



PSA

Submission

A new Student Behaviour Strategy: Lifting educational outcomes through early intervention and targeted support.



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A New Student Behaviour Strategy
NSW Department of Education

SUBMISSION PREPARED BY
THE PUBLIC SERVICE ASSOCIATION OF NSW (PSA)

INTRODUCTION

The PSA welcomes the opportunity to provide comment on the draft Student Behaviour Strategy. However, we take this opportunity to express our concern that at no stage has the Department of Education engaged with us prior to publicly releasing this proposal.

We have consulted with our School and Administrative Staff (SAS staff) members as well as school psychologists and student support officers (SSOs) in preparing this submission. A range of views were expressed which reflect the different roles of our members and the educational setting they work in. The majority of members were unaware of this proposal until advised by the PSA, which suggests issues within the Department's internal policy development and consultative processes which need to be addressed.

Our submission identified a range of concerns which include work, health and safety; a secure, skilled and sustainable workforce; and the potential for outsourcing and privatisation of specialist services.

De-identified feedback from members is included in our submission so that the Department is aware of the views of people who are vital to the success of the proposed changes because they work directly with diverse and vulnerable student groups to support their educational outcomes.

1. KEY REFORM DIRECTION 1

An integrated system of wellbeing and learning

- **Suspension to only be used in serious circumstances for students in Years K – 2 such as serious physical violence or the use or possession of a weapon, firearm or knife.**
- **Reduced maximum period of suspension for Years K -2 of 1 to five days (current maximum is 20 days).**
- **Reduced maximum period of suspension for Years 3 -12 to 10 days (current maximum is 10 days).**
- **Principals will have greater discretion to determine whether suspension is the right course of action for a student.**
- **For students with disability, principals must ensure reasonable adjustments have been made to help the student manage the behaviours of concern if the behaviour is related to the student's disability.**
- **In the case of expulsion, a principal will be required to identify alternative appropriate placements for the student, such as another school, education pathway, transition to work program or work experience program that will contribute to the student's education.**

PROPOSED CHANGES TO MAXIMUM PERIODS OF SUSPENSION

The PSA supports the Department's plan to develop an integrated system of wellbeing and learning which is clearly in the best interests of students and their learning outcomes. However, the document is short on detail and data to support the proposals. The PSA has reviewed suspension and expulsion data from 2016-2019¹ which shows:

2016

48,272 short suspensions
30,077 students short suspended
Average length of short suspension 3.0 days

17,340 long suspensions
12,203 students long suspended
Average length of long suspension 11.4 days

2017

51,376 short suspensions
31,813 students short suspended
Average length of short suspension 3.0 days

17,854 long suspensions
12,627 students long suspended
Average length of long suspension 12.0 days

2018

52,755 short suspensions
32,343 students short suspended
Average length of short suspension 3.0 days

17,235 long suspensions
12,355 students short suspended
Average length of short suspension 12.3 days

2019

54,794 short suspensions
33,946 students short suspended
Average length of short suspensions 3.0 days

19,651 long suspensions
14,044 long suspended
Average length of long suspension 12.5 days

¹ Centre for Education and Statistics - Suspension and Enrolment data 2016-2019

Our members generally support the changes proposed for K-2 and don't believe longer suspensions are appropriate for such young children. Given that the average length of short suspensions has been three days for the last four years the proposals for K-2 appear to be largely consistent with the data and current practice.

While we have been advised by our members that twenty day suspensions are used less frequently, the data shows that the average length of time for long suspensions for the last four years exceeds the proposed maximum of ten days.

In relation to secondary school students, many of our members are concerned that the proposals have been developed without sufficient consideration of the impact of critical incidents, including acts of violence towards other students, teachers, and non-teaching staff.

Feedback from members:

You're suggesting if a Year 11 student is physically violent towards another student, the maximum suspension is 10 days. I would expect the victim would want time to recover (physically and mentally) and I don't think 10 days would be long enough before being confronted by the perpetrator so quickly.

Some behaviours are so severe in high school that an extended period away from the school allows the learning of the class to flow in a more positive way for the rest of the class who has usually had considerable disruption when a student is suspended. It's a time for the class to reset and refocus without further interruption and to form new practices to deal with such situations better for the future benefit of all.

This is often not enough time for schools to get strategies and services in place to support the student and the school.

Four weeks off school means that students who are often already vulnerable and struggling with work, become significantly behind. Only some of these students will engage with an out of school suspension centre to complete classwork. It also disconnects them from their classmates and teachers, resulting in social problems and reluctance to engage on their return.

I think the grounds for suspension are appropriate, but having students do their suspensions in the home environment can be counterproductive given the sometimes problematic home lives of some students.

Suspension and expulsion data for 2019 shows that of the 19,651 long suspensions:

- 8,068 were for persistent misbehaviour;
- 8,182 were for physical violence;
- 1,277 were for serious criminal behaviour related to the school;
- 1,085 were for possession or use of a suspected illegal substance;
- 767 were for use or possession of a prohibited weapons, firearm or knife; and
- 272 for use of an implement as a weapon, or threatening to use a weapon.

The PSA agrees that lengthy suspensions are not desirable and other alternatives should be pursued, when it is safe and practicable to do so. As one of our members observed, "a twenty-day suspension equates to missing four weeks of school which means the student gets behind with their schoolwork and potentially returns more disengaged with their education". On the positive side the student has a block of time where

services can be organised and appointments made so that they have more supports in place when returning to school.

However, in relation to incidents of violence, criminal behaviour and using or threatening to use weapons an absence of longer than ten days may continue to be required in limited circumstances. Ultimately, the strategy should provide a maximum suspension of ten days with a discretion for a longer period where this is necessary to ensure the safety of the student facing suspension, other students, teachers and non-teaching staff or to put supports in place for the suspended student. This discretion, supported by rigorous guidelines, is essential to build into the strategy so that it accords with the legislated work, health and safety responsibilities of the Principal.

RECOMMENDATIONS 1 & 2

1. That the draft strategy is amended to provide a maximum suspension of ten days for high school students with the Principal to have a discretion for a longer period where this is necessary to ensure the safety of the student facing suspension, other students, teaching and non-teaching staff or to put supports in place for the suspended student.
2. That rigorous guidelines are developed to support the use of this discretion.

WORK, HEALTH AND SAFETY

Feedback from members:

Dangerous behaviour is serious – students and staff will be put at risk.

We have to protect and give a break to vulnerable students and exhausted staff.

Other students and staff should be able to come to work without fear of violence, and in some cases intimidation.

Usually students suspended for ten or more days are for very serious offences. If this was reduced and the student is back in school after ten days, I could feel unsafe in the workplace and would also have concern for my work colleague's safety.

Being in a support unit, I have definitely been affected adversely by not having breaks from continuous abuse, both physical and psychological. I've also observed with sadness the effects these behaviours have on the other students in my class.

We already explore many available options for students with severe behavioural issues. Delaying and reducing the suspension time would put support staff at increased risk of physical and emotional abuse from some of these students.

Certainly the impact on me could become greater having to deal with more regular negative behaviour without the breathing space suspension provides. Stress levels for staff would certainly increase with constant exposure to negative behaviour. As an SLSO most of our workload consists of dealing with challenging behaviour all day. Burn out would increase.

The draft strategy identifies that “students need safe and respectful learning environments”.² The PSA wholeheartedly agrees with this statement but we are deeply concerned that there is no specific reference to the priority of work, health and safety. Schools must be safe and supportive environments for everyone - students, teachers, school administrative and support (SAS) staff and other non-teaching staff. The reasons for long suspensions in 2019 demonstrate that on occasion schools are unsafe environments.

The Department’s *Incident Notification and Response Policy* (PD/2007/0362/V04) directs that:

Employees need to notify both the relevant line manager and the department’s Incident Report and Support Hotline on 1800 811 523 as follows:

- *Where an incident involves emergency services, employees should notify their manager and the hotline as soon as possible within the first hour. This allows for early intervention, management and support.*
- *For all other incidents, employees should notify their manager and the hotline as soon as possible within 24 hours.*
- *Any employee is able to report an incident to the hotline, and will receive advice and support to help them manage the incident, as well as to meet their legislative and procedural obligations.*

Each workplace must create and maintain records of key actions and decisions made when responding to incidents, as these may be required after the incident. A register of injuries and first aid records should also be maintained.

Unfortunately, too many of our members, particularly School Learning Support Officers (SLSOs) have been on the receiving end of violent incidents which include assault and being threatened with weapons. While the student is suspended our member sustains a serious workplace injury which can impact them both physically and psychologically. Under the current policy all safety incidents should be reported within the school and to the Incident Report and Support Hotline.

However, the PSA has been advised by members that in some cases Principals actively attempt to dissuade them from making reports to the Hotline. This includes comments that our member must have said or done something that resulted in the student’s behaviour. Temporary staff appear to be more likely to be advised not to report incidents. Consequently, they do what has been requested by the Principal as they do not wish to jeopardise continuity of their employment. This means far too many incidents are only recorded on the school’s internal reporting system. Not only is this completely inappropriate from both a management and work, health and safety perspective it also contravenes legislation and Departmental policy.

It is the PSA’s position that the Department needs to give priority to improving its incident reporting system so that only one report is required and there is a single point of truth about the number and type of incidents occurring in schools.

Under the *Work, Health and Safety Act 2011*, the Principal is the Person Conducting a Business or Undertaking (PCBU). The Act places significant legislative responsibilities on the employer to provide a safe workplace.

Section 19 outlines the Department’s primary duty of care to its staff:

- 1) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—*
 - a) *workers engaged, or caused to be engaged by the person, and*
 - b) *workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*

² A new Student Behaviour Strategy NSW Department of Education, page 1

- 2) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
- 3) *Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—*
 - a) *the provision and maintenance of a work environment without risks to health and safety, and*
 - b) *the provision and maintenance of safe plant and structures, and*
 - c) *the provision and maintenance of safe systems of work, and*
 - d) *the safe use, handling, and storage of plant, structures and substances, and*
 - e) *the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and*
 - f) *the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and*
 - g) *that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

Therefore, Principals as the PCBU have a statutory obligation to provide, so far as reasonably practicable, work environments that are safe. That requires:

- establishing and maintaining a culture of safety and reporting;
- maintaining, developing and improving work practices that enhance safety for students, teaching and non-teaching staff; and
- assessing and mitigating risks to students, teaching and non-teaching staff.

Given that a culture of reporting is not actively encouraged in some schools the Department does not have the most accurate data on the type and frequency of violent incidents on which to base decisions around the draft Student Behaviour Strategy.

Priority must be given to embedding a culture of safety in all schools and enhancing initiatives that support wellbeing for the whole school community. Implementation of the PSA's recommendations will provide maximum opportunity for the desired outcomes to be achieved in safe and supportive environments for students, teachers and non-teaching staff.

RECOMMENDATION 3

3. That the Department of Education renews and strengthens its commitment to work, health and safety by:
 - enhancing wellbeing initiatives for students, teaching and non-teaching staff;
 - developing a training program for Principals to update them about their responsibilities as the PCBU before the new Student Behaviour Strategy commences;
 - improving and simplifying the incident reporting regime which includes transparent data collection; and
 - supporting active health and safety committees in every school which includes elected SAS staff representatives.

SCHOOL INFRASTRUCTURE

The PSA argues that school environments need to be enhanced as part of this strategy for the safety of students, teaching and non-teaching staff and to support educational outcomes of this student cohort.

Feedback from members:

In-school suspensions require a separate learning space and 1:1 supervision for the majority of students. Currently we do not have the space to effectively accommodate this. Having worked with students 1:1 who are on an in-school suspension I have seen a significantly higher effect on the student rather than being at home. It supports families on a deeper level and continues to strengthen home – school relationships.

More supervision/rooms would be required to separate students from classes if they are to have in-school suspensions or less reason to suspend.

More withdrawal rooms or office space to enable more work to be done with students who require support outside the classroom

Need a safe place for students to work and be supervised, away from peer influences and victims of violence.

Need a dedicated return from suspension space with teacher support.

I like the idea of in-school suspensions and we have done this for some high risk students, however they need their own room to be in (not the back of the classroom) but this means a teacher or Exec need to be with them.

If suspensions are to be reduced in the majority of circumstances, then schools need appropriate spaces for students who would have had a longer suspension but will now remain at school. This could include more individual learning spaces, time out spaces, reflection rooms or other appropriate spaces. To reiterate - 14,044 students were long suspended in 2019 for an average of 12.5 days - which indicates that the impact on school facilities as a result of this strategy will be considerable.

RECOMMENDATIONS 4 & 5

- 4 That the Department of the Education undertakes a consultative process about infrastructure changes required to support this strategy which includes the PSA and members.
- 5 That the Educational Facilities Standards and Guidelines are amended to include infrastructure requirements to support the implementation of this strategy.

INTERNAL SUSPENSION/INCREASED WORKLOAD

Feedback from members:

SAS staff and teachers are at their work limit workwise as it is. It's ok to put these practices in place but we need more support to make them work as designed. It is going to make our workload bigger, there will be a lot more staff at breaking point.

Most students end up in the office area which then becomes the admin's problem.

It will not be acceptable to the PSA that those students who remain at school are left sitting outside the Principal's office or in a hallway or classroom. This is not in the interests of the student, teacher or non-teaching staff, including SAS staff.

Under these proposals, there is a strong likelihood the workload for SAS staff, school psychologists, student support officers (SSOs) and teachers alike will increase which is also a work, health and safety issue. Again, the PSA refers to the responsibilities of the Principal as the PCBU to ensure that workloads are manageable and consistent with relevant Awards and role descriptions/statements of duty.

In regard to SAS staff, the PSA makes the point that their statements of duty require that they work under the direction of a teacher and are not left with the supervisory responsibility of students who remain at school rather than being suspended.

RECOMMENDATION 6

6. That in progressing this change, the Department of Education acts to ensure workloads are manageable and consistent with Awards and role descriptions/statements of duty

2. KEY REFORM DIRECTION 2

Target support for vulnerable students

- **A new model of complex behaviour support will be designed to build school capacity to meet the learning and wellbeing needs of students with a range of behaviours, including complex, challenging and unsafe behaviours.**
- **The establishment of a specialist workforce staff, improved access to behaviour specialists in regional and remote locations and new assessment tools.**

Feedback from members:

Principals should be able to offer more mental health or culturally appropriate help for struggling students and their families.

Students need more access to counsellors. In my district there is not enough hours in a week for the counsellor to visit with all the students needing assistance. More resources to counsellors, mentors can help disengaged students to become engaged and to feel part of the school community.

As an SSO I might have more involvement with students as an alternative to suspension. I may get more referrals and need to support the student, family and at times liaise with DCJ. I might have more of a role in working with class teachers around strategies.

The document fails to mention the fact that "in 2019, more than 125,000 students across NSW received supplementary, substantial or extensive adjustments to their learning because of disability, with the majority of students placed in mainstream classes.³ With population growth and improved health care this number is likely to continue to grow. Population projections show that the NSW had 7,732,850 people in

³ NSW Department of Education Annual Report 2019 page 38

2016. This is projected to increase to 10,572,700 by 2041⁴ which has significant implications for the public school system.

The document does not provide any details about the funding for this new model of complex behaviour support to meet the learning and wellbeing needs of students with a range of behaviours, including complex, challenging and unsafe behaviours. This omission was of particular concern for our members.

RECOMMENDATION 7

7. That the Department of Education provides transparent information about the funding allocated to support this draft strategy and confirmation that funds are available on a recurrent basis.

A STABLE, SECURE AND SUSTAINABLE WORKFORCE IS NEEDED TO SUPPORT THE STRATEGY

Feedback from members:

To enable this support to take place the capacity for SLSOs to be made permanent staff members is vital. These staff are highly skilled at working with these students and their valuable insight is often overlooked.

SLSOs need to be included in the staffing allocation

A SLSO staffing allocation guaranteed for schools. Many students with high needs do not attract funding support.

Funding to support staff and additional permanent SLSOs to be appointed to each class where vulnerable students are.

There will be much greater need for SLSO support within schools and funding to support this.

As an SLSO my role was recently described by the principal as a babysitting one, I don't see that changing any time soon. I don't feel valued and am concerned for my job future.

The current statement of duties for the SLSO includes:

- Assist students with school routines and classroom activities.
- Assist the classroom teacher in the teaching and learning environment (both on and off school premises), including the implementation of individual educational programs and individual transition programs.
- Assist and support students to develop independent living and pre-vocational skills including through travel training, transition, excursions and work experience programs.
- Implement the health care plans or behaviour plans of students with disability or behaviour disorders to support their engagement in learning activities.
- Assist the classroom teacher in organising and preparing resources, in both the classroom and playground to support teaching and learning.
- Participate in student welfare and wellbeing activities as required.
- Observe and record student performance data during the implementation of individual educational and behavioural programs.

⁴ Population Projections, NSW Department of Planning website

AEOs work in schools where significant numbers of Aboriginal students are enrolled. Again, the document fails to identify the fact that there are 61,933 Aboriginal students in NSW public schools.⁵ AEOs work with teachers to:

- Assist Aboriginal students in all school activities, including excursions.
- Discuss with Aboriginal parents the educational progress of their children.
- Identify and develop resources to support the learning outcomes of Aboriginal students.
- Assist in the development and implementation of personalised learning plans for Aboriginal students.
- Help maintain effective relationships between Aboriginal students, Aboriginal parents, the Aboriginal community and school staff.

SLSOs and AEOs are the key SAS staff who will be supporting the successful implementation of these proposals. The draft strategy is flawed in that there is no specific reference to their roles and the work they do to support this student cohort. The PSA seeks the Department's commitment that this omission will be addressed in the final strategy document.

It is an inarguable fact that this workforce and the support it provides to students is based on a model developed by the Department that encourages and enables insecure employment. Based on PSA surveys of our members around **60%** of SLSOs in primary and high schools and **20%** of AEOs are either short or long-term temporary employees.

The PSA has consistently argued this is an unacceptable employment practice. A short term temporary does not know if they will be employed beyond a term and a long term temporary usually does not know if they have a job from one year to the next or if their hours of employment will change from year to year. How does this facilitate good planning for achieving improved learning outcomes for this cohort of students?

The PSA is participating in discussions with the Department about a new merit based recruitment policy and procedures which is an outcome of the *Crown Employees (School Administrative and Support Staff) Award 2019*. It is our strong position that the current issues in relation to insecure employment for SAS staff particularly SLSOs, and a process for conversion must be addressed as a matter of priority and justice to staff who are essential to supporting the student groups identified in the proposed strategy: "students with disability, Aboriginal students, students experiencing socioeconomic disadvantage, students in out-of-home care and students in remote and regional areas".⁶

Under Local Schools, Local Decisions it has been left up to the Principal to determine if there is a vacancy which can be funded before a SAS staff member can be converted to ongoing employment. The PSA is aware of SLSOs who have been long term temporary employees at the same school for more than a decade who have exemplary employment records. However, the Principal steadfastly refuses to support their application for conversion to permanency on the grounds of lack of funding certainty as funding for students with a disability is provided on the basis of individual student need and follows the student through his/her schooling.

The Education budget for 2019-20 was \$18.5 billion or nearly a quarter of the total State budget. In addition, NSW public schools retained \$1.3 billion of unspent funds built up since 2014⁷. Given the size of the Education budget it is difficult to fathom how it can be possible that around 60% of SLSOs and 20% of AEOs are either short or long term temporary employees and routinely denied their request for conversion.

⁵ NSW Department of Education Annual Report 2019 page 6

⁶ A new Student Behaviour Strategy NSW Department of Education, page 3

⁷ Sydney Morning Herald 4 November 2019

RECOMMENDATIONS 8 & 9

8. That the draft strategy is amended to make specific reference to the roles of SLSOs and AEOs in supporting diverse and vulnerable students.
- 9 That the Department gives immediate priority to:
 - reforming its funding model and staffing methodology so that SAS staff have greater opportunities for permanent employment; and
 - developing and implementing a policy and procedure that supports the conversion of current long term temporary staff to ongoing roles within the next six months.

BARRIERS TO ESTABLISHING A SPECIALIST WORKFORCE AND IMPROVING ACCESS

The Department is also proposing to establish a specialist workforce and improved access to behaviour specialists in rural and remote areas. The composition of this specialist workforce and the strategies that will be used to improve access in rural and remote areas have not been addressed in the document. The PSA requests more details on this component of the proposed strategy.

The PSA notes that the State Government made an election commitment that every public high school in NSW would have one full-time counsellor or psychologist and one SSO which would be funded through an investment of \$88 million. With the development of the Student Behaviour Strategy and the additional demands it will place on teaching and non-teaching staff, the PSA argues that implementation of this commitment needs to be accelerated.

Improving access to services in rural and remote area is consistently identified as an objective in Government/Departmental policy documents. The fact is that recruitment and retention of specialists to rural and regional NSW whether in education, health, justice or community services remains challenging and needs to be supported by strategies that actively support staff, provide comprehensive training and incentives to stay in rural and remote areas. Data from the Australian Institute of Health and Welfare which shows a mal-distribution of psychologists is just one example of the problem in getting more specialists to rural and remote areas:

Over eight out of ten FTE psychologists (83.2%) were employed in major cities in 2018 (72% of the population lived in major cities in 2018). There were 106.5 FTE psychologists working in major cities, 62.5 in inner regional, 45.6 in outer regional, 38.3 in remote and 25.5 in very remote areas.⁸

RECOMMENDATION 10

10. That the recruitment of psychologists and SSOs is accelerated, particularly for regional, rural and remote areas.

SLSOS ROUTINELY NOT INVOLVED OR CONSULTED ABOUT BEHAVIOUR MANAGEMENT PLANS

The development of the new model of complex behaviour support must include SAS staff working with students who have complex, challenging and unsafe behaviours. Our members have advised the PSA for a number of years that they are routinely not consulted or included in discussions about behaviour management plans despite the fact that their statement of duties makes them responsible for

⁸ Mental Health Services in Australia, Australian Institute of Health and Welfare, Web Report July 2020

“implementing health care plans or behaviour plans of students with disability or behaviour disorders to support their engagement in learning activities”.

RECOMMENDATIONS 11 & 12

11. That new guidelines are developed to ensure SLSOs are consulted in the development of Behaviour Management Plans.
12. That the Department of Education engages with the PSA and our members in the development and implementation of new models to support diverse and vulnerable student groups.

3. KEY REFORM DIRECTION 3

Building capacity across the workforce through embedded and continuing professional learning

- **Enhanced professional learning will be available at all career stages for teachers, specialist staff and other school-based staff.**

The PSA supports this key reform direction and trusts that the roll-out of enhanced professional learning will address what has been a comprehensive failure by the Department to date to provide appropriate training and development opportunities to SLSOs.

Building capacity to ensure an appropriately skilled workforce is vital to achieving improved educational outcomes for diverse and vulnerable student groups. This will not be achieved unless the Department addresses the large number of temporary SLSOs and AEOs. It is not possible to build capacity when key personnel do not have any level of job security.

Feedback from members:

As SLSOs have very limited training opportunities as it is this needs to be rectified first.

The whole school staff including SLSOs would need ongoing professional development and training to support these students and practical strategies to assist in the classroom and on the playground.

Teaching staff and non-teaching staff (SLSO) need this designed, enhanced professional learning before this policy is due to start. Not just executive staff but the front liners who deal with these students on a daily basis.

All staff need to be aware of how to handle complex behaviour. We all need to use the same language. Input from SLSOs needs to be valued as we are often the people dealing with these behaviours.

All levels of staff need to access better professional development around dealing with students with complex behaviours as this affects everyone in school. This includes SASS staff as between SLSOs and SAO/SAM staff they are interacting with children and need to know how to deal with complex behavioural issues.

We need real face to face training/development, not tick and flick computer based training that only covers knowledge of a policy not skills and strategies required for implementation.

Need – more professional development around the management of complex behaviour – more professional development around understanding students from difficult/trauma backgrounds and

more professional development around identifying students in need of additional support, and funding to actually supply this additional support.

Staff need training and information – release days to actually plan for the change.

Higher SLSO staff to student ratio, more and better training and professional development. And just to be kept more informed about situations before they become risky for all involved.

PROFESSIONAL LEARNING FOR NON-TEACHING STAFF (PLNTS)

The PSA has been in discussions with the Department in regard to professional learning for non-teaching staff (PLNTS) and has a further meeting scheduled for 26 November 2020.

The PSA is aware of the Enhancing Capacity Pilot Program⁹ which supports non-teaching staff. This is a 20-week program of professional learning designed to improve the school team to:

- deliver excellence in service to the entire school community –students, teachers, principals, parents/caregivers and visitors;
- build high performing and well-functioning teams; and
- develop best practices.

We seek the Department’s advice that the work done in relation to PLNTS and the pilot program is integrally linked to this reform direction. The PSA expects that continued roll-out of the pilot program and delivery of enhanced professional learning for non-teaching staff will occur in conjunction with implementation of the new Student Behaviour Strategy. We believe that the Department needs to do a significant body of work before the start of the 2021 school year seek and seek further advice about the Department’s proposals to build capacity of non-teaching staff.

RECOMMENDATION 13

13. That the Department of Education:

- recognises the link between building capacity and a permanent, skilled workforce and acts to address this;
- continues to consult with the PSA about professional learning for non-teaching staff; and
- provides further information about its plans to build capacity during 2021.

4. KEY REFORM DIRECTION 4

Commissioning behaviour services to deliver improved outcomes

- **An expert panel of behaviour service providers will be convened.**
- **Schools will be able to select from a range of pre-qualified providers to deliver services in their school community broadly, or targeted to certain cohorts of students.**
- **The Department will explore co-commissioning opportunities with other parts of government, in particular, the Department of Communities and Justice, to deliver improved outcomes for targeted cohorts of young people.**

⁹ NSW Department of Education Enhancing Capacity Pilot Program Fact Sheet

Feedback from members:

Here we go again – another backhanded way to diminish the value of the amazing professionals within our public service and to find another way to privatise.

I believe this will reduce SLSOs in schools as the funds have to come from somewhere. A presence is just as important as the behaviour services but if outsourced it will chew up a lot of funds for what is successful in schools – SLSOs in the class in the school being a presence on a daily basis supporting the most in need, assisting in confidence, academic levels, keeping them on task. Taking this service (SLSOs) away will only increase issues and worsen behaviours. It needs to be a team network. Outside support to increase and train and CT and SLSO to implement. Outside support to observe and advise, discuss strategies with student and team to make it consistent would be great. But strongly doubt they would add finances...they will take in house jobs to employ outside private enterprise which is not helpful as they are not there all the time when the teacher needs the help or for toileting issues etc.

RECOGNISE EXCELLENCE IN THE PUBLIC SECTOR AND RULE OUT PRIVATISATION/OUTSOURCING

The Department already has very considerable in-house expertise provided by psychologists, SSOs, school counsellors, AEOs and SLSOs. It also has existing agreements with NSW Health in relation to School Link and education services provided in a number of hospitals and agreements with the Department of Communities and Justice in relation to education services in youth justice facilities.

The document does not provide references about the evidence base on which this reform direction is based. The PSA requests that this information is made available. We also note that co-commissioning with other Government agencies is challenging in terms of shared accountability, objectives, risk management, decision making, policies, outcomes, reporting, evaluation mechanisms, resource allocation, governance, information systems, data sharing and ensuring privacy and confidentiality. A great deal of detail in terms of probity needs to be worked through to ensure this model meets accountability requirements.

The PSA is concerned that funds which should be directed to converting SAS staff in particular SLSOs and AEOs to permanent roles will be used to commission services from external providers, including private providers. The Department needs to get its own house in order in terms of sustainable funding and staffing models before it develops another approach to funding and service provision. Without addressing the systemic problems identified in this submission, implementation of this proposed strategy will be flawed from the outset and the improved learning outcomes of students most in need of additional support will be compromised.

We also take this opportunity to express our concern that commissioning of behaviour services could potentially be the thin end of the wedge in terms of moving to establishing competitive markets of external providers and therefore a level of privatisation and outsourcing of specialist services. The PSA strenuously opposes such a direction and urges the Department to continue to provide quality and evidence based support to this group of students through the expertise already available in the public sector. The public education system must continue to be in public hands if it is to provide the best possible support for students with disabilities, Aboriginal students, students experiencing socioeconomic disadvantage, students in out of home care and students in remote and regional areas. Where appropriate the Department should build on models developed with NSW Health and the Department of Communities and Justice to provide more support for this student cohort.

RECOMMENDATION 14

14 That privatisation and outsourcing of behaviour management services is explicitly ruled out.

CONCLUSION

This submission raises a number of significant concerns, particularly around work, health and safety and a permanent and sustainable SASS workforce which we expect the Department to address and respond to. We seek a commitment to further consultation on behalf of our members before any decision is made to proceed with implementation.

The PSA believes it is important that the proposed strategy is not developed in isolation from other significant work occurring in the Department. This includes the staffing methodology, changes to Local Schools, Local Decisions and funding allocations. There needs to be policy cohesion if these changes are to be successfully implemented.

The document did not address how the new student behaviour strategy would be evaluated. This needs to be communicated by the Department to all stakeholder organisations.

Lastly, the PSA notes that the proposed strategy was released with a very short consultation period which stated that “the new strategy will be finalised in October 2020, with implementation scheduled on Day 1, Term 1 2021”.

In light of the significant issues raised in our submission, the PSA’s final recommendation is:

RECOMMENDATION 15

15. That implementation is delayed with more work to be undertaken by the Department to address the systematic issues of a sustainable workforce, sustainable funding, work health and safety and professional development to ensure this change delivers on its objective to lift educational outcomes through early intervention and more support for diverse and vulnerable student groups.

Our submission concludes with responses from our members, which confirm why the Department should delay implementation and make the recommended changes to the strategy so that it can deliver the intended outcomes:

Feedback from members:

What – one very busy term before this is to be implemented?

We are still trying to cope with COVID-19, a new school plan and get our year 12 students through the HSC.

Due to the upheaval of COVID I think schools are currently struggling with behaviour and will struggle with changing the system next year.

We are not ready as the Department has not shared any information on any of the “new” resources they can offer.

The changes could be positive – but schools and staff need more time to consider how to implement them.