

Senate Education and Employment Committees
PO Box 6100 Parliament House
Canberra ACT 2600

Via email: eec.sen@aph.gov.au

3 April 2023

Dear Committee,

Thank you for giving the NSW Advocate for Children and Young People (ACYP) the opportunity to provide feedback to the Senate Education and Employment Committees.

Established under the *Advocate for Children and Young People Act 2014*, the Advocate for Children and Young People is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. ACYP advocates for the safety, welfare and well-being of children and young people aged 0-24 years and promotes their participation in decisions that affect their lives. The Act requires ACYP to 'give priority to the interests and needs of vulnerable and disadvantaged children and young people' and to 'focus on systemic issues affecting children and young people'. Further information about ACYP's work can be found at: www.acyp.nsw.gov.au

Ensuring that children and young people have access to an education that will give them hope for their future is a key focus area of the [NSW Strategic Plan for Children and Young People 2022-2024](#). Issues related to education and employment continue to be a primary concern for children and young people – both those who are engaged and enthusiastic about learning as well as those who feel the school system could do more to include students who are struggling.

We acknowledge the Terms of Reference for this inquiry are focused on discipline, the impact of orderly or disorderly classrooms, and what can be done to support teachers to minimise disorder and distraction to improve student outcomes. Our recommendation is that these issues be investigated with a child-rights lens that considers the often hidden impact of disability and trauma on behaviour, as well as the potentially adverse impact of common responses to these behaviours, such as school exclusion. We would also recommend that this inquiry consider the needs and rights of students who demonstrate positive behaviour skills, as well as the needs and rights of those who need additional behavioural support.

We have attached a copy of our 2020 report, [Voices of Children and Young People with Disability \(Disability Report\)](#), and draw your attention to *Section 2: Education* – which addresses what children and young people have said about their experiences in schools –

and to the associated recommendations on p138. We note that while some children and young people felt their teachers and support staff were helpful and empowering, others felt their teachers did not always understand their needs and therefore dismissed them.

ACYP supports recent changes to the NSW Department of Education's suspension and expulsion policy and is hopeful that a holistic approach to behaviour support will lead to positive outcomes for all students. While the most recent data for suspensions is not yet available, figures published in the Sydney Morning Herald in July 2022 indicated that of the 57,682 suspensions in 2021, 14,923 were students with disability¹. This means that approximately a quarter of all suspensions were administered to students with disability, and that of all students who had disability, more than 10% experienced suspension. For comparison, 4% of students generally experienced suspension.

While we do not have detailed information about the extent to which suspensions were given for reasons directly linked to behavioural or cognitive disorders, our concern is that the over-representation of students with disability in suspension data is an indication that more needs to be done to support students with disability in the classroom. In our *Disability Report*, students spoke about the need for school staff to be equipped to understand how to support students with disabilities, while others spoke about the need for additional support staff in the classroom.

We also do not know the extent to which school exclusion is used with students whose behaviour may be linked to experiences and responses to trauma. Any discussions about disruptive behaviour should consider trauma as a potential contributing factor. Addressing those behaviours, therefore, should include support for the student that does not lead to their further disengagement from education.

As noted above, discussions about classroom disruption often lead considerations of exclusion from the classroom and school suspension. We have also attached our 2019 report, [What Children and Young People in Juvenile Justice Centres Have to Say](#). The children and young people interviewed in this report spoke about the significant impact school suspension had on their subsequent interactions with the justice system.

*"The vast majority of children and young people raised the issue of long and multiple suspensions and reported that it was during their long suspension that they became in conflict with the law."*²

Young people noted that repeated or long suspensions led to their further disengagement from the school system. Upon returning after a suspension, young people found they had

¹ Fitzsimmons, C (31 July 2022), [Sydney Morning Herald: Teachers soften opposition to new rules for fewer, shorter student suspensions](#)

² ACYP (2019), *What Children and Young People in Juvenile Justice Centres Have to Say*, p6

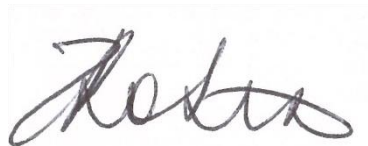
fallen further behind in their learning, which in turn contributed to their subsequent difficulty in focusing and managing their behaviour.

Suggestions from young people about how to address this cycle included the expansion of alternatives to long suspensions, including in-school alternatives, suspension centres and individual support to address their learning and behavioural needs. ACYP would be happy to help the Committee facilitate consultation with children with lived experience of school exclusion as a critical voice in this inquiry if needed.

Finally, we would point the Committee to our recently published [Strategic Plan Tracking Report 01](#), which measures children and young people's perceptions of the issues that matter most to them. When we asked about their hopes for the future, those with a disability were significantly less hopeful, with only 58% of those with disability giving a positive score (rating 7 or more out of 10) vs. 77% of those who did not have disability. Similarly, only 68% of those with disability were positive about their ability to get the education and training they needed to achieve their goals, compared to 82% of children and young people who did not have a disability.³

Please do not hesitate to contact me at or my team at acyp@acyp.nsw.gov.au if we can be of any assistance as this review continues.

Yours Sincerely,



Zoë Robinson
Advocate
Office of the Advocate for Children and Young People

³ ACYP (2023) *NSW Strategic Plan for Children and Young People Tracking Report 01*, p15-16