



The issue of increasing disruption in Australian school classrooms

Submission by
Queensland Advocacy for Inclusion

to

Senate Standing Committee on Education and Employment
April 2023

About Queensland Advocacy for Inclusion

Queensland Advocacy for Inclusion (**QAI**) (formerly Queensland Advocacy Incorporated) is an independent, community-based advocacy organisation and community legal service that provides individual and systems advocacy for people with disability. Our purpose is to advocate for the protection and advancement of the fundamental needs, rights and lives of people with disability in Queensland. QAI's Management Committee is comprised of a majority of persons with disability, whose wisdom and lived experience is our foundation and guide.

QAI has been engaged in systems advocacy for over thirty years, advocating for change through campaigns directed at attitudinal, law and policy reform. QAI has also supported the development of a range of advocacy initiatives in this state. For over a decade, QAI has provided highly in-demand individual advocacy services. These services are currently provided through our four advocacy practices: the **Human Rights Advocacy Practice** (which provides legal advocacy in the areas of guardianship and administration, disability discrimination and human rights law and non-legal advocacy support with the Disability Royal Commission and the justice interface); the **Mental Health Advocacy Practice** (which supports people receiving involuntary treatment for mental illness); the **NDIS Advocacy Practice** (which provides support for people challenging decisions of the National Disability Insurance Agency and decision support to access the NDIS); and the **Disability Advocacy Practice** (which operates the Pathways information and referral phone line for all people with disability in Queensland, and provides non-legal advocacy support to young people with disability, including in relation to education). Our individual advocacy experience informs our understanding and prioritisation of systemic advocacy issues.

Since 1 January 2022, QAI has also been funded by the Queensland Government to establish and co-ordinate the Queensland Independent Disability Advocacy Network (QIDAN). QIDAN has three aims: member support, sector advocacy and systemic advocacy. Member organisations work collaboratively to raise the profile of disability advocacy while also working towards attitudinal, policy and legislative change for people with disability.

The objects of QAI's constitution are:

- To advocate for the protection and advancement of the needs, rights, and lives of people with disability in Queensland;
- To protect and advance human rights including the Convention on the Rights of Persons with Disabilities (CRPD);
- To be accountable to the most disadvantaged people with disability in Queensland; and
- To advance the health, social and public wellbeing of disadvantaged people with disability.

Contents

About Queensland Advocacy for Inclusion	2
QAI's recommendations	4
Introduction	5
1. The overuse of school disciplinary absences for students with disability	5
Case studies	7
2. The consequences of excessive disciplinary measures	8
3. The need for evidence-based solutions	9
Conclusion	10

QAI's recommendations

1. QAI urges the Committee to take a considered approach to understanding perceived “disorderly behaviour” which could be the manifestation of a person’s disability in the absence of reasonable adjustments and inclusive pedagogies, which will not be successfully addressed through punitive responses.

“Disorderly” classrooms are also likely to be the result of adverse childhood experiences, the prevalence of which is staggering. A recent study found that 62% of Australians had experienced maltreatment as a child¹, meaning that teachers need to be skilled in providing trauma-informed responses to student behaviour.

2. QAI strongly recommends against a continued (or worse, increased) use of disciplinary measures to try and manage “disorderly classrooms”. The consequences of inappropriate and excessive recourse to school disciplinary absences are profound for individuals, families, and the broader community.

3. We need to change our language around discipline, by ceasing to ‘punish’ students and ‘supporting’ them instead. We need holistic, evidenced-based supports that successfully address challenging behaviours whilst ensuring student safety, both physically and mentally. There are better alternatives that are more consistent with the observance of human rights.

4. QAI supports the recommendations made by Children and Young People with Disability Australia (CYDA) in their submission.

¹ Higgins DJ, Mathews B, Pacella R, et al. The prevalence and nature of multi- type child maltreatment in Australia. Med J Aust 2023; 218 (6 Suppl): S19 - S25.

Introduction

The right to education for students with disabilities has long been a focus of QAI's systemic advocacy. Having witnessed the experiences of our clients and many families within our community over the years, QAI is deeply concerned about the extent to which some students with disability are being denied their right to an inclusive education. Practices such as gatekeeping, the overuse of school disciplinary absences, the use of Restrictive Practices and a lack of access to reasonable adjustments, are routinely denying students with disability their right to access education on an equal basis with others.

QAI supports the need to ensure schools are sufficiently resourced and skilled to maximise student learning, however we are concerned about the way the issue has been framed in the terms of reference. By framing the issue as one of "disorderly, poorly disciplined classroom environments" that are impacting teacher safety and which require teachers to better "manage classrooms" to "maintain order", the terms of reference imply that students are wilfully and mischievously ignoring behavioural directives and that the solution lies with more discipline.

However, this ignores the reality of many classrooms in which students with disability are not receiving the support and reasonable adjustments they require and, as a result, are disproportionately receiving disciplinary measures. It also ignores the reality that many children experience some form of maltreatment during childhood², meaning that behavioural incidents are likely to be a trauma response that require a therapeutic, not punitive, intervention.

QAI therefore urges the Committee to take a considered approach to understanding perceived "disorderly behaviour" which could be the manifestation of a person's disability in the absence of inclusive and trauma-informed pedagogies, and which will not be successfully addressed through punitive responses. While teachers can rely on the union to advocate for their rights, students with disability who are denied reasonable adjustments and who experience discriminatory practices at school do not have a comparable body to speak on their behalf. Political pressure to be seen as 'tough' in responding to challenging behaviour at school must not drive policy reform in this area.

We need alternative, evidenced-based solutions to discipline that will successfully reduce behaviours of concern, whilst keeping students safe and engaged at school. We know that when school disciplinary absences are used sparingly alongside supportive interventions, there are better outcomes for students, families, teachers, and communities.

QAI's submission will highlight the overuse of school disciplinary absences for students with disability, the consequences of excessive disciplinary measures and will finish by discussing the need for alternative, evidence-based solutions.

1. The overuse of school disciplinary absences for students with disability

Despite suspensions and exclusions purportedly being a last resort measure, QAI has obtained data via a Right to Information request that shows school disciplinary absences in Queensland state schools are going disproportionately to certain cohorts of students, particularly students with disability and Aboriginal and Torres Strait Islander students.³ For example, students with a disability

² Higgins DJ, Mathews B, Pacella R, et al. The prevalence and nature of multi- type child maltreatment in Australia. Med J Aust 2023; 218 (6 Suppl): S19 - S25.

³ QAI and ATSILS '[The need for inquiry into school disciplinary absences in Queensland state schools](#)', February 2022

received between 46%-48% of all short-term suspensions and between 41%-47% of all long-term suspensions between 2016 and 2020.⁴ This is despite the fact that students with disability only make up about 17% of the Queensland school population. Further, despite only constituting approximately 10% of the school population, Aboriginal and Torres Strait Islander students receive approximately one quarter of all suspensions and exclusions.⁵

While school disciplinary absences may be appropriate in very limited circumstances, they are being used more frequently than is required.⁶ Further, it might be assumed that the number of school disciplinary absences reflects the prevalence of challenging behaviour within a school, however there are numerous reasons why school disciplinary absences are used, many of which do not directly correlate to the behaviour of the student concerned.⁷ For example, a suspension may be used as a 'warning' to other students or used as a way of removing non-compliant students during inspections by accreditation authorities.⁸ In these situations, the limitation on a child's right to education is neither necessary nor proportionate.

QAI considers that the prevalence of school disciplinary absences among students with disability typically reflects the culture of an individual school and the extent to which it values and promotes the principles of inclusive education. Whilst some schools provide exemplary support to students with disability, others appear to reject the values of inclusion and operate practices that are discriminatory towards students with disability. For example, unreasonably denying requests for reasonable adjustments that would ensure students with disability can access education on the same basis as others. The absence of reasonable adjustments for many students with disability, particularly students with autism and/or attention deficit hyperactivity disorder (ADHD) can lead to escalations in behaviour that would otherwise be avoided if reasonable adjustments appropriate to their needs were in place. An absence of trained staff skilled in behaviour management techniques can then lead to further escalations in the child's behaviour, resulting in disciplinary measures such as a suspension or exclusion and/or the use of restrictive practices, further entrenching the child's segregation within the school community.

This was a key finding of the 2019 South Australian inquiry into suspensions, exclusions, and expulsions, which found that exclusions were being used for students with disability who were not provided reasonable adjustments necessary to prevent incidents that then led to the use of school disciplinary absences.⁹

Even when reasonable adjustments are provided, the allocation of resources can fail to provide what is needed for a student with a disability. Money might collectively be spent on equipment or additional teacher aide hours, however the individual support needs of the student can remain unaddressed.

⁴ Ibid, p8

⁵ Ibid, p9

⁶ Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; *International Journal of Inclusive Education*, 24:14, 1473-1493

⁷ Ibid

⁸ Parsons (2018) cited in Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; *International Journal of Inclusive Education*, 24:14, 1473-1493

⁹ 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, p362 – Finding 5.1

All of this is occurring despite overwhelming evidence as to the ineffectiveness of school disciplinary absences in reducing behaviours of concern. Graham highlights the fundamentally flawed assumption upon which school disciplinary absences are based – that is, that challenging behaviour is a conscious choice enacted by individuals who can self-regulate their emotions.¹⁰ By punishing students who exhibit challenging behaviours, it is presumed that school disciplinary absences will act as a deterrent and change the student's decision-making prior to 'choosing' their behaviour in future. However, this grossly misconstrues the nature of 'challenging behaviour', which is often a reflex communication strategy for an individual with communication difficulties in situations of heightened distress. It can also be a manifestation of a person's disability.

Case studies

Case study 1

Belinda is a primary school student with ASD Level 3, ADHD, language disorder and significant sensory processing issues who was permanently excluded from her school following repeat suspensions (six in total), commencing when she was eight (8) years old. Belinda was thriving in a mainstream school with support from the Inclusion Support Department until a change of key staff in that Unit significantly altered the inclusivity of the school, and her educational experience. While Belinda had been accustomed to an inclusive and disability-aware schooling environment, the new Head of Special Education failed to provide reasonable adjustments in circumstances that led to an escalation of behaviour. This ultimately led to disciplinary action by the School, including six (6) suspensions, the application of Restrictive Practices (Belinda was locked in a sensory room on several occasions and placed in a segregated space during school hours). Following her exclusion, Belinda experienced a sustained period where she received no educational materials or support, which her mother sought to enrol her in another school. Belinda attended a total of 38 days of school in the 2020 school year.*

Case study 2

Andy is a young man in high school who had been permanently excluded from his school following an incident. Andy and his mother felt that the incident occurred as a result of a disruption in his daily routine and lack of preparation around the changes. These are known triggers for Andy due to his disability – intellectual impairment and Autism Spectrum Disorder. Andy's mother approached QAI's Young Peoples Program (YPP) for assistance to appeal the exclusion decision. The Advocate assisted in drafting the appeal letter and drafting a response to the Principal's subsequent reply. The Principal's decision was amended to an exclusion from the school for a period of four (4) months. Unfortunately, when the exclusion period had ended, Andy was not able to easily re-enrol at the school. Andy's mother contacted the Advocate after several weeks of communicating with the Regional Case Manager about Andy's education moving forward. Approximately 23 hours of work over four weeks was required by the Advocate to liaise with the Autism Hub and the Assistant Regional Director to negotiate Andy's enrolment and supports. Unfortunately, Andy was not able to be supported to return to*

¹⁰ Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; International Journal of Inclusive Education, 24:14, 1473-1493

the previous school, despite wanting to return, and at short notice was required to transition to a new high school.

*Names have been changed to protect confidentiality

2. The consequences of excessive disciplinary measures

In addition to a lack of support for students with disabilities, “disorderly” classrooms are also likely to be the result of adverse childhood experiences, the prevalence of which is staggering. A recent study found that 62% of Australians had experienced maltreatment as a child¹¹, meaning that teachers need to be skilled in providing trauma-informed responses to student behaviour.

As a result, QAI strongly recommends against a continued (or worse, increased) use of disciplinary measures as a way to try and manage “disorderly classrooms”. The consequences of inappropriate and excessive recourse to school disciplinary absences are profound for individuals, families, and the broader community.

Students removed from educational settings through school disciplinary absences are denied access to fundamental educational materials, learning opportunities and critical chances for relationship building and skill development. Students do not always receive work to complete at home or appropriate support to continue their education.¹² They report feeling anxious, humiliated, and isolated from their peers, all of which then impacts their ability to successfully reintegrate back into school following their absence. Sometimes students are prevented from re-enrolling at a school following an exclusion. Attempts to enrol in other educational institutions can be futile due to gatekeeping practices of some school principals, leaving the student faced with either Special Education or home schooling and thus reinforcing the segregated model that inclusive education policies are seeking to overcome. This is particularly problematic for students in rural or remote parts of Queensland, where there are limited or no other schools in which to enrol.

Immediate consequences for parents can also be significant, with many reporting elevated levels of psychological distress as well as financial hardship and risks to the sustainability of their employment. This occurs due to being unable to attend work and/or being forced to take leave whilst tending to their children unexpectedly. These risks are especially high for low-income or single-parent families with limited supports.

Anecdotally, there are instances where families are forced to uproot and move to a different regional centre to find better schooling for a child who is repeatedly treated unfairly and whose education is highly disrupted by the misuse of school disciplinary absences. This can have a significant impact on a single parent who has to find alternative employment and housing in a new location in order to move the child to another school. This also impacts the siblings of the affected child who must also leave their established schooling to move to the new location and new school.

The inappropriate use of school disciplinary absences has widespread consequences and can result in a loss of more positive measures. For example, other students are taught to segregate themselves from peers who exhibit challenging behaviour, rather than show understanding,

¹¹ Higgins DJ, Mathews B, Pacella R, et al. The prevalence and nature of multi- type child maltreatment in Australia. *Med J Aust* 2023; 218 (6 Suppl): S19 - S25.

¹² Quin, D., & Hemphill, S. A. (2014). Students’ experiences of school suspension. *Health Promotion Journal of Australia*, 25(1), 52-58.

empathy, and compassion for people whose behaviour is likely trying to communicate an unmet need. The long-term impacts of school disciplinary absences can also be severe. Research has demonstrated that students who have received SDAs can go on to experience poorer mental health, prolonged unemployment, increased stigma and feelings of rejection, and an increased risk of homelessness.¹³

Education is fundamentally about socialising students and preparing them for adult life. It teaches essential skills and facilitates pathways to employment and the realisation of a meaningful life. However, for some students, it is the beginning of the ‘school-to-prison pipeline’, where marginalised and excluded young people are at greater risk of incarceration.¹⁴ The association between school disciplinary absences and antisocial behaviour resulting in prison sentences is well established, both in Australia and overseas. The lack of supervision that occurs following a school disciplinary absence increases the likelihood of students engaging in risk taking behaviour and therefore coming into contact with the criminal justice system.¹⁵ This is particularly concerning for students with disability and Aboriginal and Torres Strait Islander students, given the overrepresentation of both people with disability and First Nations Australians in Queensland’s correctional facilities. The long-term costs can be very high. For individual students, they can become alienated from school and engage in behaviours that become ‘an entrenched lifestyle’.¹⁶ For society, there are repercussions for community safety and a need for increased expenditure on an ever-growing prison population.

3. The need for evidence-based solutions

High numbers of school disciplinary absences in Queensland state schools could suggest a lack of reasonable adjustments, inadequate positive behaviour support strategies and a workforce that is insufficiently trained in trauma-informed practice. It is imperative that schools can successfully support appropriate student behaviour whilst upholding the human rights of their students and fulfilling their legal obligations, including obligations to provide a safe working environment for staff. The 2017 Deloitte review into Queensland education found that effective behaviour management would reduce the incidence of school disciplinary absences and restrictive practices, and that schools needed to understand “...when difficult behaviour may be a manifestation of a child’s impairment that may be altered through environmental adjustments”.¹⁷ Yet levels of school disciplinary absences remain high in Queensland state schools and continue to disproportionately impede the education of many students with disability and Aboriginal and Torres Strait Islander students.

We need to change our language around discipline, by ceasing to ‘punish’ students and ‘supporting’ them instead. We need holistic, evidenced-based supports that successfully address challenging

¹³ Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; *International Journal of Inclusive Education*, 24:14, 1473-1493

¹⁴ Australian Institute of Criminology (2017) Trends and issues in crime and criminal justice; <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>

¹⁵ Hemphill S, Broderick D & Heerde J 2017. Positive associations between school suspension and student problem behaviour: Recent Australian findings. *Trends & issues in crime and criminal justice* no. 531. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi531>

¹⁶ Ibid

¹⁷ Deloitte Access Economics (February 2017) Review of education for students with disability in Queensland state schools, p106

behaviours whilst ensuring student safety, both physically and mentally. There are better alternatives that are more consistent with the observance of the human rights of Australian school students. We know that when school disciplinary absences are used sparingly alongside supportive interventions, there are better outcomes for students, families, teachers, and communities.

For example, funding for Multi-Tiered Systems of Support to improve academic, social-emotional and behavioural outcomes for all students, as was recommended by the South Australian inquiry into school suspensions.¹⁸ This includes funding for wrap around services with restorative and trauma-informed practices. Greater funding must go towards dedicated school staff whose role is to work with students at risk of multiple suspensions. These staff could include:

- Additional teacher aide roles
- Inclusion Officers
- NDIS navigators to ensure students with disability are on the NDIS, and if they have access to the NDIS that they are using their plans effectively to get their needs met. This is not about the NDIS being used in schools, but to ensure that when students with disability step outside the gate, they have appropriate access to supports like therapy and services to enhance their learning and build capacity, which will then result in better outcomes in school.
- Mental health professionals and advocates to support students with disabilities, their families, and the school to get on the same page about what the student needs to succeed.
- Occupational therapists, speech therapists and psychologists to immediately ensure every student with disability has the adjustments they need to succeed in their learning environment.

All schools must ensure this work is culturally appropriate and promotes respect for Aboriginal and Torres Strait Islander families and communities.

Conclusion

In the words of Professor Graham, Director of QUT's Centre for Inclusive Education:

"Taken together, the bulk of the research evidence indicates that suspension does not help to address the reasons for student disengagement and may in fact accelerate vulnerable students' disconnection from school".¹⁹

QAI urges the Committee to take a considered approach to understanding perceived "disorderly behaviour" which could be the manifestation of a person's disability in the absence of reasonable adjustments, or the result of adverse childhood experiences, meaning that behavioural incidents are likely to be a trauma response that require a therapeutic, not punitive, intervention.

QAI also endorses the submission of Children and Young People Australia (CYDA).

¹⁸ 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

¹⁹ Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; International Journal of Inclusive Education, 24:14, 1473-1493

QAI thanks the Senate Standing Committee on Education and Employment for the opportunity to contribute to this inquiry. We are happy to provide further information or clarification of any of the matters raised in this submission upon request.