



NTCOSS

Northern Territory
Council of Social Service

Submission to the NT Department of Education's Review of Part 7 of the *Education Act 2015*

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For more information, or to discuss this submission further, please contact:

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The NT Council of Social Service (NTCOSS) is the peak body for the Northern Territory (NT) Community and Social Services Sector and is a voice for people affected by social and economic disadvantage and inequality. NTCOSS membership is made up of community managed, non-government, not for profit organisations, which work in social and community service delivery, sector development and advocacy.

NTCOSS recognises the specific expertise of members and external stakeholders that have a high level of contact with children, young people and their families in the NT, including Aboriginal Peaks Organisations NT and the Office of the Children's Commissioner.

NTCOSS welcomes the opportunity to provide a submission to the review of Part 7 of the *Education Act 2015* (the Act). NTCOSS highlights support for culturally appropriate pedagogies; alternative on-Country learning models; and bi-cultural independent schools. In keeping with NTCOSS' area of interest and expertise, this submission will focus on questions pertaining to behaviour management under the Act.

As per NTCOSS' submission to the Department of Education's Engagement Strategy, the NT Department of Education's 'Strategic Framework 2018-2022' emphasises partnerships, focusing on holistic supports for children, greater community engagement, and providing differentiated support with evidence-based programs to schools. This Framework was a positive step toward engaging vulnerable children and their families in education.

While strategies such as the Indigenous Education Strategy (a framework within which non-government schools work) indicate a move towards better practice regarding working with children and their families who are experiencing disadvantage and vulnerabilities, the autonomous nature of schools may result in a lack of consistency or variances in program delivery.

Improved transparency and coordination in program delivery and open communication between educational institutions, government departments, non-government organisations and other stakeholders are important needs to be met.

Should all non-government schools be required through the Act to adhere to the Child Safe Standards? Should this be applicable to all schools, government and non-government?

NTCOSS recommends that all schools, including government and non-government, be required to adhere to the National Principles for Child Safe Organisations, given their broader scope that covers all potential harm to children and young people. Importantly, the National Principles for Child Safe Organisations require organisations to use a child rights framework to guide their work with children and young people, including processes for responding to complaints about the rights and interests of children and young people. The Australian Human Rights Commission-developed tools and resources to help organisations implement the Principles are a practical approach for reflection and identification of priority areas for improvement.¹

Should the Act provide standards for suspension, exclusion and expulsion for non-government schools?

NTCOSS recommends that the Act be amended to include provisions relating to suspension, exclusion and expulsion, in relation to all schools to bring them in line with best practice and human rights

¹ Retrieved from <https://childsafe.humanrights.gov.au/tools-resources>

obligations. In keeping with the Convention on the Rights of the Child², the legislation should be amended to ensure the best interests of children and students and their right to access education are the primary consideration.

In keeping with this, it is recommended that the Act be amended to explicitly 'recognise that all students' right to education continues during an exclusionary period', and to 'require schools to provide an educational program for the duration of the exclusionary period to support students' learning and behavioural goals during a disciplinary absence'.

Further, NTCOSS advises implementation of Recommendation 13 to the South Australian Government on the use of exclusionary discipline across all schools, government and non-government, specifically:

- 'Improve clarity and reduce subjectiveness of interpretation by revising and making explicit the grounds permissible for the use of exclusionary discipline, as per international best practice examples, including through:
 - (i) the introduction of levels of incident severity (lower level and severe), and
 - (ii) providing a list of approved responses for each level,
 - (iii) proscribing the use of all forms of exclusionary discipline for lower level (minor) incidents,
 - (iv) proscribing the use of any form of exclusionary discipline – for any reason – to children in (Pre School) through to end Grade 2'
- 'Include an explicit requirement that schools implement evidence-based alternative responses to disciplinary infractions, such as restorative practice and skill-building in-school-suspension, to be enacted within a multidimensional Multi-Tiered System of Support (MTSS) framework designed to improve students' academic, social-emotional and behavioural outcomes'
- 'Change the permissible periods of suspension from 1-5 days to align with other Australian states (e.g., WA, NSW, Tasmania), by encompassing short and long suspensions of 1-5 days and 6-10 days respectively, reserving long suspensions for students in Grades 7 to 12 and only for the most severe incident level (e.g., hard drugs, possession of a deadly weapon, serious physical assault requiring medical attention, deliberate physical assault of a teacher, sexual harassment and sexual assault)'
- 'Implement additional safeguards for priority equity groups (e.g. students with disability, Aboriginal students and students in care), such as requiring principals to ensure effective reasonable adjustments and supports are in place for students with disability, that trauma-informed practices have been implemented, and that culturally appropriate pedagogies are in place and being employed with fidelity prior to issuing a take home or suspension'
- 'Abolish exclusions'
- 'Require written approval from Educational Directors to allow more than two (2) suspensions or more than 10 days suspension in a school year'
- 'Trigger formal departmental level review of the student's educational program, including the appropriateness and relevance of the supports, adjustments and funding being provided to the student, on breach of the thresholds (above)'³

² Article 28, United Nations General Assembly 1989, Convention on Rights of the Child, retrieved from <https://www.ohchr.org/EN/professionalinterest/pages/crc.aspx>

³ pp 23-24 Graham et al. 2020, Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report, the Centre for Inclusive Education, QUT: Brisbane, Qld, retrieved from

Should there be a legislative requirement for non-government schools to notify the registrar/department of a student suspension, exclusion or expulsion?

There should be a legislative requirement for non-government schools to notify the department of a student suspension, exclusion, or expulsion in writing, as per the ACT *Education Act 2004*.⁴ As above, more than two suspensions or more than 10 days suspension in a school year should require written approval from the department.

<https://www.education.sa.gov.au/sites/default/files/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-government-schools.pdf>

⁴ *Education Act 2004* (ACT), s105(4.3)