



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON EDUCATION, TRAINING AND
YOUNG PEOPLE**

(Reference: Restorative justice)

Members:

**MS M PORTER (The Chair)
MR M GENTLEMAN (The Deputy Chair)
MRS V DUNNE**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 8 MAY 2007

**Secretary to the committee:
Ms S Lilburn (Ph: 6205 0490)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

WITNESSES

MACGREGOR, MS FIONA, Manager, Student Support, Department of
Education and Training.....**150**

MELSOM, MS KATHY, Executive Director, Student Services, Department of
Education and Training.....**150**

The committee met at 11.40 am.

MACGREGOR, MS FIONA, Manager, Student Support, Department of Education and Training

MELSON, MS KATHY, Executive Director, Student Services, Department of Education and Training

THE CHAIR: Thank you very much for appearing before us today, on behalf of the minister, at our inquiry into the practice of restorative justice principles in youth settings. I apologise for the delay.

The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with rules contained in the resolution agreed by the Assembly on 7 March 2002 concerning the broadcasting of Assembly and committee proceedings. Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee in evidence given before it. Parliamentary privilege means special rights and immunities attach to parliament, its members and others, necessary to the discharge of functions of the Assembly without obstruction and without fear of prosecution.

While the committee prefers to hear all evidence in public, if the committee accedes to such a request, the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly. I should add that any decision regarding the publication of in camera evidence or confidential submissions will not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing. Do you understand that?

Ms Melsom: Yes, thank you.

THE CHAIR: Thank you. I would ask you to introduce yourself, by name and position, when you first address us. Which one of you would like to speak first? Kathy, would you like to make a presentation?

Ms Melsom: Yes, thank you, madam chair. My name is Kathy Melsom. I am Executive Director of Student Services in the ACT Department of Education and Training. Thank you very much for the opportunity to appear before this committee.

We within the department have been doing a considerable amount of work to address the needs of schools and provide specific support to schools so that they are more effective in the measures that they take to create safe and supportive learning environments for students.

We have, of course, provided specific information previously to this committee about the initiatives that we have undertaken, some of which we might expand on if you are interested in hearing about those, and, of course, as these initiatives go into place and over time we see the translation of those and get a better picture of them. But, essentially, what we are aiming to do all the time is to adopt evidence-based initiatives.

It is important for us to move forward with those initiatives that have some proof, some implementation within our schools and some evidence that demonstrates that they will enable schools to make a difference.

What we also endeavour to do is to make a clear distinction about some of the areas that schools are endeavouring to address, such as bullying, violence and harassment. We try to make a very clear distinction between each of those areas because they require different responses. That falls into the area in which we are working with schools very specifically around that range of occurrences.

MRS DUNNE: Ms Melsom, can you elaborate on that? It seems that in some ways bullying, harassment, violence and intimidation are all on the one continuum, but you are saying that the view is that they require different sorts of interventions. It seems to me that if you do not intervene early there is the likelihood that what starts off as nasty words or an elbow in the playground can escalate into something else. Whilst I partly agree that there is a distinction, they all seem to me to be part of the one whole, so how do you ensure that you intervene at the earlier stages so that you do not go on to the next stage, and how do you draw the distinction, one from the other, between bullying and violence? One seems to be a watered-down version of the other.

Ms Melsom: The research tells us that there are specific elements to each of those areas. With regard to bullying, it is about a power imbalance, where a person exercises power over another. That can take various forms; you are quite correct. It might be verbal, it might be physical, it might be a group of students in this case—we are talking about schools—over another group, or it might be a group over an individual or an individual over an individual, but always there is that imbalance of power that is used, if you will, as leverage in the circumstance.

An incidence of violence might simply be a one-off, a particular outburst. Of course, there are degrees of violence as well. If it is extreme violence, it becomes a criminal act. If the child is over 10 years old, then we say to our schools, “You must report this; it’s a criminal offence.” Unlike the circumstance with bullying, which tends to occur over a period of time, a violent incident might just be that one-off, a case of fisticuffs, if you will.

MRS DUNNE: Yes. Violence could be part of a bullying regime, but it could also be a standalone, a one-off incident. It could be just a flare up and you can resolve that and move on.

Ms Melsom: That’s correct. Similarly, there are instances of conflict between young people. The conflict may require a mediation process. That can be perceived as personal growth for young people that are engaged in a process such as that. If it is dealt with positively, they are able to build on what they know and understand and can move forward in their relationships with others. But, coming back to violence, the research tells us that violence requires a non-punitive approach, and that is what we look for; that it is actually about addressing both parties that are involved in bullying and that it is important that we do so. Long-term research that we have now says that a person that is bullied and the bully can both suffer from these experiences.

MRS DUNNE: I don’t think there is any doubt about that. You spoke of a

non-punitive approach to violence, but at the same time you said that, over a particular age or a particular level of severity, the guidelines for schools say that that must be reported.

Ms Melsom: Sorry, a non-punitive approach to bullying. I'm sorry if I said "violence"; I did not mean to. I beg your pardon

MRS DUNNE: Okay.

THE CHAIR: You hadn't finished what you were going to say. Do you want to go on? We will hold our questions till afterwards, if we can.

Ms Melsom: Really just adding to that, what I was saying was that we look at these areas differently and that we are working with our schools to ensure that their capacity to respond to those particular occurrences within their schools is varied. Most importantly, what we are focused on is early intervention prevention, and that is what we would like to see. A lot of our work and energy have gone in around that; hence the work that we have done around restorative practice.

We are looking at some new initiatives at the moment. We have two new initiatives that are evidence-based programs that have come out of the United States, and we are trialling those in our schools. Those are in their very early stages. I think it is important for us to ensure that we do not send a message that there is only one method, one model or one initiative that might translate in schools but, essentially, there are common factors; that is, that there needs to be a whole-school approach, that fundamentally it is about respectful relationships, it is about respect by one student of another student, it is about respect of teachers and students, teachers and teachers, teachers and parents, and so on. The initiatives that we are endeavouring to put in place and to support schools to implement is one that engages with parents, carers, the community and the whole school.

THE CHAIR: You said that there were some new initiatives and that you were trying a model from the United States which, I presume from what you said, was a restorative justice model, but you also said there were other initiatives. Are there other initiatives that you are piloting at the moment as well?

Ms Melsom: The initiatives that I was referring to are second steps and the PATHS initiative.

THE CHAIR: So they are the sets of initiatives that you are trialling.

Ms Melsom: Yes, they are the two that we are currently trialling in our schools. The restorative practice, as you are aware, has been in our school system. We commenced it in 2004 and that is an ongoing process. We are still supporting our schools, where those schools are wishing to take up that particular initiative.

MR GENTLEMAN: Could you expand a little bit on second steps and the PATHS initiatives?

Ms Melsom: I will ask Fiona to speak about that, because she has been very closely

involved in both of those initiatives.

Ms Macgregor: Fiona Macgregor, Manager, Student Support, Department of Education and Training. The social skills program that we are trialling currently is a project that we worked through throughout 2006. One of the things that we were very interested in student support was to try to find evidence-based practice around social skills programs. Social skills is something that schools have always done as a matter of course. It has been part of schooling for many decades around pastoral care and those sorts of things.

We identified that we were seeing a growing number of quite young children who were coming to school quite ill-prepared for schooling in terms of their social skills and their ability to interact effectively with their peers. We wanted to find programs, as I said, that had an evidence base because we are a very small jurisdiction and it is very difficult for us here to try to establish an evidence base around programs or to develop programs, so we try to look for existing programs. We did some research and we found that America had developed the PATHS program, which is particularly designed for the early years. In America they are called the elementary years, which are K to year 5. We also found the second step program, which is K to year 9.

We did an examination of the evidence around that, the way they have been evaluated in America, and we sought to find schools which were prepared to trial these two programs. With the PATHS program, we have three primary schools which came on board. They examined the program. These programs are modularised programs that schools do not have to invent themselves. They are specifically embedded in what happens on a daily basis in classrooms, so teachers integrate it into what they are teaching regularly during the week. One of the good things about the program is that it does not necessarily involve schools in extra work, but both of these programs really require a whole school approach. So you wouldn't just be doing it in one class; you would be looking at how to implement it over time in the whole school.

With the second step program there is one high school, Gold Creek high school, which has taken on board that program. They started trialling it in 2006 and will continue to do so throughout 2007. They have created a specific plan to do that. It is called the social and emotional learning program, and it incorporates the implementation of second steps. Of course, Gold Creek is a kindergarten to year 10 school. This is also a modularised program, and the thing that is interesting about this program is that they are also putting restorative practices, particularly implementing things like circle time, as part of this approach. That is why it is there called the social and emotional learning program. That program will be evaluated.

At Gold Creek they did take some baseline data—they did survey the staff and survey students—before they commenced so that they will be able to see at the end of this process exactly what impact the social and emotional learning program is going to have. Both these programs are focused on building positive relationships and they are also focused, particularly second step, on reducing aggressive behaviour in young people.

MRS DUNNE: With these two programs, which are pilots, some of the schools that are participating are doing other programs. Charnwood and Gold Creek have signed

up to restorative practices. How do you isolate the benefits of this as compared to the benefits elsewhere? I think that that is something that you have to be very mindful of when you are actually doing your evaluation: what else is going on at the school that may be providing an observer effect or some other effect which is either augmenting or improving the results or working against the results.

Ms Melsom: Yes. The dynamics of this school, of course, are very interesting and, as you say, it always is a challenge for us to try to identify what elements are contributing to change within a school environment. We know that a change of principal might influence a school, a change of staff, a particular teacher. It might be a cohort of students that move on from the school. So it is always very difficult to base all of an outcome or a result in terms of initiatives in one quarter because it won't ever be one particular factor.

I think that what schools look for is a change in the culture of the school. That is particularly important and there are many factors that influence that. As far as we are concerned, some schools that we have involved in this pilot are looking at initiatives in isolation, but others are looking at them jointly. For example, Charnwood, being one of those schools, already has a significant amount of investment in restorative practice in schools. But again I think that reinforces the fact that it is not just one standalone initiative. There are many things that we need to consider and we need to keep looking forward and learning more and more. I believe the fact that they are picking up on this initiative as well will only help to grow their understanding and knowledge.

Coming back to the question about how you tease this out, I don't believe that you can ever fully do so. We try to and we try to get our schools to look at what their data is at commencement and what elements they might consider. That might come down to simple things like playground incidents. For example, in Charnwood's case, I recall the principal said to me that it was about how often they used their time-out room. They don't call it a time-out room, they have another name for it, but it was where children might engage in some altercation, let's say, or there are issues that arise. Children might have been given a time to reflect, and that was how they used this little room.

They were trying to ensure that it wasn't a punitive approach, but it was a process whereby children were removed from the mainstream, whether it was during recess time or class time. They have moved away from that model altogether, so they have used the experience that they have had with restorative practice and said, "That's not something that we need as a fallback position now. We can use other strategies that are more effective."

MRS DUNNE: You have provided to us a list of the schools that are involved in these programs. Could you get back to the committee on when those schools became involved in these programs, especially restorative programs?

Ms Melsom: Yes; that's not difficult.

MRS DUNNE: I am just looking through the list and I can't keep the names of every primary school and high school in the ACT in my mind at once, but I think that there

are some schools that don't appear on any of these lists. Does this mean that there are some schools where there are no programs at all?

Ms Melsom: Not at all.

MRS DUNNE: I can't see a couple of high schools on this list. What are those high schools doing?

Ms Melsom: All schools are required to take a proactive position and adopt strategies and procedures within their school to counter bullying. That is part of departmental policy.

MRS DUNNE: If they are not on this list, what are they doing? One of the schools is a school that my children go to, so I have a personal interest as well.

Ms Melsom: I know that the list that you have is not an exhaustive list; that is, we haven't listed every school. We have given examples of programs that schools would implement and listed those schools that are implementing them. You would also be aware that there are schools that implement more than one program, and for various reasons, but we haven't picked up every school and said this school is doing that.

MRS DUNNE: Okay. Could I ask, then, that we do get a list of every school and what they are doing and when they started doing it? That might overcome my previous request.

Ms Melsom: Right.

MRS DUNNE: But on a school-by-school basis, school A is doing programs A, B and C and they started in X, Y and Z; essentially, this table broken down by schools rather than by programs.

Ms Melsom: Yes.

THE CHAIR: I think the other thing that would be interesting in that respect is whether a school has stopped using a program and taken up something else. It might be interesting for us to know about that.

Ms Melsom: Right.

THE CHAIR: When are the pilots expected to be completed?

Ms Macgregor: The pilot for Gold Creek will be completed by the end of the year. The schools that are implementing PATHS will also be completed by the end of this year.

THE CHAIR: How long would they have been conducting the programs by that stage?

Ms Macgregor: The PATHS ones will be 12 months but the one at Gold Creek will be more like 18 months. Can I just explain that one of the integral parts, I think, of the

development, particularly of the implementation, is actually a planning process that involves the baseline data collection, but also to get buy-in from all staff in the school, because it is really important when you are implementing whole school programs that staff really understand the detail of the programs and are all in there participating. I think that that is an integral part. So the planning is important. Kathy and I visited another high school just last week and they are wanting to do a similar process to Gold Creek and they will be looking at how to do that with second steps this year. So that will be another high school that will be commencing the implementation of second steps.

THE CHAIR: I am aware that in respect of restorative justice practice it is very important to engage the parents as well at some stage, maybe not right at the beginning. Are parents very much involved in these two particular programs that we are talking about now?

Ms Macgregor: I think that in the Gold Creek program they have certainly engaged parents around the notion of this pilot, but I couldn't actually say around the PATHS programs. I would have to get back to you about what those schools have done around PATHS.

MR GENTLEMAN: While we are talking about engagement, we had an opportunity last year to visit Charnwood and look at the restorative justice practice there, which has been very successful. One of the things that I picked out was that the pupils themselves are taking the initiative in starting up a practice, so that if they see an incident out in the playground or something they will initiate the RJ practice.

Ms Macgregor: That is right, yes.

MR GENTLEMAN: Is there an opportunity in these two programs that you have kicked off for the pupils themselves to take an active role?

Ms Macgregor: Yes. I think that that is one of the things that are key to social skills programs. It is actually really engaging the children and young people around that self-monitoring, monitoring in the group, that sort of thing. I think it has been proven that those sorts of approaches are the most effective, where young people actually become an integral part of the process.

MRS DUNNE: I go back to some of the issues that we started to touch on. I preface that by saying that the submission from the department is fine as far as it goes in that it addresses management of harassment, bullying and violence, essentially in the RJ context, but I think that there is some stuff which isn't in the submission and which probably needs some drawing out, either here or in some supplementary work. The national safe schools framework is set up to help schools and school organisations to address bullying, violence et cetera. As you say, Ms Melsom, and successive ministers have said, we have signed up to the national safe schools framework. What do you see, if any, as deficiencies in the national safe school framework?

Ms Melsom: The national safe schools framework, as you know, has been developed and agreed nationally. I am now about to move to positives, and you ask me the reverse, but I think it is important to say what it does do: it does provide that

consistency that is considered to be important as a framework for schools. It enables schools—

MRS DUNNE: Sorry, consistency for whom?

Ms Melsom: For all of our schools—schools in the ACT and schools across Australia. Drawing on the expertise that contributed to the development of that framework is really important. It says that there are some fundamental areas that we need to consider; that is particularly important. It also says that schools must engage in a process of reflection, action—and that is continuous. You cannot just develop something, put it in place and say, “Right we’ve done that now.” We must keep revisiting this all the time and determining whether it is successful. It becomes important for schools as part of their school planning, and that is where it sits. As you know, schools are required to report to the department, and we in turn report nationally on how they are going.

MRS DUNNE: Can I just pick up on a couple of things. I am still not getting a satisfactory answer about consistency. Is it consistency of input? Is it consistency of outcome? What is the consistency that you are talking about?

Ms Melsom: It is the consistency of the elements that we look at; that is what is consistent about it. It looks at bullying, harassment, child abuse and neglect. It looks at those specific areas and provides a focus there for all of our schools.

MRS DUNNE: So you see it as a consistent set of signposts—

Ms Melsom: Yes.

MRS DUNNE: For the school, the school community and the school bureaucracy to be asking questions about?

Ms Melsom: That is right.

MRS DUNNE: I see.

Ms Melsom: The other level of consistency is about what occurs within the school planning. That is that all schools are required to look at their school planning processes in addressing these matters.

MRS DUNNE: We talked about thinking about the problem and planning for the problem, but how does it talk about delivery of programs, initiatives or responses that address the problem?

Ms Melsom: That is left to jurisdictions. There are huge variations. I know that you are aware of the plethora of programs, and we have given you a list of the programs that some of our schools are engaged in. There is a variety of things that schools might do to address those areas of concern. And they do, to varying degrees. Some schools, as you know, implement three or four different programs at a given time, because they see that there is strength in some elements of each of those programs—or they might do a composite program.

Nationally there is no edict, if you will, or direction that says we must all be doing this. However, jurisdictions do learn from one another, and a lot of information is shared from one jurisdiction to another. In looking at our evidence-based initiatives, we go searching across other jurisdictions. There are national forums that enable us to do that. Recent forums were held in Western Australia around bullying; they particularly focused on bystander bullying, what is involved in that and how we might address it in schools. As each jurisdiction makes progress in some particular aspect of research, that will inform everyone so that we can draw on that. Coming together under the national safe schools framework enables us to strengthen those connections.

MRS DUNNE: I think you have probably answered my question in a roundabout way, but the framework goes only so far. It stops before the implementation phase. The implementation in schools can be quite varied. We know that in the ACT we have spectacular examples of really fantastic practice but, for whatever reason, we also have schools which are not achieving those sorts of results. We like to talk about Charnwood as the standout example, and I think that it is. I suppose this question comes to mind: if Charnwood can do it, why are there other schools where they are not achieving those sorts of results—where they are still having problems and where there are issues for parents and children? Were they sometimes questioned as to whether they should continue with the schools?

Ms Melsom: If you don't mind, I will go back to the national safe schools framework. It is a framework only; it is not intended to be everything. Of course, we do have a policy. The policy within our jurisdiction gives our schools much more specificity as to what they should be doing. That is where you get down to the types of things that should occur. The consistency that we are looking at in policy is ensuring that we move forward with evidence-based and positive approaches to addressing student behaviour in schools.

MRS DUNNE: I do not think anyone has a problem with that. My question is this: we signed up for the national safe schools framework program in 2003 or 2004?

Ms Melsom: It was 2004.

MRS DUNNE: We say that we have a policy, but we are getting very patchy results. Some schools embrace this and address the issues, and other schools are failing to address the issues of violence in their schools—for whatever reason; whether they do not have the right program or whether they do not have the right culture. I do not care whether we are signed up to a national framework or we have a policy; I am more concerned about the results at the end.

Ms Melsom: All right.

MRS DUNNE: I do not think we could hang our hat on saying, “Well, we've signed up” or “We have a policy.” Is the policy working? Is the framework working? Are there kids in schools who are still unsafe? And what are we doing about that?

Ms Melsom: Obviously, our ultimate goal always is to have a safe and supportive school environment for every child. That is what we aim for. We know that that is not

the case, but we also know—or believe we know—that the incidents of bullying, violence and harassment are not enormous within our school system. I know they get a lot of airplay, but that is the case in terms of information that we receive. For example, if a school is dealing with an issue within their school and that issue escalates, it comes into our Schools Directorate area.

MRS DUNNE: How?

Ms Melsom: Parents might ring—or the school might bring it in—and say that they feel that an issue is escalating and they are seeking some support.

MRS DUNNE: Does the policy say, for instance, that at a certain level of escalation—I do not know how you would define this—this becomes a notifiable incident—notifiable to the schools authority or to authorities in the department of education? When does something become a notifiable incident? When must a principal or a school counsellor tell you or people in the department, “Houston, we’ve got a problem”?

Ms Melsom: There are a number of avenues that might be identified. The suspension of a student would be one of those avenues. That is then reported and—

MRS DUNNE: All suspensions are reported?

Ms Melsom: Yes, absolutely. That comes in through the Schools Directorate, so the same avenue and the same people are dealing with this. So you have the opportunity to look at what is happening and playing out in schools.

You would be aware that our directors of schools visit schools regularly. Within that visiting, it is about the school plan, how things are operating, what is happening within the school and whether there are any issues of concern. That is occurring on a daily basis. They do a rotation of schools. So directors of schools have a supportive role for schools. Also, in that context, they are assisting schools in addressing any of these issues that arise. Within the school itself, of course, there is a large team of people, depending on the size of the school, who engage in supporting students and ensuring their wellbeing.

We do have incidents that occur. Ideally we would want to ensure that we resolve each and every one of those to everyone’s satisfaction, but it is not always the case. That is the reason we continue to look at what those programs and initiatives are. It is never highly successful to come in after the fact; it is always about intervention and prevention. If we can achieve that—and that is where we are trying to head—and look at the culture of our schools and how they can ensure a supportive environment for all students, that would be ideal.

As to the issue of areas that are raised within the department and that come into the Schools Directorate, people may be seeking support, and that support will be provided. Assistance is always given to schools to address any issues of concern that they have. We are not seeing a really high number come in.

What we do have, of course, is another process for complaints, and that is formal

complaints in writing. We do have a process for that, as you would be aware. We have a policy around anyone lodging complaints. I am not trying to diminish the seriousness of these issues that occur but—

MRS DUNNE: Are you saying that numerically there are not many?

Ms Melsom: No.

MR GENTLEMAN: What are the historical statistics here? If we look back 10 years, were there more incidents in ACT schools then as a percentage figure? Are there fewer incidents now? Are we looking at a downward trend? Do you know?

Ms Melsom: I cannot answer that question. The data we collect has been varied over the years. That does not create a particularly clear picture. Sometimes we have not been measuring the same things or asking the same questions. It depends on the question you ask. For example, if we look at our suspensions—and I believe we have said this before—and ask schools what contributed to a particular suspension, they might mention a number of factors or they might simply say “conflict” and then we do not get to unpack what that is about. The school might be labelling it as a conflict between the student and another student, but that may not be what it actually is. Hence, I go back to initial statements about the fact that we need to educate our schools to be more specific about what these things are and ensure, first, that they recognise and respond appropriately to each of them and, second, that we get more informed information about what is happening within our schools.

MRS DUNNE: Can I follow up on Mr Gentleman’s question? In the olden days schools used to keep punishment books and things like that.

Ms Melsom: Yes.

MRS DUNNE: Are there records in schools of the modern-day equivalent of punishment? When an incident occurs at the school, are these things recorded? That could be in the classroom, because some of these are interventions in the classroom. But sometimes they are interventions that involve an executive teacher or an assistant principal and they escalate. Are schools required to keep a fairly accurate record of those sorts of events—for example, whether the child went into an exclusion room, whether a parent was rung, whether there was a conference? Are these things recorded in schools and, if so, are they reported to the department?

Ms Melsom: Without being fully informed as to what schools do, with my knowledge of some schools, my response to that is that some schools do keep that type of information. They certainly keep records of meetings where there has been a dispute, and they take notes and keep records of those notes. If there is a series of incidents—I have been in the situation where I have been investigating a complaint—I am able to backtrack through the school’s records about what occurred, between whom it occurred, when it occurred, and the nature of the event. So schools keep reasonable records around particular children.

MRS DUNNE: All schools?

Ms Melsom: I am saying to you that, in circumstances where I have dealt with a complaint, I am aware of the information and recordkeeping that goes on in a particular school. But do I want to say to you that every school does this religiously? I do not believe that I can answer that truthfully, because I do not know the answer. I do believe that, when schools hold meetings between parents and students, they keep a record of that meeting and what occurred. Where there are ongoing disputes between students, I believe that schools would keep records. Certainly if you went to files such as a counsellor file, there would be a record of which student they have seen. Obviously they are confidential records, so you do not get particular information that sits around that unless the counsellor believes it is appropriate to pass on some information for other purposes. There are welfare teachers within schools that would see students; they would keep a record of students and what issues students were raising.

MRS DUNNE: But, following up on Mr Gentleman’s query, there is no way of centrally monitoring types of behaviour—whether there are changes in behaviour that are problematic? I am getting a sense that, because we are not keeping consistent records, it would be difficult for education authorities in the ACT to identify a change in behaviour or a change of problems or to be able to say, “We fixed this, but this is now a problem”—that sort of change over time. Is that a reasonable—

Ms Macgregor: My understanding—and it is certainly not information I have just from the last two years—is that the main reason for suspensions in the ACT historically has been persistent non-compliance. I think that we certainly have—

MRS DUNNE: What does “persistent non-compliance” mean?

Ms Macgregor: Not following directions from a teacher. That has been the main reason for suspensions. We can certainly go back and have a look at the main reasons why young people have been suspended from schools. With regard to some of the other recordkeeping, of course, schools do fill out accident and incident reports; that can occur when there has been an issue of violence in schools. That sort of reporting is gathered centrally in Manning Clark.

THE CHAIR: I want to make an observation. It is around the plethora of different approaches that are being used. With the way the ACT schools are managed in the ACT, there is an opportunity to choose the particular method or program that they wish to implement—and not only choose, but stop using that and use another one, or use two or three together.

Ms Melsom: Yes.

THE CHAIR: Then there are different approaches towards things like suspension, as we were just discussing. A school may, as a decision, stop using suspension and manage it in a different way; therefore you would not be notified if there was the same kind of incident—because it had not been dealt with in that way.

MRS DUNNE: It did not hit the indicator.

THE CHAIR: That is just an observation.

Ms Melsom: Yes.

THE CHAIR: My third observation is that, at the end of the day, it becomes problematic for you—or the minister, I guess—to provide us with that information on a curve or graph or something that said, “This is what’s happening with these kinds of things.” It may be apples and oranges you are comparing, and that is very difficult for you. That is not a criticism; it is just a fact that you are comparing apples and oranges, and how do you do that. I think Mrs Dunne was talking about being able to say, “Okay, this is obviously showing the effect or the improvement that we wish to see, because these are the outcomes.” You have your policies, your framework and your inputs, but it is a matter of measuring the outputs.

MRS DUNNE: But even the inputs are not necessarily consistent.

Ms Macgregor: No, they are not.

MRS DUNNE: I am conscious of the time, but there are a couple of things I want to raise. Very early in the piece, Ms Melsom, you said in passing that, if an incident got to a particular level, it was policy to report it. Report it where, and what are the trigger points for reporting?

Ms Melsom: Ms Macgregor has already identified the fact that schools do incident reports. When the incident is considered to be of a nature whereby it should be reported—that is, a student might be injured or harmed in some way or there might be damage to property—they are reported to our Schools Directorate.

MRS DUNNE: That could be falling off the gym equipment and breaking your arm or it could be an assault.

Ms Melsom: Yes, that is correct.

MRS DUNNE: Or it could be somebody putting their fist through a wall?

Ms Melsom: Yes.

MRS DUNNE: It could be a range of those things?

Ms Melsom: That is correct.

MRS DUNNE: Putting aside incidents of a kid falling off the gym equipment, getting stitches after playing football or something like that—which involve a whole lot of issues about student welfare and occupational health and safety—if there are incidents of damage or physical violence, what might happen apart from them being reported to Manning Clark House? Are there guidelines that say that in particular circumstances these matters should be reported to the police?

Ms Melsom: Yes. If the child is over 10 years of age and there is an incident of violence, then it is—

MRS DUNNE: That is mandatory?

Ms Melsom: We encourage our schools to report that.

MRS DUNNE: Okay.

Ms Melsom: Of course, schools are always in the position where they are best placed to know the circumstance and make a decision. You can provide guidelines and procedures for schools, but no circumstance is exactly the same as another and therefore they have to make a judgment.

MRS DUNNE: What would the guidelines be for reporting an incident to the police?

Ms Macgregor: What we say is—and this is through advice from the police—that, if a criminal offence has occurred, it needs to be reported to them. That would be an assault—things of that nature. That is the advice that we provide—if there has been an assault or major property damage, that sort of thing. That is what we advise, because that is the advice—

MRS DUNNE: What is the definition of assault—if somebody lobs something at somebody in the playground?

Ms Macgregor: We would say where someone has been injured—where there was actual injury.

Ms Melsom: And intentionally, I think.

MR GENTLEMAN: I think the term is “intentional form of violence causing actual bodily harm”.

Ms Melsom: That is right.

MRS DUNNE: And that is “do not pass go, do not collect \$200”? That is something that just has to be reported to the police?

Ms Melsom: Yes. But, as I said, schools have to make a judgment about what is appropriate. If a child walks down a corridor, punches someone on the arm and that child—

MRS DUNNE: Yes.

Ms Melsom: It might be that it is not of a serious nature. No, they should not have done it, but the school would take an alternative approach.

MRS DUNNE: Yes. I understand that. So that what happens—

THE CHAIR: We need to move on.

MRS DUNNE: What would happen if there was an incident where a child was, as a result of this, taken to the sick bay—

Ms Melsom: Then it is a reportable offence.

MRS DUNNE: Taken to the doctor in the sick bay?

Ms Melsom: Yes, absolutely—parent notified. They would go through a process.

MRS DUNNE: Parent notified.

Ms Melsom: Absolutely.

MRS DUNNE: And can I also ask this: what are the procedures for dealing with a child who was injured at school in these circumstances?

Ms Melsom: Exactly the same as with any other injury. The child's parent is notified; the school must take that action. The parent will be the person that intervenes and makes the decision about whether the child needs to go for medical assistance. If it is something of a serious nature, obviously the school would make that judgment also.

MRS DUNNE: So the school has the capacity to say, "This is serious enough that we need to call an ambulance." Are there guidelines for that?

Ms Melsom: Yes. Schools would make that call if that were the case, but normally they would refer to the parent. That is the parent's call, centrally, but in a situation such as you described—let us say the child is seriously injured—the school will take immediate action.

THE CHAIR: Do you have any more questions, Mr Gentleman?

MR GENTLEMAN: No.

MRS DUNNE: Is it possible to see some of the guidelines that we have talked about—when you write a report for something, when you file that report with the Schools Directorate, when you ring the police et cetera? Do you have those? They must be in formal guidelines somewhere. Are they available to the committee?

Ms Melsom: We will provide you with the information that we have available.

MRS DUNNE: Great, thanks.

THE CHAIR: Thank you very much for that, Ms Melsom and Ms Macgregor.

The committee adjourned at 12.30 pm.