

Navigating the system

The Ombudsman's Inquiry into Behaviour Management in NSW schools

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October 2017





NSW Ombudsman Inquiry into behaviour management in schools

A Special Report to Parliament under s 31
of the *Ombudsman Act 1974* - August 2017

The inquiry had three main objectives:

1. Identification of best practice in NSW and other jurisdictions in relation to behaviour intervention and support in school settings.
2. Analysis of the adequacy of the policy and practice frameworks across NSW government and non-government school sectors in relation to the development, implementation, monitoring and review of evidence-based behaviour intervention and support.
3. Analysis of the adequacy of current complaint management and appeal arrangements across NSW government and non-government school settings in relation to behaviour intervention and support practices.

In our report to Parliament we made 39 recommendations.

School support for students in residential OOHC

In order to obtain a better understanding of the extent of the challenges facing the education system in supporting students who have significant support needs, we obtained school attendance and related data in connection with children and young people in statutory OOHC who are living in residential care.

Improving educational outcomes for children

For the selected eight residential OOHc providers	Number of children
Children in residential care	369
Children who ought to attend school	322
Children who ought to attend school and have been in care for 3 months or more and missed 20 or more school days during the 2016 calendar year	128 (43%)
Average number of days that the 128 students were absent from school in 2016	88

* The Department of Education's database only identified 11% of their group of oohc students as being in oohc.

Observations made by residential OOHC providers

We have summarised below a number of the key issues they raised:

- lack of expertise and adequate resources within schools to accurately assess and address the needs of children who have experienced trauma
 - inadequate communication channels between schools and providers to ensure early and timely resolution of problems arising from children's behaviour
 - absence of complaint processes and escalation pathways
 - lack of flexible approaches to behaviour support that cater for individual children
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- excessive delays in school enrolment processes and in accessing behaviour supports
 - excessive use of suspensions in both mainstream schools and SSPs
 - lack of effective monitoring and oversight of practices relating to suspensions
 - learning centres and tutorial centres tend to be the only options offered for children with behaviours of concern in residential OOHC, and there are long waiting lists for access to these schools, and
 - lack of transparency relating to the use of funding for support for students with disability.
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Addressing trauma for children in OOHC

- high and complex needs and emotional and behavioural issues
 - often present as a risk to the young person and others in their immediate environment
 - therapeutic care model needs to include the school experience
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Research cited by the Australian Council for Educational Research suggests that, 'In the classroom, children's trauma symptoms may be understood as attentional deficits, learning disabilities or behavioural or conduct problems (Downey 2007). Researchers like Tiecher and colleagues (2003) argue that trauma informed behaviours are important coping mechanisms that a child may develop to survive extremely stressful experiences, and that focusing on eliminating these behaviours may be damaging to the child. Therefore, it is important for educators working with traumatised children to understand the key developmental pathways that may be affected by childhood trauma, and how to support resilience through these pathways (Perkins, and Graham-Bermann, 2012).'

OOHC in Government Schools Policy

- *OOHC in Government Schools Policy*, which was implemented in July 2010, aims to ‘enhance the participation, retention, educational outcomes and wellbeing of children and young people in statutory OOHC who are attending government schools’.
 - requires schools to collaborate with caseworkers and other stakeholders in developing an individual education plan for every student in statutory OOHC
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FACS Response to our review findings:

- FACS' expectation is that all school aged children in statutory OOHC are enrolled in school and that they receive the necessary support to learn and develop to reach their potential. This progress is to be tracked under the Education Pathway
 - Finalising data exchange with the department to identify those children and young people in statutory OOHC and their involvement on the 'Education Pathway'.
 - *Invest in My Success* strategy to enhance educational outcomes for children in care.
 - Introduction of the Intensive Therapeutic Care (ITC) model.
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Our observations

There are statutory and policy goals that aim to alleviate disadvantage and improve outcomes for children in NSW public schools. However, for a substantial number of the children in residential OOHC that we reviewed, the evidence is clear that the public education system is struggling to meet the educational needs of these children. It also illustrates the current challenge for the education system in meeting the needs of students with complex needs and challenging behaviour more generally.

Key areas for reform (for all children and young people in schools with complex behaviour/support need)

- Provision of **professional learning** and access to expertise for school leaders and specialist staff in relation to students with complex needs and challenging behaviours (refer to proposals 8, 9)
 - Enhancement of policies regarding **discipline and behaviour management** to improve guidance about the use of time-out strategies, restrictive practices and the use of suspensions for students with complex needs and challenging behaviours (refer to proposal 15)
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- Review of processes for the systematic **identification of students** with complex needs and challenging behaviour and **planning by schools to meet the individual students needs** in both a student welfare and educational context (refer to proposals 1, 2)
 - Policy and practice enhancements in relation to **complaint/reportable conduct handling** and access for stakeholders (refer to proposals 25, 30)
 - **Data collection and analysis** to track and evaluate the educational outcomes for students with complex needs (refer to proposals 12b, 15c, 23,38)
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OOHC - Proposals for reform

14. In relation to data on the suspension and expulsion of students in public schools, the department should:

(b). (in addition to the data on suspensions and expulsions that it already reports) collect, analyse and report on data relating to the suspension and expulsion of students:

- (i) with disability or other additional needs
 - (ii) in OOHC.
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16. Information in this report relating to ‘Alternative settings’ and ‘School support for students in residential OOHC’ identifies the need for a broader range of education options, particularly for those students with significant trauma, behaviour, and/or disengagement. Together with key partner agencies, the department should consider the information in this report and explore what more needs to be done to enable these children and young people to obtain an appropriate education. As part of this work, the department should institute a system for ongoing assessment of:

- the effectiveness of available models, and
 - whether there is sufficient supply of the required models to meet needs.
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Data relating to students in OOHC

38. The Department of Family and Community Services should provide annual advice to the Ombudsman's office and the public regarding the progress of the work it is undertaking with the department and other school sectors to ensure that:

- regular and accurate information is provided to schools regarding the students who are in OOHC, and
 - access to education, and the educational outcomes, for children and young people in OOHC are tracked and evaluated.
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