (302)	13% (109)	23% (189)	814
Verbally abusing other students	15% (125)	48% (388)	28% (225)	10% (78)	816
Verbally abusing teachers	14% (116)	37% (307)	31% (251)	18% (148)	822
Sexually harassing other students	14% (114)	19% (157)	20% (165)	46% (378)	814
Sexually harassing teachers	16% (128)	13% (102)	16% (126)	56% (456)	812
Physically aggressive towards other students	10% (85)	31% (256)	48% (400)	10% (86)	827
Physically aggressive towards teachers	11% (94)	21% (172)	41% (341)	27% (219)	826
Extremely violent to students	(02) %6	11% (87)	47% (383)	34% (278)	818
Extremely violent to teachers	(92) %6	10% (84)	40% (328)	40% (331)	819
Physically destructive	10% (80)	31% (256)	42% (343)	17% (138)	817

educational sectors, in some instances. One quarter of public school teachers reported that running away occurred every couple of days and nearly 40% of both public and Catholic teachers felt that this was of moderate to extreme concern. Comparatively, 40% of teachers in Independent Schools This information shows that different types of behaviours are of particular concern to teachers; however, there are some differences between indicated that they had never experienced students running away.

concentration of avoidance behaviours were identified by teachers of Years 9 and 10. Tearfulness was much more prevalent in primary schools with A few avoidant and disruptive behaviours such as being late for class, avoiding work, disengaging and/or being disruptive were common across all sectors, with an average of 43% of all teachers surveyed indicating that these types of behaviours were experienced every day. The greatest 32% of teachers reporting students crying 1-2 times per week and another 29% on a daily to multiple-daily basis.

average of 20% said they were subjected to verbal abuse each day with 8% reporting several occurrences each day and a further 25% reported that this occurred once or twice a week. 37% of these teachers found it moderately difficult to handle this type of behaviour. In Independent Schools there Of some concern to many teachers was students' verbal abuse and use of impertinent remarks. Amongst Public and Catholic school teachers, an appears to be much less verbal abuse of teachers with 36% indicating that they had never experienced it.

students by students was witnessed by teachers once to twice per week. An average of 20% of high school and 35% of primary school teachers reported to teachers. An average of 23% of respondents suggested that they heard verbal abuse of students by students each day. The rate of student to student Physical abuse of teachers was rarely experienced by any teacher regardless of sector. The abuse of students by other students was of greater concern witnessing students being physically aggressive towards each other compared to an average 9% in colleges. Regardless of the sector in which they daily verbal abuse in a high school setting increased to an average of 36% compared to 19% in Colleges. In Catholic and Independent Schools the physical abuse of students by students was reported as quite low. Information from Public Schools shows that both verbal and physical abuse of worked, almost half of all teachers indicated that they found it moderately to extremely difficult to handle this type of behaviour.

Respondents were also asked to provide information about which parts of the school day they find most challenging, in terms of managing difficult behaviours from children with complex needs and challenging behaviours. Details of these responses can be found in the table below.

Table 6: In relation to managing and teaching students with complex needs and challenging behaviour, how challenging do you find the following school situations?	h complex needs	and challenging b	ehaviour, how c	hallenging do you f	ind the
Answer Options	Not challenging	Moderately challenging	Extremely challenging	Not applicable	Response Count
Before school	55% (455)	24% (194)	3% (28)	18% (145)	822
Morning classes	27% (225)	60% (493)	(77) %6	3% (26)	821

Afternoon classes	(02) %6	48% (397)	40% (331)	3% (25)	823
After school	41% (329)	23% (189)	7% (54)	30% (240)	812
Recess and lunchtime	15% (126)	55% (450)	24% (198)	(49)	823
Between classes	22% (176)	43% (351)	13% (109)	22% (182)	818
Assembly	37% (305)	42% (347)	11% (91)	(22) %6	820
Excursions	20% (167)	44% (363)	26% (212)	10% (80)	822
Special programs	24% (198)	41% (337)	14% (113)	21% (168)	816
Relief teaching	(25) %9	30% (245)	43% (348)	21% (173)	818
My release time	31% (255)	30% (239)	14% (113)	25% (203)	810

whereas only 44% of Independent school teachers found morning classes to be moderately challenging. This finding may be an artefact and should not The timing of classes appears to have some impact on the propensity for some of these behaviours to emerge. An average of 48% of teachers found it moderately challenging to manage students with complex needs and challenging behaviours in the afternoons compared to an average of 60% in the mornings. Interestingly, teachers employed in Catholic schools more commonly reported that morning classes were moderately challenging, at 67%, be over-interpreted. Unsurprisingly, recess and lunch breaks were often reported to be difficult for teachers to manage, with almost 80% of respondents rating these times as moderately and extremely challenging. Relief teaching was considered as moderately to extremely challenging by all teachers, however, it seems teachers in both Public and Catholic Schools find it extremely challenging more often than their counterparts in Independent Schools.

Support and strategies for teachers

indication of their reactions to managing children with complex needs and challenging behaviours. Details of responses are set out in the table below. Most teachers made comments throughout the survey that display a significant level of empathy and understanding towards children with complex needs and challenging behaviours. Respondents were asked to comment on how often they agreed with a number of statements that may give an

Table 7: In relation to managing and teaching students with complex needs and challenging behaviour, how often do the following statements apply to you	its with complex n	eeds and challe	nging behaviour,	how often do the	following state	ements apply to y	no
Answer Options	Never	Every few months	Once or twice each month	Once or twice each week	Every day	Several times each day	Response Count
I feel supported	4% (33)	15% (120)	15% (121)	19% (152)	42% (336)	6% (47)	809
I feel scared of what might happen	39% (315)	22% (176)	14% (114)	13% (106)	11% (91)	2% (13)	815
I find having a mentor useful	28% (221)	17% (129)	17% (136)	15% (119)	20% (154)	2% (19)	778
I don't have enough resources to do my job effectively	20% (161)	16% (127)	14% (116)	20% (158)	19% (155)	10% (80)	797
I find a diagnosis useful	11% (87)	16% (127)	14% (108)	15% (121)	37% (294)	6% (51)	788
I am able to establish rapport with students	1% (7)	1% (8)	2% (20)	(63) %8	53% (432)	34% (277)	807
I feel valued	4% (34)	12% (99)	12% (98)	18% (145)	40% (326)	13% (107)	809
I feel like I am out of my depth	24% (194)	31% (254)	20% (158)	16% (128)	7% (54)	2% (17)	805
I celebrate small successes	3% (21)	(29) %8	13% (104)	20% (160)	40% (325)	16% (132)	807
I don't have enough training to do my job effectively	35% (280)	28% (226)	17% (139)	11% (86)	6% (51)	2% (18)	800
I am given sufficient background information about each student	12% (95)	24% (192)	22% (175)	20% (160)	18% (149)	3% (24)	795
I feel burnt out	16% (133)	31% (247)	19% (155)	14% (114)	13% (106)	6% (51)	806

I work in partnership with families	5% (42)	12% (100)	19% (157)	22% (174)	33% (265)	(09) %2	798
I feel frustrated	10% (78)	23% (184)	19% (154)	22% (179)	17% (138)	(29) %8	800
My capacity to teach is disrupted	12% (94)	16% (127)	13% (106)	22% (180)	22% (182)	13% (107)	962
I am being asked to do more and more every day	8% (64)	11% (92)	12% (96)	20% (160)	29% (237)	19% (152)	801
I feel enthusiastic	1% (10)	6% (48)	11% (90)	28% (223)	43% (351)	10% (81)	803
I feel optimistic	1% (11)	7% (56)	15% (120)	26% (209)	41% (333)	(22) %6	804
I feel part of a therapeutic team	25% (198)	15% (114)	15% (125)	18% (147)	21% (169)	5% (42)	795
I feel I make a difference	1% (10)	6% (48)	14% (116)	26% (213)	37% (300)	15% (123)	810

make a difference' either every day, or several times per day. Over 67% (535) of respondents stated that they feel supported more than once per week, In general, information provided through the on-line survey indicates that respondents have a positive outlook, as over 50% of respondents reported that they feel either optimistic (428) or enthusiastic (432) every day or several times per day. Similarly, 52% (423) respondents reported that 'I feel I and 61% (578) stated that they feel valued more than once per week.

68% (549) of respondents stated that they feel they are 'asked to do more and more every day' at least once per week, and 50% (393) stated that they 'don't have enough resources to do my job' at least once per week. 57% (469) of respondents also stated that their capacity to teacher is disrupted at Information provided also indicates that despite a positive outlook, many teachers experience significant pressure in terms of completing their role. least once per week. Respondents were also asked to comment on their perception of the support available to them, and how effective these supports are for staff who are managing children with complex needs and challenging behaviours. Details of responses to these questions are set out in the table below

Table 8: In relation to managing and teaching students with complex needs and challenging behaviour, to what extent do you agree with the following statements?	spaeu xaldmos	s and challengin	g behaviour, to	what extent do	you agree with	the following st	tatements?
Answer Options	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Not applicable	Response Count
My school practises a 'whole school' approach to student behaviour	4% (31)	12% (98)	10% (83)	38% (303)	35% (279)	1% (8)	802
My school ensures that all staff who manage and teach students with complex needs and challenging behaviour have the appropriate training or qualifications	7% (54)	26% (210)	22% (178)	33% (265)	11% (85)	1% (7)	799
My school has the physical resources required to effectively manage and teach students with complex needs and challenging behaviour	10% (84)	35% (282)	20% (160)	27% (213)	7% (55)	1% (5)	799
My school has the policies and procedures in place to allow all staff to effectively manage and teach students with complex needs and challenging behaviour	6% (47)	19% (152)	21% (167)	41% (327)	12% (99)	1% (5)	797
My school effectively communicates to all staff its policies and procedures with respect to teaching students with complex needs and challenging behaviour	5% (39)	21% (165)	19% (156)	40% (318)	15% (118)	0.4% (3)	799
My school follows its policies and procedures with respect to teaching students with complex needs and challenging behaviour	4% (32)	12% (99)	23% (184)	42% (336)	17% (139)	1% (9)	799
My school seeks guidance and support from external sources when struggling to manage and teach students with complex needs and challenging behaviour	2% (16)	9% (73)	21% (166)	41% (325)	25% (204)	2% (13)	797
My school has clear and accessible mechanisms for all staff to raise concerns or complaints	5% (43)	17% (135)	16% (130)	39% (312)	22% (175)	0.2% (2)	797

My school appropriately investigates and responds to all concerns or complaints raised by staff	(20) %9	15% (121)	21% (168)	34% (273)	22% (178)	1% (7)	797
My school systematically collects and analyses data as a tool to assist managing and teaching students with complex needs and challenging behaviour	6% (46)	18% (146)	28% (225)	31% (251)	15% (118)	1% (10)	962

Feachers reported that schools are able to offer significant support and strategies to staff when managing students with complex needs and challenging policies and procedures in place in terms of managing students with complex needs and challenging behaviours. Similarly, over 55% (436) respondents stated that they either agreed or strongly agreed that their school effectively communicates its policies to staff, and 59% (475) stated that they either behaviours in the form of policies and procedures. Over 53% (426) of respondents either agreed or strongly agreed that their school had adequate agreed or strongly agreed that their school followed their policy and procedural guidelines.

45% (366) of respondents stated that they either disagreed or strongly disagreed with the statement that their school had adequate physical resources to teach and manage these students.

agreed with the statement that "my school ensures that all staff who manage and teach students with complex needs and challenging behaviour have The vast majority of respondents stated that their schools have a 'whole school' approach to managing students with complex needs and challenging behaviours with 73% (582) agreeing or strongly agreeing with this statement. Despite this, Iess than 45% (350) of respondents agreed or strongly the appropriate training or qualifications". 67% (529) of respondents agreed or strongly agreed that their schools engage external sources when struggling to manage students with complex needs and challenging behaviours.

behaviours. Details of various types of supports, their frequency of use, and their perceptions of their effectiveness of these supports are set out in the Respondents were asked to outline what supports they have been offered to assist them to manage students with complex needs and challenging table below

Table 9: In the last 12 months, have you received support from any of the following, and, if so, how useful was that support in relation to managing and teaching students with complex needs and challenging behaviour?

Answer Options	Not received	Received but not useful	Received and moderately useful	Received and extremely useful	Sometimes useful, sometimes not useful	Response Count
School leadership team	11% (89)	9% (72)	35% (286)	35% (282)	10% (78)	807
Colleagues	(47)	3% (22)	36% (297)	46% (377)	9% (71)	814
School policy and procedures	11% (86)	20% (164)	38% (306)	20% (159)	11% (86)	801
Mentors for staff	42% (336)	(9) %8	24% (191)	20% (162)	5% (44)	798
Counselling for students	32% (259)	11% (88)	29% (230)	18% (144)	(22) %6	796
Team approach	18% (146)	5% (39)	28% (227)	42% (342)	(49)	803
Learning Support Assistant (LSA)	19% (154)	7% (55)	25% (201)	43% (344)	6% (48)	802
Specialist behaviour support	52% (418)	9% (71)	17% (134)	17% (134)	(46)	803
Allied health support	70% (568)	4% (36)	13% (102)	6% (51)	(38) 28	796
Disability Education Coordination Officer (or similar)	63% (511)	6% (51)	13% (104)	12% (95)	5% (37)	798
Professional development	24% (191)	11% (91)	35% (280)	21% (171)	(02) %6	803
My family	31% (253)	7% (57)	24% (190)	28% (224)	8% (67)	791
The families of students	23% (186)	12% (95)	36% (294)	12% (94)	16% (131)	800

Many teachers experienced some degree of frustration that they found it difficult to meet the needs of these students whilst also meeting the needs of In order to manage and support students with complex needs and challenging behaviours, most teachers indicated that they could not do this alone.

the rest of the students in their classes. Most teachers indicated that having at least one other person (another teacher, a learning support teacher or earning support assistant) made it easier, with 42% saying that a team approach was extremely useful and another 28% saying it was moderately useful. Most respondents had not received support from allied health, Disability Education Officer, or specialised behaviour support, despite the reported perceptions of effectiveness of external support.

respondents defined this support as team teaching, buddy classes, withdrawal of students or executive/school leadership intervention. Interestingly, school policies and procedures were seen as the least useful of all options. Having a learning support person (LSA) in the class was seen as extremely Support from colleagues was not defined within the survey, however was seen to be the most useful. Written responses would suggest that useful by 43% of respondents and moderately useful by a further 25%. Respondent were asked to comment on their engagement with centralised behavioural support teams. Within ETD these teams are the NSET and TST. Details of information provided by respondents who reported that they are currently employed in public schools are set out in the table below.

Table 10: In the last 12 months, have you received support from either a Network Student Engagement Team (NSET), or a Targeted Support Team (TST)? If so, how useful was that support in relation to managing and teaching students with complex needs and challenging behaviour?	t from either a Net eaching students v	work Student En vith complex nee	gagement Team (ds and challengir	(NSET), or a Target ng behaviour?	ted Support Team	(TST)? If so,
Answer Options	Not received	Received but not useful	Received and moderately useful	Received and extremely useful	Sometimes useful, sometimes not useful	Response Count
Network Student Engagement Team	69% (322)	9% (43)	12% (55)	7% (31)	3% (13)	464

(86) found it moderately or extremely useful. Of the 145 respondents who had received support from TST 67% (97) found it moderately or extremely 322 respondents had not received support from NSET; 317 had not received support from TST. Of the 142 who had received support from NSET 60%

462

2% (11)

8% (32)

13% (62)

8% (37)

68% (317)

Targeted Support Team

number of respondents rated support offered as either moderately or extremely useful (86 respondents for NSET, and 97 respondents for TST). There may be a number of reasons for this, including staffing resources available, lack of referral from schools to the teams, or the manner of engagement Information provided indicates that a large proportion of respondents had never received support from either NSET or TST, and that only a small used by these teams when engaging schools and teachers.

Further comments provided respondents included:

I am unaware of the existence of any such team

Useful for liaising with Counsellor and parents and in writing ILPs. Very useful for providing LSA support but this is only for part of the time

The impact of these teams on the behaviour or progress of students at our school has not been made aware to me

Targeted support team due to come next week for my school

Centralised behaviour support within the CE system is managed through the Wellbeing and Inclusion Officer. Information provided by respondents who are currently employed in Catholic schools is set out in the table below.

Respondents were asked to comment on strategies they have utilised to support students with complex needs and challenging behaviours. They were also asked to comment on the effectiveness of these strategies. Details of responses to this question are set out in the table below.

מוזס מזאבת נס נסווווופווניסון נווב בוובכנועבוובזז טו נוובזב זנומנבצובז. חבנמווז טו ובזאסווזבז נס נוווז אמבזנוסוו מוב זבנ טתניוון נווב נמטוב טבוטאי	il alegies. Delali	s oi responses u	ı ilis questioli al	ב אבר ממר ווו נוופ	table below.	
Table 11: In the last 12 months, have you utilised any of th students with complex needs and challenging behaviour	ne following strate	gies, and, if so, h	ow effective were	they in relation t	of the following strategies, and, if so, how effective were they in relation to managing and teaching ur	eaching
Answer Options	Not utilised	Utilised but not effective	Utilised and moderately effective	Utilised and extremely effective	Sometimes effective, sometimes not effective	Response Count
Individual Learning Plans	7% (57)	13% (110)	50% (411)	19% (154)	11% (86)	818
Allowing student to withdraw from lesson	14% (113)	10% (83)	42% (341)	20% (163)	14% (113)	813
Asking student to withdraw from the lesson	23% (186)	13% (107)	36% (296)	13% (108)	14% (114)	811
Putting student in a different location	12% (102)	11% (88)	43% (351)	21% (173)	12% (97)	811
Restraining the student	74% (608)	(46)	10% (81)	3% (28)	5% (41)	804
Restorative justice	29% (235)	13% (108)	30% (247)	18% (146)	9% (71)	807
Peer mediation	51% (414)	10% (83)	23% (192)	(99) %8	6% (51)	806
Self reflection	17% (143)	21% (172)	36% (297)	15% (126)	(22) %6	813

Goal setting	16% (130)	20% (161)	39% (316)	17% (137)	(65) %8	608
Special jobs or errands	22% (182)	11% (90)	37% (301)	19% (155)	10% (82)	810
Providing options or choices	5% (37)	11% (94)	42% (340)	32% (264)	10% (79)	814
Reward systems	15% (123)	15% (121)	36% (296)	22% (164)	13% (106)	810
In school suspension	50% (406)	13% (110)	22% (177)	6% (45)	7% (61)	799
Suspension from school	57% (465)	14% (114)	15% (125)	5% (39)	(65) %2	802
Approved flexible attendance	64% (521)	6% (45)	14% (114)	12% (95)	4% (30)	805
Case management	53% (433)	(23)	20% (164)	15% (122)	3% (28)	800
Curriculum differentiation	10% (83)	(22) %6	37% (304)	35% (288)	7% (58)	808
Collaboration with family/carers	10% (78)	11% (93)	36% (291)	29% (240)	13% (105)	807
Collaboration with external support networks	43% (351)	11% (86)	24% (193)	12% (99)	9% (73)	802

strategies was also low. Collaboration with external networks, case management, and peer mediation were also commonly not utilised, despite the fact that the perceived effectiveness of these strategies was much higher. Around 50% of teachers found individual learning plans useful while 39% thought behaviours. Most punitive measures such as restraint, suspension, and exclusion are generally not used, and the perceived effectiveness of these It is clear from respondents' comments, that many teachers are concerned for the welfare of the students with complex needs and challenging the setting of goals moderately useful for students. 41% felt that providing options and choices to students was of great benefit.

Around 27% of teachers favoured restorative practices, or self-reflection as useful tools in helping students with complex needs and challenging behaviours. Teachers comments suggest that the time requirements associated with these strategies could be an issue.

Teachers also provided additional comments about other strategies utilised which included:

I have great faith in the restorative practices. I find that there is no one way to approach each child.

Our whole school approach to communication, using symbolic vocabulary boards has made a big difference. As the students' communication skills have improved, so have their behaviours.

l found community outreach programs really helped students focus less on themselves and more on others, therefore improving their general wellbeing and behaviour. Setting goals with students and having visuals to show that they are achieving their goals. For example stars on the board if they finish their work.

A whole school behaviour management plan which is very visible and uses positive reinforcement.

Training

behaviours. 48% (539) of respondents stated that they did not feel they had adequate training, 37% (422) stated they felt they had adequate training, Respondents were asked to advise whether they felt they had received adequate training to manage students with complex needs and challenging and 15% (172) were unsure.

respondents stated that they had participated in additional training. Details of types of additional training undertaken are set out in the table below. When asked about additional training undertaken specifically focussing on students with complex needs and challenging behaviours, 94% (1060) of

Table 12: Additional training and education identified by teachers	
Professional learning at schools	76% (859 teachers)
Professional learning not at school	58% (658 teachers)
On the job training	55% (618 teachers)
TQI accredited course	48% (542 teachers)
Conferences	34% (387 teachers)
University	26% (296 teachers)
ACT assistance modules	10% (111 teachers)

The survey canvassed teachers' opinions about the specific education and training they had received that was particularly helpful when working with children with complex needs and challenging behaviours. Comments included: A group working during 2000-2004. Professionals in Autism Network. Many professionals met twice a term at different locations. Sharing resources, strategies and guest speakers sharing their expertise. Professor Barry Carpenter was an excellent speaker.

Of my own volition I attended a conference run by staff from Redbank school in Sydney. This is a school that teaches children with complex behavioural needs. I found the principal to be very sensible and practical and his strategies are applicable in regular mainstream school. Mentoring from SLCs and more experienced staff during teaching. Being able to team teach and see in the flesh (not just hear about) a variety of

Last year I completed the Online Training course in Dyslexia and I found that really good - it provided knowledge and strategies but also resources to access and refer to over time. Functional Behavioural Analysis Essential Skills for Classroom Teachers CMIS (Classroom Management & Instructional Strategies) - This is by far the best ever, in 20 years of teaching. All teachers should do it. The Sue Larkey and Dr Tony Atwood conference on managing children who have autism within the classroom. Their resources, advice and strategies were helpful in providing me with an insight into how children and adults who have autism think and advice on how I could support the child in my preschool and his family.

l also have found courses given to all staff in a faculty regarding team teaching and supporting the team have been most beneficial when support teaching staff have also attended as this encourages all groups to appreciate the roles and working outcomes of their colleges.

The four days and follow up modules of the Positive Partnership course. Everyone should do it.

information recorded is typified in responses from three teachers, who describe the complexities of their teaching and students' learning, along with The final question of the survey allowed respondents to give any additional information that they felt was relevant to the work of the Panel. The how they feel they can best meet the needs of their students:

of the time that this takes for teachers in planning for these students. Teachers are trying to make multiple sets of activities for students in the time I think the biggest issue is that although we are now trying to include these students into mainstream schools there has been no acknowledgement that she spent family time doing work. This expectation on teachers is not realistic or sustainable. I fully support the inclusion of students with high support needs in mainstream settings, but to do it properly there needs to be a serious look at the balance between teaching and preparation time. support needs and spent 4 hours creating an individualised exam for the student. This teacher didn't have extra time to do this, so the effect was that they used to have for one lesson/set of activities. An example would be an excellent teacher in my school who had a student with very high

believe secure safe learning environments with consistent clear expectations and teaching children the social, emotional and academic skills they need with adult support is crucial. I think shallow external reward systems have a long term negative impact and do not solve or address the complex needs of these children. I strongly believe that class teachers should be supported to work with these children in the classroom rather than the children being withdrawn and issues being addressed primarily by the executive staff. I believe support from school psychologists and LSAs crucial to meeting the needs of these children, their classmates and their teachers. I believe that families need to be involved and that a model where progress is the focus rather than deficient.

teachers can be inflexible in the way they deal with students and don't engage a range of strategies in the classroom. Having good role models and mentors for teachers is powerful. Trusting one's intuition about a student can also be valuable, in alerting the teacher to changes and stresses and Having a repertoire of different strategies and responses as appropriate to the situation and to the student is vital. Experience makes a difference, in dealing with challenging behaviours. Some teachers are more responsive and develop the skills more quickly than others! There are some very situations that may be building up. But more importantly, being happy as a teacher, being happy to work with young people, striving to build challenging situations that arise in schools and teachers are often caught off guard, not expecting what happens. It must be said that some positive relationships and interactions, acting as a role model for your students -these are key factors.

Appendix F: Survey of school leaders

The Expert Panel developed and distributed a short survey designed to obtain the views of school leaders in the public, Catholic, and independent sectors.

The survey was distributed at various forums and meetings during the work of the Panel.

The Panel received 95 responses:

- 65 (68%) from Public School leaders
- 20 (21%) from Catholic School leaders
- 10 (11%) from Independent School leaders

Results

Question One: My school is:

Table 1: Type of School by Sector						
Sector	Mainstream	Specialist	Other	Total		
Public Schools	54 (83%)	7 (11%)	4 (6%)	65 (100%		
Catholic Systemic Schools	20 (100%)	0 (0%)	0 (0%)	20 (100%)		
Independent Schools	10 (100%	0 (0%)	0 (%)	10 (100%		
Total	84 (89%)	7 (7%)	4 (4%)	95 (100%)		

Question Two: My school's current enrolment is:

Table 2: Current enrolment by Sector						
Sector	Lowest Enrolment	Highest Enrolment	Average Enrolment			
Public Schools	15 students	1275 students	485 students			
Catholic Systemic Schools	167 students	750 students	379 students			
Independent Schools	32 students	1700 students	1162 students			

Question Three: The percentage of students who have complex needs and challenging behavior in my school would be about:

Table 3: Proportion of students with complex needs and challenging behaviour by Sector						
Sector	Lowest %	Highest %	Average %			
Public Schools	1%	100%	15%			
Catholic Systemic Schools	2%	30%	10%			
Independent Schools	1%	20%	7%			

Question Four: The percentage of students with complex needs and challenging behavior in my school is:

Sector	Decreasing	Not changing	Increasing	Don't Know	Total
Public Schools	3 (5%)	18 (27%)	41 (63%)	3 (5%)	65 (100%)
Catholic Systemic Schools	0 (0%)	3 (15%)	17 (85%)	0 (0%)	20 (100%)
Independent Schools	0 (0%)	2 (20%)	7 (70%)	1 (10%)	10 (100%)
Total	3 (3%)	23 (24%)	65 (69%)	4 (4%)	95 (100%)

Question Five: One thing that would assist my school to improve the way we teach and manage students with complex needs and challenging behaviours would be:

Public school (mainstream):

Access to specialised services to support students, parents and staff

Assessment; Identification of the needs/issues and then advice/support on best methods to address these needs, particularly with violent behaviours

Full and comprehensive training of staff (before students arrive if possible); Extra resources to assist staff without the need for endless applications; Accessible and purpose built classrooms/buildings rather than 'patch' extensions to current classrooms that can be too small; Identified and easily contactable assistance within the system

Access to high quality, relevant in house 'whole of school' professional learning; Use a mix of delivery model and systemic follow up within school; Review the minimum leadership structure in primary schools, it is currently inequitable in terms of work load for senior teachers to support teachers and children re challenging behavior; Funding that allows schools to develop a proactive response model that is relevant to the particular need of students

Increased school counsellor time; Pastoral care/behavioural support person who works in the school (at least PT); Staff training

An escalation process when needs are not being met despite using directorate processes/resources. This would support us in that it wouldn't feel like you have tried everything and you are therefore out of options. It can feel like you have engaged NSET/disability ed partner/behaviour support so you are done. It is isolating and of great concern

Improved training for staff to understand complex needs and develop greater empathy for students and families

Consistent timely approach to supporting the child through a case management approach where school, agencies and family work together; Mental health support for child and family

Greater understanding about children with trauma; Models that work with complex behaviours; Innovative ways to sustain positive partnerships; Capacity building of principals, deputy, all staff; More support for families to be able to support children at home

Further support for executive staff, eg: social worker or a case manager

Regular contact with a social worker like the school psych program

People resourcing: guidance more readily available for emergencies and proactive when we flag issues

There must be a partnership between ACT Health and ETD that supports LSA staff in schools to care for children with complex needs with medical needs; Many schools are overcrowded. Children often need space or individual learning spaces (we don't even have office space for all teachers)

Professional learning for all staff (teachers and LSAs) around understanding and adopting evidence based intervention strategies that work; Move away from punishment/consequences etc

Funded resources for developing social skills and participation, eg: school pyschs, Connecting Kids, external mental health services available to work in school

Provide the equivalent of Inclusion Support which could fund alternatives such as primary school youth workers, social workers

Trained personnel to assist schools eg: school psychologist

An expert teacher or practitioner trained with strategies and understanding of how to support these students, similar to a field officer. They would be on the ground assisting, working with staff and individuals

Increase in number of days a counsellor spends in the school setting. This would enable informed assessment, observation and consultations to be undertaken for students early on in their schooling not later with increased needs

Staff education; Aligning beliefs and practices about preventing and responding to complex behaviours; Changing mindsets; Using RTI approach

More assistance working with families

A major issue is being able to access services for young children with mental health. There is often cases where families don't follow up or engage; Early intervention is the key in a school like ours but services have ceased to exist

Full-time Youth Support Worker; Full-time (or at least increased hours) school psychologist; Quality teachers with expertise in dealing with complex needs and focus on learning and engagement

Easier/more affordable access STA/para-professional resources

More understanding and strategies to deal with those with high complex needs

We must have some staff who are trained and experienced with dealing with challenging behaviours and/or complex needs and who are prepared/able to work shoulder to shoulder with other staff to up-skill them

Full-time school psychologist and Youth Support Worker; HR support to move underperforming teachers and not have teachers 'placed' in schools with complex needs; Attract teachers with additional qualification in trauma, psychology, social work, special needs, EALD/TESOL; A social worker or community worker available to support families with attendance, communication, engagement with school etc

Resourcing for flexibility and innovation and building teacher capacity

Greater clarity around how to manage extreme physical violence (biting, kicking, punching) as suspension is often the answer given to schools but students with disabilities don't necessarily fit the criteria and parents appeal the suspension and the school is left in an extremely tricky situation

Staff have made all the difference

Mental health programs for students with mental health

The management of students with complex needs and challenging behavior is effective where all students are in their classes. It's changed from previous years where we have worked on consistency of approach and increased communication among staff

More community support; More access to cross disciplinary expertise (therapists, psychs, mental health), specifically trauma

Increased school counsellor time; Pastoral care/behavioural support person who works in the school (at least PT); Staff training

Specific PL relating to the complexity of and variety of identified needs in school; Perhaps a principal portal where we can share strategies that work, current research or access to specific info

Access to a range of professionals to work with students and families, psychologists, social workers

Understanding the complexity of students needs and why challenging behaviour manifests; To develop classroom management strategies or a whole school approach

Professional learning for teachers beyond Team Teach, specifically around trauma

Establishment of 'full service' facilities in schools; Open up how schools are staffed to allow meritorious, open and competitive recruitment of allied health professionals as part of staff profile of schools

School counsellor/psychologist to meet the growing number of students with mental health issues; Resourcing reflective of school enrolment

Funding equity; Broader definition of complexity consistent with other starters; Resourcing targeted at families

More resources to allow specialist programs to support the students that don't fit into the traditional mainstream model

Extra staffing dollars for specialist staff

More resources on the ground, a whole of government approach to case management; Political will and leadership; Breakdown the existing structures of delivering services; The moral imperative is lost

Full-time school counsellor (psychologist)

Teachers with the knowledge, skills and attitudes to make a difference for these students; Resources

Full-time psychologist to support staff on a constant basis; Targeted staffing to provide systematic and consistent programming for students struggling in mainstream (not an alternative to the school but additional support), and specific training for those staff members

Pastoral care position in primary for early family support; An executive position (non-teaching) in both primary and secondary to lead support

Quality professional learning targeted to the specific context of our school; In class observations and ideas given based on observations with follow up visits; Specialised alternative programs for respite and targeted intervention for the students increased support from counsellors and psychologists in school but also with families

Alternative educational setting for the students with extreme behavior and mental health issues; Mainstream schools do not 'fit' some students regardless of what is put in place

Quality professional learning for teachers with a consistent system message

To employ learning assistants in a more realistic manner; Some students need to be monitored every hour of the school day, and this responsibility falls to teachers

High school has pastoral care SLC, we need this in primary

Full-time psychologist and para-professionals (eg: community nurse, speech therapist, OT, social worker, home school liaison) to assist with conducting specialised assessments, providing individual intensive targeted support supporting teachers and families with classroom and home interventions, and connection with external families

Public school (specialist):

Coherent literacy and numeracy skill set for all teachers to build all learners; Especially target those with known gaps in skill set

A supervised time-out space for complex needs and challenging behaviours to de-escalate and decompress

In class guidance to show staff how to support all students needs in a mainstream setting; Building capacity of staff to meet the needs of students with behavior needs in an intensive and restorative manner

Early and targeted intervention; Clear practices/processes that help streamline a complicated referral process

Teachers (support staff) are trained; Most teachers at [specialist school] are primary trained with no special ed experience; If you haven't got it in a special school, you haven't got it

A highly skilled team with the skills and time similar to the NSET Team to work in my school for a much greater period of time each week than they currently can spend

Teacher training re individualised learning and growth mindset

Public school (other):

More highly skilled support staff with the skill and expertise to support classrooms; Support for teachers and for students

Working with staff to unpack what complex needs are, and providing intense in-class support on how to effectively plan for and address these in a mainstream settings

More teacher training in child psychology and well-being; More access for students to therapy

Seen an increasing amount of high performing female students with anxiety issues and see this reflected in pushing themselves as they are 'good' students than crashing and burning at more stressful points in the school year

Catholic Systemic (mainstream):

To put specialist professional support in place for students with psychological issues (low self esteem, poor social skills, attention seeking behaviours etc)

Behaviour specialists; Professional development for teachers on managing students with complex needs and challenging behavior

Building teacher understanding and capacity to recognize the contributing factors to the complex needs and challenging behaviours and effectively respond

Access to professional support and guidance; Access to assessment of level of disability; Adequate staffing to support the needs of the child; Ability to say the school is unable to support the needs of the child; PD for staff

Smaller class sizes; LSA assigned to each class; Staffing allocation of support officers in school'; More school counsellor time from Catholic Care

Further ins-service for teachers so that when they have challenging children they have a 'kit-bag' of ideas; Essential partnership with families so that school and home work together

A clear sense of purpose; Giving teachers time/space to deal with management etc

I would like to see a way of planning for students that fit this definition – the plans need to reflect behaviours exhibited, impact on others, strategies to support students teachers and support people, and a plan that can be resourced and supported by parents

Teacher training in the particular disability, behavior, need

Additional support for the main stakeholders – child, teacher, parent; The support must have expertise which is appropriate

Easy access to experts to work within the school to support staff

Expert help within the school

Teacher training (on-going) which includes new research, working with parents, knowledge of expertise and availability

Professional learning for class teachers; Smaller classes

Increased resourcing (funding) to provide higher child:adult ratios in schools so that appropriate time can be given to the students with these specific needs

More support from outside people coming into the school and working one on one; Professional learning for all teachers

To have a larger staffing allocation; Have professional learning around managing challenging behaviours for all school staff; Be able to refer families t external services and if not accessed discontinue enrolment until accessed

Professional support via counseling or trained staff who can step in to support/listen/run programs: ie Cool Kids

Professional support and advice on how to be more inclusive of these students; Support for the teacher and learning support teams and leadership team; Many feel that they do not have the skills or knowledge of how to manage these children

Educating teachers and support staff on how to teach and manage students with complex needs and challenging behaviours; Educating all members of the school community.

Independent (mainstream):

Funding following the student; Additional professional development for staff

Greater funding to be able to employ more teacher assistants

Increased staffing levels to enable more dedicated work with students with complex behaviours; More PD to equip teachers to respond more effectively to the needs/behavior, particularly for classroom teachers, so that responses can be 'whole school' rather than simply the responsibility of specialist staff; Guidelines, codes, advice and strategies for parents to assist them to understand and work in partnership with schools and teachers

We currently have no professional support or assistance to provide the specialist, small group intervention programs needed by students with attention deficits, memory and information processing issues and other conditions; While class teachers use individual Learning Plans and differentiated instruction this is not enough - we need a full-time Learning Support Assistant

Access to high quality professional learning

More staff time; Our learning assistance team is fantastic, but it would be great if we had a staff member available full-time for our very small number of challenging students

Funding follows the student

Access to support services reliably and in a coordinated way when desperately needed; Equitable funding for disability regardless of school sector

Support for schools to know where to go to get support for students with challenging behaviours and/or complex needs

Fund the students so their needs can be met without impacting on whole school

Appendix G: Key legislative obligations of ACT schools

Legislation	Application	Key obligation
Education Act 2004 (ACT)	All ACT schools ETD CE	Principals must develop procedures to encourage attendance and refer students and parent/carers to support services if these procedures are not working (s35, 102). Schools and ETD/CEO must follow procedural requirements regarding suspensions exclusions and involuntary transfers of students (s 36, s104, s105).
Human Rights Act 2004 (ACT)	ETD ACT Public schools Arguably also applies to Independent and Catholic Schools	Public authorities must act in a way that is compatible with protected human rights, and must give proper consideration to relevant human rights in decision making. (s 40B)
Disability Discrimination Act 1992 (Cth)/Disability Standards 2005 (Cth)	All ACT Schools ETD CE	Education providers must make reasonable adjustments for students with a disability (broadly defined) to enable them to be enrolled and participate in education on the same basis as other students, unless this would cause unjustifiable hardship. (s.22 of the DDA)
Discrimination Act 1991 (ACT)	All ACT Schools ETD CE	Education providers must not subject students with a disability (broadly defined) to unfavourable treatment in relation to enrolment or the provision of education services. They must make reasonable adjustments for students with a disability (s 18). An exception applies, in relation to a decision not to enrol a student, if the adjustments required would cause unjustifiable hardship (s 51).
		It is also a defence where an action is necessary to comply with another ACT law (s 30).
Work Health and Safety Act 2011 (ACT)	All ACT Schools	Persons in charge of a business or undertaking have a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers, through eliminating or minimising risk. They also have a duty to protect other people in the workplace (s 19).
		They must also consult workers on matters that directly affect their work health and safety (s 47).

Information Privacy Act 2014 (ACT)	ACT Public Schools ETD	A public sector agency must comply with Territory Privacy Principles (TPP) (s.20) Personal information about a student or family may not be collected or disclosed without consent, except in limited circumstances. (TPP 3 and 6, s19).
Health Records Privacy and Access Act (ACT)	All ACT Schools ETD, CE	Any agency or individual holding personal health information about a person must comply with the Privacy Principles (PP). Personal health information about a student or family may not be disclosed without consent, except in limited circumstances (PP 9).

Appendix H: Location of Disability Education Units

The following information was provided by ETD and outlines the location of specialist disability education units across ACT public schools for the 2016 school year. This information relates to primary, secondary, and college age students. Further discussion on each type of unit can be found in Chapter 7: Settings and Placements.

		LSC	LSU	LSUA
Colleges	Dickson College	✓	✓	
	Melba Copland Secondary School		✓	
	The Canberra College	✓	✓	
	Tuggeranong College		✓	
High Schools	Alfred Deakin High School	✓		
	Amaroo School			✓
	Belconnen High School			✓
	Calwell High School	✓		
	Campbell High School		✓	✓
	Canberra High School			✓
	Caroline Chisholm School	✓		✓
	Gold Creek School			✓
	Harrison School		✓	
	Kingsford Smith School			✓
	Lyneham High School	✓	✓	
	Melba Copland Secondary School	✓		
	Melrose High School	✓	✓	
	Namadgi School		✓	
	Stromlo High School	✓	✓	✓
	UCHS Kaleen		✓	✓
	Wanniassa School	✓	✓	
Specialist	Black Mountain School			
Senior Schools	The Woden School			

		LSC	LSU	LSUA
Primary Schools	Amaroo School			✓
	Bonython Primary School			✓
	Caroline Chisholm School		✓	
	Charles Conder Primary School	✓		
	Curtin Primary School	✓		
	Duffy Primary School			✓
	Evatt Primary School	✓	✓	✓
	Fadden Primary School			✓
	Farrer Primary School			✓
	Garran Primary School		✓	
	Gilmore Primary School	✓		
	Giralang Primary School	✓		
	Gordon Primary School	✓		
	Gowrie Primary School	✓		✓
	Harrison School		✓	
	Hughes Primary School			✓
	Kingsford Smith School			✓
	Latham Primary School			✓
	Macgregor Primary School	✓		
	Macquarie Primary School		✓	
	Maribyrnong Primary School		✓	✓
	Mawson Primary School		✓	
	Monash Primary School		✓	
	Namadgi School		✓	✓
	Neville Bonner Primary School		✓	
	Ngunnawal Primary School	✓		

	North Ainslie Primary School			✓
	Palmerston Primary School	✓	✓	
	Richardson Primary School	✓		
	Taylor Primary School	✓		
	Theodore Primary School	✓		
	Wanniassa Hills Primary School	✓		
	Weetangera Primary School			✓
	Yarralumla Primary School			✓
	Cranleigh School			
Specialist Primary Schools	Malkara School			
7	Turner School			