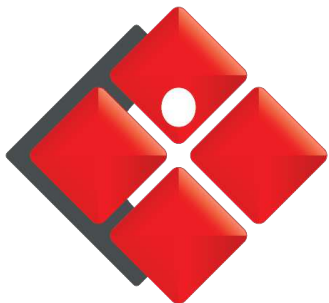


Submission to the
Education, Employment, Training and
Skills Committee

**Education (General Provisions)
and Other Legislation
Amendment Bill 2024**

25 March 2024



PeakCare
Queensland Inc.

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INTRODUCTION

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to provide information in response to the Queensland Parliament's Education, Employment, Training and Skills Committee's call for submissions to support consideration of the Education (General Provisions) and Other Legislation Amendment Bill 2024.

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has more than 80 member organisations which include small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster care, kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

PEAKCARE'S SUBMISSION

While PeakCare acknowledges a key intention of the proposed Bill is to refine the application of suspensions and exclusions, we believe it falls short of offering appropriate and adequate protection from the overuse of School Disciplinary Absences (SDAs) for many of Queensland's most disadvantaged students. Between 2016 and 2020, students with disabilities received 46 per cent of all short term suspensions, despite constituting only about 17 per cent of the student population. This disparity is even worse for Aboriginal and Torres Strait Islander students with disabilities who are five times more at risk of suspensions, and students in out-of-home-care with disability who were six times more at risk compared to their student peers. These figures highlight a critical need for support over punitive measures, as suspensions exacerbate segregation, hinder learning progress, and obstruct students' ability to integrate into the community post-education.

As a lead organisation for Queensland's '[A Right to Learn Campaign](#)', PeakCare proposes the following recommendations in response to the Education (General Provisions) and Other Legislation Amendment Bill 2024, with an emphasis on the specific needs of children in out-of-home-care.

Using suspensions and exclusions as a last resort

Research has consistently demonstrated the negative impacts of suspension and exclusion on students, including academic failure and an increased risk of school disengagement.¹ In alignment with the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), PeakCare recommends the proposed Bill be amended to ensure SDAs are used only as a last resort. This recommendation is grounded in substantial evidence indicating the detrimental effects of SDAs on the health and wellbeing of students, particularly students with disabilities and those in out-of-home care. The Disability Royal Commission highlighted that suspensions not only detract from the time students spend in educational environments, they adversely impact students' learning outcomes, hinder students' academic performance, self-esteem and overall engagement with education. The current stance of the Bill contradicts the Disability Royal Commission's recommendation and further perpetuates the overrepresentation of students with disabilities in suspension statistics compared to their peers.

PeakCare is also concerned about the strong correlation between SDAs and increased risk of early criminalisation for students, including those with disabilities. Commonly termed as the 'school-to-prison pipeline', this phenomenon has been substantiated by research indicating that a considerable number of young people in the criminal justice system have experienced school exclusion. Ensuring suspension and exclusion is used only as a last result, coupled with appropriate and targeted investment in alternative strategies will have a positive effect on future rates of youth offending and will help keep Queensland communities and young people safe.

Recommendation 1: PeakCare recommends the Bill be amended to ensure suspensions and exclusions are implemented strictly as a last resort, safeguarding the educational rights and wellbeing of Queensland students, particularly those with disabilities.

Appeal rights on all suspensions

PeakCare recommends the introduction of a right to appeal school suspensions, irrespective of their duration. This recommendation stems from the significant impact suspensions have on a student's academic record, which may potentially hinder future educational opportunities and have a broader impact on the student, their families and community.

Suspensions, even those of short duration, can have disproportionate consequences, which is why we believe it is imperative for students to have the opportunity to review and appeal these decisions.

¹ Australian Institute of Criminology (2017). Positive associations between school suspensions and student problem behaviour: recent Australian findings. <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>

To ensure fairness and equity within the disciplinary process, PeakCare recommends the right to appeal be extended to all instances of suspension. This amendment would not only uphold the principles of justice and equality but also encourage a more supportive and understanding educational environment that seeks to address the root causes of behavioural issues rather than resorting to exclusionary practices.

Recommendation 2: PeakCare recommends the Bill be amended to ensure all school disciplinary absences are subject to the right of appeal.

Multi-tiered systems of support

PeakCare believes every child has a right to be empowered to fully engage with and feel valued in their learning journey, which is why we emphasise the importance of fostering an education system that is inclusive of diverse learning needs. Achieving an inclusive education system requires adapting teaching methodologies and classroom environments to ensure equitable learning opportunities for all students. We acknowledge while Student Support Plans offer valuable assistance, they are unable to meet the comprehensive and varying needs of every student.

PeakCare recommends the Queensland Government adopt the Multi-Tiered Systems of Support (MTSS) framework which is designed to provide varying and inclusive levels of support to students. Each tier is structured to ensure the specific academic, behavioural and emotional needs of students are met, ensuring all learners, regardless of their abilities can participate in a shared educational experience.

Recommendation 3: PeakCare recommends the Queensland Government Department of Education collaborates closely with experts including QUT's Centre for Inclusive Education to implement the MTSS framework across all Queensland schools. This initiative is critical for moving towards a more inclusive and supportive educational environment that caters to the diverse needs of all students.

Increased accountability and transparency

The need for increased transparency and accountability is supported by the United Nation's Sustainable Development Goal 4, which aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Regular reporting and oversight mechanisms are essential for monitoring progress towards reducing suspensions and enhancing educational outcomes, ensuring that schools are accountable for their disciplinary practices.

PeakCare advocates for enhanced accountability and transparency within the educational system, particularly to decrease the rates of suspensions and exclusions that disproportionately affect students with disabilities and in out-of-home care. To achieve this, it is recommended the Bill is amended to require the department to produce an annual report on the use of SDAs to the Minister, which must be tabled to the Legislative Assembly within six sitting days.

In addition to the annual report, PeakCare recommends an independent board is established which is dedicated to overseeing the application of all policies, rules and legislation related to SDAs. This board would play a fundamental role in advising on potential areas of improvement and identifying practices that effectively support students' best interests.

Recommendation 4: PeakCare recommends the Bill be amended to include an annual reporting requirement on the use of SDAs and the establishment of an independent oversight board to monitor the application of legislation, policies and rules relating to SDAs.

Ensuring student rights

The *Human Rights Act 2019* (Qld) requires the Department of Education to ensure accessible and suitable education for every child, appropriate to their needs. This includes safeguarding rights impacted by SDAs with an emphasis on equality, recognition before the law and the right to protection from mistreatment and harm.

Section 12 of the Human Rights Act affirms these rights and aligns with international standards set by the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), guiding the Department's use of SDAs.

Implementing SDAs without considering less restrictive, effective behavioural strategies are in direct violation of Queensland's human rights obligations. The current legislative framework, despite intentions for inclusivity, falls short in ensuring equal education access for all students. There is also significant risks for children in out-of-home care, these children are at a greater risk of facing disproportionate disciplinary measures. The potential impacts include:

- **Educational disparities:** Children and young people in out-of-home care often experience disruptions in their education due to placements and transitions. SDAs can further impact their academic progress and access to a consistent educational experience, deepening existing inequalities.
- **Increased disengagement from school:** Facing SDAs can lead to feelings of isolation and disengagement. This disconnection not only affects a child's academic achievements but also their social integration and mental health

- **Heightened vulnerability to negative outcomes:** Research indicates that frequent suspensions or expulsions can lead to a range of adverse outcomes, including increased likelihood of involvement with the criminal justice system, also known as the 'school-to-prison pipeline'. For children in out-of-home care, who may already be at a disadvantage, SDAs increase this vulnerability
- **Compounded trauma and stress:** Children in out-of-home care often come from backgrounds of trauma. Disciplinary actions that remove them from the learning environment can compound stress and trauma, affecting emotional and psychological wellbeing
- **Barrier to inclusive education:** The current legislative framework's shortcomings in promoting an inclusive education system put these children at risk by not providing equal opportunities to learn and succeed. Clause 18 of the Bill, despite its improvements, lacks a clear directive for inclusivity that addresses the unique needs of children in out-of-home care.

To mitigate these risks, PeakCare recommends a revision of the Bill to explicitly include provisions that uphold every child's right to an inclusive education. This amendment is crucial for ensuring that all children, especially those in out-of-home care, have equal opportunities to participate in and benefit from their education, aligning with Queensland's commitment to educational equity and fulfilling human rights obligations.

Recommendation 5: PeakCare recommends the Bill be amended to include a provision requiring the rights of all children to an inclusive education to be upheld.

Students living in out-of-home-care arrangements

Building on these earlier recommendations, it is essential to also specifically address the needs of students who are living in out-of-home care arrangements. In mid-2023, PeakCare, in partnership with a range of leading advocacy organisations hosted a forum on the Overuse of Suspensions in Queensland State Schools. At this forum the complex and intersectional challenges faced by children and young people in out-of-home-care were highlighted, particularly for those who were also First Nations and had a disability. Additionally, CREATE Foundation's 2018 report on educational outcomes for children in out-of-home care revealed substantial barriers to educational attainment, including high rates of school mobility and absenteeism. Addressing the needs of these children within the Bill is not only a matter of educational equity but also of fulfilling their rights to protection and education as outlined in the United Nations Convention on the Rights of the Child.

Including children in out-of-home care within the scope of section 321(1)(b) acknowledges the urgent need for tailored support systems that address their unique circumstances.

To effectively support these children and young people, we suggest the proposed bill also require the following be upheld for all students, including those in out-of-home care:

- A stable educational placement to minimise disruption
- Access to culturally appropriate support services, emphasising the importance of cultural connection for First Nations children and young people
- Comprehensive disability support services, from early intervention to tailored educational practices
- Active involvement of caregivers and relevant agencies in educational planning, ensuring decisions are made with the child's best interests at heart.

Recommendation 6: PeakCare recommends section 321(1)(b) be updated to include students in out-of-home care as eligible for a student support plan.

CONCLUSION

While PeakCare commends the Queensland Government on the proposed Bill as a positive step in creating a more equitable and inclusive education system, we believe the recommendations we have outlined in this submission are critical for ensuring all students in Queensland have the opportunity to thrive through education.

Thank you for the opportunity to provide a submission on aspects of the Education (General Provisions) and Other Legislation Amendment Bill 2024.

Yours sincerely,



Mr Tom Allsop
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(Pronouns: he/his)