

Your Ref:
Our Ref: 960

30 August 2024

Anita Dow MP
Committee Chair
Inquiry into Discrimination and Bullying in Tasmanian Schools
Parliament of Tasmania
By email: assemblygaa@parliament.tas.gov.au

Dear Chair,

Re: Inquiry into Discrimination and Bullying in Tasmanian Schools

Thank you for the opportunity to make a submission to inform the Government Administration Committee A's Inquiry into Discrimination and Bullying in Tasmanian Schools (Inquiry).

According to the Terms of Reference, the Inquiry will, among other things, inquire into and report upon direct and indirect discrimination, prohibited conduct, unequal and disadvantageous treatment, bullying and harassment, and the measures necessary to prevent and remedy discrimination and bullying in Tasmanian schools in regard to students and staff.¹

Children and young people, parents and carers have been telling us about for a long time that bullying and discrimination in schools is a problem in Tasmania. Recent data has shown that bullying is more prevalent in Tasmania than in any other state or territory in Australia² and so I welcome the opportunity to make a submission to this Inquiry.

In this submission I will address bullying and discrimination separately and in turn, focusing on (i) children's rights, (ii) what children and young people tell us about bullying, including school responses to bullying incidents, and (iii) discrimination, including exclusionary practices, and what we have heard from parents and carers.

¹ https://www.parliament.tas.gov.au/data/assets/pdf_file/0026/82736/Resolution-of-the-House-of-Assembly-of-12-June-2024.pdf

² [PISA2022 National Report \(Volume II\) Student and school characteristics \(acer.edu.au\)](https://www.acer.edu.au/pisa2022-national-report-volume-ii-student-and-school-characteristics)



+61 (03) 6166 1366
childcomm@childcomm.tas.gov.au



www.childcomm.tas.gov.au



Level 1, 119 Macquarie Street, Hobart, Tas., 7000
GPO Box 708, Hobart, Tas., 7001





This submission is not intended to be exhaustive, and I would welcome the opportunity to expand on these and related matters, should the Committee wish to discuss them further.

Role of the Commissioner for Children and Young People (Tas.)

My perspective is governed by a child-rights approach which is grounded in the United Nations Convention on the Rights of the Child (UNCRC) and based on expert advice. The *Commissioner for Children and Young People Act 2016* (CCYP Act), which establishes this office, provides that the general functions of the Commissioner include:

- a) advocating for all children and young people in the State generally;
- b) researching, investigating and influencing policy development into matters relating to children and young people generally;
- c) promoting, monitoring and reviewing the wellbeing of children and young people generally;
- d) promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives; and
- e) assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally.³

In performing these and other functions under the CCYP Act, the Commissioner is required to:

- do so according to the principle that the wellbeing and best interests of children and young people are paramount; and
- observe any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).⁴

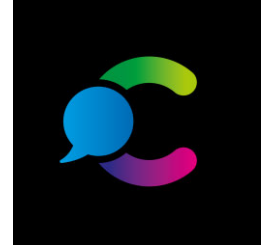
Children's rights

Bullying and discrimination in schools and learning contexts impacts adversely on various rights afforded to children, including:

- The right of all children to live free from discrimination (Article 2);
- The right of all children to have their identity protected and preserved (Article 8);
- The right of all children to privacy (Article 16);
- The right of all children to be protected from violence, abuse and neglect (Article 19);
- The right of all children to education to enable them to develop to their fullest potential and to understand their own rights, and to respect other people's rights, cultures and differences (Articles 28 & 29); and

³ Section 8(1) of the Commissioner for Children and Young People Act 2016 (Tas).

⁴ Section 3(1) of the Commissioner for Children and Young People Act 2016 (Tas).



- The right of all children to be protected from all forms of sexual abuse and exploitation (Article 34).

In addition, all children have the right to express their views in all matters affecting them, and to have their views considered and taken seriously in accordance with Article 12 of the UNCRC. Taking account of the views of children is fundamental to making decisions in the best interests of children (Article 3).⁵

It is important for children and young people and those responsible for them in the government and non-government school sectors to understand children's rights. UNICEF has said the following regarding child rights education:

'A 'child rights approach' is one which furthers the realization of the rights of all children as set out in the Convention by developing the capacity of duty-bearers to meet their obligations to respect, protect and fulfil rights (Article 4) and the capacity of rights-holders to claim their rights'.⁶

Many children and young people are unaware of their rights or have a limited understanding of their rights, although these are often referenced in legislation, policies and procedures. It is my view that we need to ensure teachers, school administrators and leaders, and others with responsibility for the education of children and young people understand and adopt a child rights-based approach in their work. This also means educating our children and young people about human rights and supporting them to realise their own rights in educational settings.

1. Bullying in Schools

Children want to be safe and feel safe at school

Bullying can have significant impacts on the wellbeing of children and young people – and can affect their educational engagement and outcomes.⁷

Bullying in Tasmanian schools is something that children, young people, their parents and carers are worried about, and they have been voicing their concerns for some time. Below are some examples, backed by evidence, of what this Office has heard about bullying in Tasmanian schools and online.

"[M]y brother gets scared to go to school of a morning because of bullies and he does not feel accepted at all. He got suspended because of someone who's been bullying him all term. And now he's decided that he doesn't want to go back to school because he doesn't feel safe there. But I think the issue is that no matter what school you go to, you're going to have bullies because he doesn't fit into the social standard..."

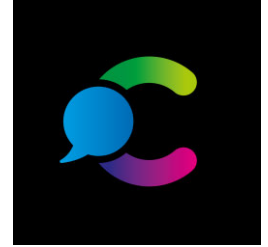
Female participant in the Youth Justice Voices project⁸

⁵ [United Nations Convention on the Rights of the Child \(unicef.org.au\)](https://www.unicef.org.au/childrens-rights/convention-on-the-rights-of-the-child)

⁶ [UNICEF-CRE-Toolkit-with-appendices.pdf](#)

⁷ [PISA2022 National Report \(Volume II\) Student and school characteristics \(acer.edu.au\)](#) (p.57)

⁸ [I think Adults Play a Big Role in This: Listening to the views of children and young people on 'Acceptance, Belonging and Feeling Safe' and the importance of respectful relationships and consent education](#) (p.15)



‘Attendance rates will go up if people felt safer in school’

CCYP Consultative Council Member, 2024⁹

‘Especially when you're being bullied or harassed, especially by teachers, it makes you not want to be there because you don't feel wanted. You feel like shit when you're there’.

CCYP Consultative Council Member 2024 (unpublished)

A recently published CCYP report, ‘A Decade of Voices on Child Safety’ showcases what Commissioners have heard from children and young people about being and feeling safe. One of the main themes in this report was ‘Things that help us feel and be safe’, which includes feeling safe from bullies and safe online.¹⁰

Research has shown that bullying in schools has negative impacts not only for those who are on the receiving end of bullying behaviours, but for those who use bullying behaviour, and those who witness bullying behaviours.¹¹ Negative impacts of bullying may include lower levels of engagement with school, poorer academic performance, poorer physical health, and poorer mental health, including a higher risk of suicide.¹²

School responses to bullying

As detailed in ‘We call it happy...’, a CCYP consultation report, children and young people have spoken about needing a more responsive education system:

‘Schools’ responses to bullying were often identified as absent, inappropriate or insufficient. Many students also felt that systems and/or policies for dealing with bullying needed not only to be implemented, but continuously enforced, monitored, and reviewed for their effectiveness, and integrated with external support services.’¹³

The Department for Education, Children and Young People’s Behaviour Management Policy¹⁴ and Procedure outline the steps to be taken when responding to bullying incidents. However, recent enquiries made by parents and carers with this Office suggest that these steps are not consistently applied in practice. Several parents and carers have spoken to us about the barriers and lack of support they have experienced when raising concerns about bullying on behalf of their child.

It is important for schools to have in place transparent and accessible systems to support students and their parents/carers where bullying occurs. Wrap-around supports are also required for those children and young people who use bullying behaviour in order to prevent continuation or escalation of their behaviour. Well-resourced and timely supports for

⁹ <https://childcomm.tas.gov.au/wp-content/uploads/2024/07/CC-Voices-for-Youth-Report-DIGITAL.pdf>

¹⁰ <https://childcomm.tas.gov.au/resource/a-decade-of-childrens-voices-on-child-safety-report/> (p.6)

¹¹ [Research snapshot - What are the impacts of bullying? \(bullyingnoway.gov.au\)](https://bullyingnoway.gov.au/research-snapshot-what-are-the-impacts-of-bullying/)

¹² [Australia’s children, Bullying - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/australias-children/bullying)

¹³ [Wellbeing-Consultation-Report-We-Call-It-Happy.pdf \(childcomm.tas.gov.au\)](https://childcomm.tas.gov.au/wellbeing-consultation-report-we-call-it-happy.pdf) (p.24)

¹⁴ <https://publicdocumentcentre.education.tas.gov.au/library/Document%20Centre/Student-Behaviour-Management-Policy.pdf>



children, parents/carers, and educators alike, are critical to preventing and responding to bullying behaviours.

CCYP Consultative Council

This year, children and young people, through the CCYP's Consultative Council, *The Voices for Tasmanian Youth*, have been supported to participate in the development of the government's draft *Change for Children* Strategy and Action Plan. Their report, *Speaking Out for a Safer Tomorrow: Our Messages for Change* (Speaking Out Report) communicates their experiences and views on what changes they want to see, and about why children and young people must be genuinely heard by decision-makers to ensure policies and practices better meet their needs, and improve their safety and wellbeing.¹⁵

One of the five key messages of the Voices for Tasmanian Youth is that '*feeling safe in institutions improves attendance and engagement*'. In relation to this key message, the Speaking Out Report notes that:

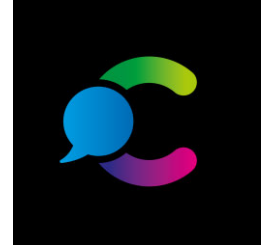
- Feeling unsafe at school results in decreased school attendance and weaker educational outcomes. Safety in institutions is therefore crucial for high attendance rates and better academic performance.
- Feeling unsafe in institutions, particularly schools, contributes to mental health challenges.
- Peer-to-peer violence and abuse needs to be better recognised and addressed.
- Feeling unsafe in institutions also puts pressure on services and impacts workforce productivity and the economy.

Conversely, the Speaking Out Report explains that feeling safe in schools and other institutions is essential for accessibility and engagement:

- Safety boosts confidence and access to necessary services, like healthcare.
- Trauma caused by unsafe experiences affects mental health across age groups.
- Bullying and harassment, especially by teachers, negatively impacts school attendance and wellbeing.

The Speaking Out Report encourages all organisations, including schools, to: create environments where everyone feels welcome, safe and respected; encourage understanding, kindness and empathy to combat stigma and discrimination; train teachers and staff to handle sensitive issues better and create environments where children and young people feel heard and supported; and, put systems in place so that children and young people always have a trusted, independent person they can talk to and get support from in institutions.

¹⁵ <https://childcomm.tas.gov.au/resource/speaking-out-for-a-safer-tomorrow-our-messages-for-change-report/>



2. Discrimination

Many young people in Tasmania, including Aboriginal children, those from migrant and refugee backgrounds, those with diverse gender and sexual identities, and those with disability, face daily battles for acceptable treatment, let alone acceptance.¹⁶ As detailed in *'We call it happy...'* a CCYP consultation report,¹⁷ children and young people said that feeling accepted, feeling that they belong and feeling safe in their communities and their schools, is of great importance to them.

In 2021-2022, the Commissioner held several discussions with CCYP Ambassadors about what acceptance, belonging and feeling safe meant to them. These conversations were recorded and a report, as well as a podcast series exploring related topics in more detail, were produced.¹⁸ Children and young people had a lot to say about what needs to change for themselves, and others, to feel safe, including at school. Many participants believed that education about respectful relationships was an important tool to change problematic and harmful attitudes and behaviours.

What we have heard from parents and carers

The CCYP office's public enquiry data shows that we have heard from a range of people regarding concerns about discrimination in schools. Some of the main issues identified from the data include:

- Alleged inappropriate conduct by teachers (aggressive behaviour, derogatory language, physical assault);
- Exclusionary practices used by schools in response to the behaviour of children with disability;
- Children who experience bullying themselves being excluded from classroom or school activities; and
- Inadequate complaints processes at both individual school level and DECYP level.

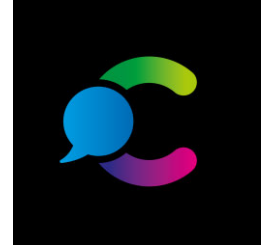
A recent example involved a parent contacting the CCYP office after her child was suspended as a result of an interaction with a teacher. The child has disability and mental health diagnoses. The parent had requested the school to provide written reasons for its decision to suspend. However, the school simply stated the suspension was due to 'unsociable behaviour' with no further detail provided. The school did not provide the student with educational materials during the suspension period, nor had a re-entry meeting been organised at the time of contact. The experience of this family appears to be at odds with the expectations laid out in DECYP's Behaviour Management Procedure and also the *Education Act 2016*.¹⁹

¹⁶ [BrandTasmania Youth-Story-Report Final Pages HR.pdf \(ynot.org.au\)](#) (p.45)

¹⁷ [Wellbeing-Consultation-Report-We-Call-It-Happy.pdf \(childcomm.tas.gov.au\)](#)

¹⁸ [Acceptance, Belonging and Feeling Safe - CCYP \(childcomm.tas.gov.au\)](#)

¹⁹ [View - Tasmanian Legislation Online](#)



Suspensions and exclusionary practices

Excluding children from schools is generally seen to be ineffective in correcting undesired behaviour. It appears from communication with this office that parents and carers are becoming increasingly frustrated that their children are being socially isolated and unfairly punished, that 'undesired behaviour' is not being responded to appropriately, and that the right to education is not being upheld.

Currently, there are National research projects underway looking at exclusionary practices and student engagement in the classroom. The University of South Australia is conducting a study to 'examine how and why Australian schools use exclusionary practices to manage disorderly students... and help manage unwanted student behaviour'.²⁰ It is evident that exclusionary practices are on the rise, which is of critical concern given that evidence shows that school exclusion practices negatively impact on children's health, wellbeing and academic achievement.²¹ Further, exclusionary practices place undue pressure on parents and carers who are often unable to attend work and/or maintain their own community and social connections.

The DECYP Student Behaviour Management Policy states that:

*'Research conducted both in Australia and internationally has identified that behavioural responses resulting in time away from school lead to students' disengagement. Therefore, these responses must only be used as a last resort or to ensure the safety of students and staff at the school.'*²²

Despite this policy statement, exclusionary practices appear to be increasingly used in Tasmanian schools. In 2023 Tasmania recorded its highest ever rate of student suspensions.²³

A welcome legislative reform to address unwarranted or discriminatory exclusions or suspensions from schools would be the introduction of external merits review rights for children and young people (or their parents/carers). I recently made a submission in response to the Consultation Draft of the Tasmanian Civil and Administrative Tribunal Bill 2024 expressing the view that decisions to exclude students from school should be reviewable by a properly constituted and independent tribunal.²⁴ I believe such a reform would serve to protect children from discrimination through exclusionary decision-making and drive improved, child-centred decision making.

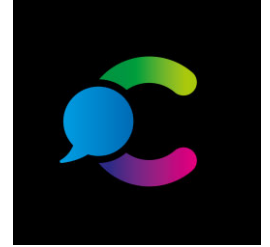
²⁰ [Home: School Exclusions Study](#)

²¹ Hemphill, S.A. & Broderick, D.J. & Heerde, Jessica. (2017). Positive associations between school suspension and student problem behaviour: Recent Australian findings. Trends and Issues in Crime and Criminal Justice.

²² <https://publicdocumentcentre.education.tas.gov.au/library/Document%20Centre/Student-Behaviour-Management-Policy.pdf>

²³ [Student engagement and participation data - Department for Education, Children and Young People \(decyp.tas.gov.au\)](https://decyp.tas.gov.au)

²⁴ <https://childcomm.tas.gov.au/wp-content/uploads/2024/08/2024-08-22-FINAL-Submission-on-TASCAT-Bill-2024.pdf>

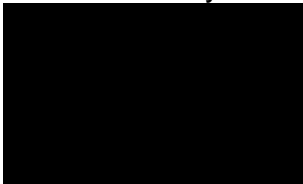


School and DECYP support for those affected by student bullying and discriminatory behaviour must be improved and effective complaints and oversight processes made more easily available for parents and carers. In this context, I note that on 1 January 2024 new Child and Youth Safe Standards and a Universal Principle for Aboriginal cultural safety²⁵ were introduced and apply to government and non-government schools. It may be helpful for the Committee to inform itself about the implementation of these Standards in school settings - for example: *Standard 2 - Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously*; or *Standard 3 - Families and communities are informed and involved in promoting child safety and wellbeing*. It would be interesting to understand, for example, whether the implementation of these standards is having unintended consequences in respect of decisions to use exclusionary practices to response to unwanted student behaviour.

Engaging children and young people in the Inquiry

Finally, I encourage the Committee to genuinely engage and consult with students in the course of its Inquiry. For children and young people to truly feel safe in school now and in the future, their views must be listened to and responded to with respect and understanding and in a way that shows that what they are saying will be considered. I hope that the Inquiry takes the opportunity to further consider the contemporary views of children and young people over and above what has been included in this submission.

Yours sincerely



Isabelle Crompton

Acting Commissioner for Children and Young People

cc: The Hon Roger Jaensch, Minister for Children and Youth
The Hon Jo Palmer, Minister for Education

²⁵ <https://oir.tas.gov.au/about/child-and-youth-safe-standards>