



Youth Affairs  
Council Victoria

# Out of sight, out of mind?

Exclusion and inclusion of students in Victorian schools

A research paper by the Youth Affairs Council of Victoria

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## About YACVic

The Youth Affairs Council of Victoria Inc. (YACVic) is the peak body and leading policy advocate on young people's issues in Victoria. Our vision is for a Victorian community that values and provides opportunity, participation, justice and equity for all young people. We are an independent, not-for-profit organisation.

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## Young people and education in Victoria

High quality education is fundamental to the development of a young person's talents, skills, social connections, identity, dignity and wellbeing. It provides a pathway into employment and financial stability, to enable a young person to overcome disadvantage, contribute to their community and make their aspirations a reality. The Victorian Government has stated:

'[W]e believe that every Victorian has an equal right to the knowledge and skills to shape their lives, regardless of their background, their personal circumstances or where they live ... We believe that every family should have access to great schools for their kids ... It's about supporting all Victorians to live the lives they want to live, and get the jobs they need, securing our state's economic and social future.'<sup>1</sup>

As such, the Victorian Government has prioritised transforming Victoria into the Education State, building an education system that produces excellence and reduces the impact of disadvantage.

A strong, innovative and inclusive education system is now more important than ever. Australia's economy is changing rapidly due to the impacts of globalisation and automation, significant losses of mechanical, labouring and technician jobs, rising demand for employees in personal and community services, new opportunities for entrepreneurs, and growing expectations that employees will be flexible, highly skilled and able to move between multiple roles and employers. While new opportunities are emerging, young people are facing very significant risks. Entry-level jobs are disappearing from many industries, while available jobs (especially at junior levels) are becoming short-term and insecure.<sup>2</sup> Increasingly, educational qualifications do not guarantee a young person a secure career – however, it is equally true that young people without a Year 12 or equivalent qualification are at particular risk of long-term unemployment and underemployment.

Victoria out-performs other states and territories in relation to Year 12 attainment. Our laws and community expectations have changed to encourage or require young people to remain in school for longer than ever before. The age of compulsory school

attendance in Victoria is now 17, and students must complete at least a Year 10 qualification at a school or recognised VET provider.<sup>3</sup>

However, in such an environment, those young people who do not obtain a Year 12 qualification (especially those who do not complete Year 10) may find themselves more marginalised than ever. In their 2016 background paper about the Navigator program, the Victorian Government stated that in 2013 approximately 6,800 students left Victorian state schools between Years 9 and 12 and were not engaged in further education and training by August the following year.<sup>4</sup> At a time when youth unemployment rates are approximately twice that of the general population,<sup>5</sup> it is urgent that we prioritise the wellbeing and opportunities of these young people.

In this paper, YACVic focuses on one cohort of young people who are especially vulnerable to educational disengagement and its consequent harms: those young people who are actively excluded from school.

### **YACVic and education policy**

Youth Affairs Council Victoria (YACVic) is the state peak body for young people aged 12-25 and the services that support them. We are a vibrant, member based organisation, with 323 members – approximately half of them young people, the others comprising local governments, community and health services and research bodies. YACVic's vision is that young Victorians have their rights upheld and are valued as active participants in their communities.

YACVic works to protect the human rights of young people. This must include the right of all children aged under 18 to an education, as articulated in the United Nations Convention on the Rights of the Child. The Convention, which Australia has ratified, specifies that state parties should 'take measures to encourage regular attendance at schools and the reduction of drop-out rates' and 'encourage the development of different forms of secondary education, including general and vocational education, [and] make them available and accessible to every child'. Article 29 adds that the education of the child shall be directed (amongst other things) towards 'The

development of the child's personality, talents and mental and physical abilities to their fullest potential'.<sup>6</sup>

YACVic is guided by these principles, as well as by the youth work principles we developed as part of the *Code of Ethical Practice*. These include social justice for young people, respect for young people's human dignity and worth, and the positive transitions and healthy development of young people.<sup>7</sup>

As such, we welcome the Victorian Government's focus on promoting equality, wellbeing and social cohesion through education. In our advocacy about the Education State, we have stressed the importance of meaningful student participation, adequate support for students' wellbeing, strong partnerships between schools and community services, well-supported transitions between primary and secondary school, and meaningful pathways through vocational education and training.<sup>8</sup>

In particular, YACVic welcomes the Victorian Government's focus on combatting school disengagement. In this paper we will focus on a sub-topic: the need to prevent and address situations where students are urged or required to leave their schools.

### **'Exclusion' – a note about language and scope**

In this paper, we use the term 'exclusion' to encompass the suspension and expulsion of students from schools, as well as a range of other ways that students are actively excluded, including internal suspensions, 'sanctioning' of students and the placing of students on reduced hours for long periods of time,<sup>\*</sup> as well as unofficial processes through which students are urged to leave their schools without a clear, beneficial and mutually-agreed transition plan.

We acknowledge that it is problematic to place all these experiences under one heading. However, we have adopted this approach in response to messages which we

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<sup>\*</sup> We recognise that for some students (for example those living with chronic illness) a reduced hours arrangement may be necessary for wellbeing reasons, and may be the result of a genuine, mutual agreement between the student, their family, their school and support services, and thus may not be experienced as exclusion. However, in this paper we are concerned with those students who are placed on reduced hours due to behavioural or engagement problems for which there, ideally, ought to be another solution which delivers better educational and wellbeing outcomes.

received repeatedly from our stakeholders: that formal expulsions and suspensions are only one component of a wider problem; that many students who have not been formally expelled believe nonetheless that they have been ‘kicked out of school’; and that a combination of inadequate school resourcing and erosion of the acceptance of a child’s right to an education has led some school communities to accept as normal a range of excluding behaviours, including refusal to accept certain students in the first place.

We also recognise that school exclusion is only one aspect of educational disengagement. In conversations with our stakeholders, it was often very difficult to separate the two issues. As such, we raise a number of points in this document which are relevant to (dis)engagement more broadly. We also refer the reader to the other works of YACVic and our partner organisations – notably VicSRC – on the subject of school engagement. However, we cannot address all engagement issues in this document.

We note that the Victorian Council of Social Service (VCOSS) is undertaking advocacy around school engagement as a whole, and we look forward to supporting their work.

### **Executive summary: Why focus on the exclusion of students from school?**

While there are many causes of school disengagement, some young people leave the education system as a result of being expelled or asked to leave. Others exit the education system following a period of disengagement which includes being suspended and/or repeatedly required to leave their classroom or the school grounds.

As we will demonstrate, exclusion is rarely the most effective tactic for transforming a student’s disruptive behaviour and promoting positive school engagement. On the contrary, suspension and expulsion are recognised by the Victorian Government as risk factors impacting negatively on a student’s school engagement.<sup>9</sup> Exclusion from school also increases a student’s likelihood of becoming involved in anti-social behaviour.

It is unsurprising that exclusion tactics alone rarely ‘fix’ a young person’s conduct. We contend that in cases where a young person has experienced multiple suspensions or

been urged to leave their school, this is often related to problems such as mental illness, trauma, drug use, family conflict, behavioural issues related to a disability or learning difficulty, and/or the wish of the young person for a different education or training pathway. In such cases, a purely disciplinary response cannot solve the problem. As Samia Michail (UnitingCare NSW) has commented:

‘The common assumption is that students are engaged with their school and that school suspension can potentially create a good learning environment through a period of contrasting disengagement for the student. However, this conviction is misplaced. Suspension is not a strategy that works for those marginalised at school and is not always appropriate for certain sub-groups of children within the school community.’<sup>10</sup>

The risk of being excluded from school is significantly higher for young people who are already facing disadvantage. These include young people in out-of-home care, young people with disabilities, Aboriginal young people, and young people living in some (not all) suburbs with high rates of socio-economic disadvantage. Being excluded from school increases the risk that these young people will become even more marginalised.

In this paper, we summarise the existing knowledge about the frequency, causes and impacts of school exclusion. We discuss the formal guidelines and safeguards, and how well these are working. We argue the need to combat exclusion by building schools’ capacity to work effectively with all students, while also (where it is genuinely in the student’s best interests and desired by the student) supporting transitions into other education or training settings. Transition to another education provider can sometimes be beneficial for a student, but the process must be well managed, with a strong emphasis on listening to the student, strengthening their connection to education, addressing their academic and wellbeing needs, and tracking them to check they remain positively engaged. At present, for too many disengaged students, this is not their experience. Additionally, we emphasise the importance of reliable, accessible data and strong partnerships with community services.

This paper seeks a commitment from the Victorian Government to reduce the rates of student exclusion from schools and support effective, evidence-based alternatives.

## **Why involve the youth sector in the issue of school exclusion?**

YACVic is not an education provider, and most of our members are youth services, not schools. We recognise that we bring an ‘outsider’ perspective to this issue. However, we maintain that the youth sector can and must have a voice in education reform.

Youth support services often work with students experiencing school disengagement, and can find themselves dealing with flow-on effects following a school exclusion – for example, breakdown of an out-of-home care placement when a student stops going to school. In 2013, when YACVic and VCOSS surveyed 213 Victorian youth services, nearly 40% reported that they had observed service gaps in the field of education.<sup>11</sup>

Similarly, in 2012 Youth Action NSW surveyed over 250 youth service representatives and found that 90% reported working with young people who had been suspended from school. Almost three quarters of these respondents claimed they had worked with students who had been unfairly excluded from school. Many respondents raised concerns that the laws and regulations about school exclusion were unclear and confusing to both schools and services. Many respondents also highlighted the disproportionate impact of school exclusion on students with a disability, students in out-of-home care, and Aboriginal students. Several respondents raised particular concerns about exclusion of students with autism spectrum conditions.<sup>12</sup> This interstate study echoes concerns we have heard raised by Victorian services.

Here, the work of bodies like the School Focused Youth Service (SFYS) and Local Learning and Employment Networks (LLENs) is vital. These bodies provide expert guidance to schools and broker partnerships between schools, other education and training providers, and community services. It is important this collaborative approach is maintained and strengthened, particularly as schools facing high demands often do not have the time or expertise to reach out to external organisations for help.

## **Methodology**

This paper is based on a literature review and consultation with key stakeholders in the youth and education sectors (see page 61), both one-on-one and at forums held in Melbourne (attendance 70) and Swan Hill (attendance 20).

## Reducing school disengagement: the policy context

Recently the Victorian Government has made significant commitments to supporting student engagement. YACVic welcomes these positive undertakings, which include:

- An extra \$566 million over four years in Equity funding to support students facing educational disadvantage. This commitment (part of the Student Resource Package) comprises social disadvantage funding, which now takes into account parental occupation and education levels, as well as the need to support students who did not meet minimum NAPLAN standards in Grade 5.
- The ‘Navigator’ pilot (\$8.6 million over two years) to support young people aged 12-17 in eight Victorian communities.<sup>†</sup> Navigator will be delivered by community organisations working with schools and DET, to support students who have not attended school for at least 70% of one term or more. This can include young people who have been ‘exited’ from their school. Key outcome measures will concern re-engagement with the original school (or with another school, flexible learning program or VET provider); strengthening the young person’s social and emotional capability, including language and literacy, career goals and pathways, and problem solving skills; and supporting schools to work more effectively with vulnerable young people to prevent disengagement.<sup>13</sup>
- Re-funding the School Focused Youth Service (SFYS) for two years to support 10- to 18-year old students who are attending state, Catholic or independent schools but who are showing signs of disengagement. This is estimated to be 20% of students. SFYS builds the capacity of schools, community agencies, families and community to meet the needs of students vulnerable to disengagement, and builds partnerships to address the needs of vulnerable cohorts.<sup>14</sup>
- Four LOOKOUT Education Support Centres (one in each DET region) to support and advocate for young people in out-of-home care in the education system. The LOOKOUT centres will not be education providers; rather they will focus on strengthening the capacity of schools, child protection, community service organisations and carers to deliver on the objectives of the Out of Home Care Education Commitment and the aspirations of the Education State.<sup>15</sup>

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<sup>†</sup> Bayside/Peninsula, Central Highlands, Goulburn, Hume/Moreland, Mallee, Ovens/Murray, Southern Melbourne, and Western Melbourne.

- \$32 million in support (announced in 2014) for the 31 Local Learning and Employment Networks (LLENs) to continue their work for four years. The LLENs broker new initiatives and create and support sustainable partnerships between education and training providers, industry, community agencies and family organisations to enhance the participation, engagement, attainment and transition outcomes of young people aged 10-19.
- The Reconnect program – \$14 million over two years for approved Registered Training Organisations who provide Foundation Skills training, to enable them to provide outreach to disengaged young people aged 15-24, assess their learning and non-learning needs and career goals, develop learning plans, provide support services to enable them to stay in training, arrange workplace experience, and assist their transition into further training and employment.<sup>16</sup>
- A Disengaged Students Register tracking young people leaving school who may need support.
- The Education Justice Initiative, a partnership between Parkville College and the Children’s Court.
- Increased investment in the regions, including 150 new DET regional staff to provide enhanced support to school communities.<sup>17</sup>
- An overall undertaking to halve the proportion of students leaving school from Years 9 to 12 over the next ten years.<sup>18</sup>

### **What happens when a student is suspended or expelled?**

There are many pathways through which a student may be excluded from school – some official, some less so. On the following pages, we provide a broad overview of the processes schools are required or advised to follow in relation to suspension and expulsion.

However, we note that the practical experiences of students and schools are often far more complex, and may or may not align with departmental policy or advice.

## What happens when a school is considering suspending a student?

Student behaviour meets any of the following conditions:

- Consistently behaving ‘in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student’.
- Posing a danger (actual, perceived or threatened) to the health, safety or wellbeing of another person.
- Causing significant damage to property.
- Committing, attempting to commit, or being knowingly involved in theft of property.
- Possessing, using, selling, or deliberately helping another person to possess, use or sell illegal substances or weapons.
- Failing to comply with a staff member’s instructions, so as to cause danger (actual, perceived or threatened) to the health, safety or wellbeing of another person.
- Consistently engaging in behaviour which vilifies, defames, degrades or humiliates another person on grounds of ‘age, breastfeeding, gender identity, disability, impairment, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified with any of the above attributes’.

Students can be suspended for these behaviours if they occur on school grounds, on the way to or from school, or while engaged in any school activity off school grounds. (Ministerial Order 625, implemented March 2014)

These regulations apply to state schools. Independent schools have their own rules, and have greater freedom to suspend students if they wish.

Principal must consider whether another response instead of suspension could address the student’s behaviour.

Principal must consider the student’s educational needs, disability (if any), age, and ‘residential and social circumstances’. This includes whether the student is in out-of-home care, is Aboriginal or Torres Strait Islander, or is from a CALD background.

Principal must give the student the opportunity to respond, and take into account any relevant information provided by the student or their parent or guardian.

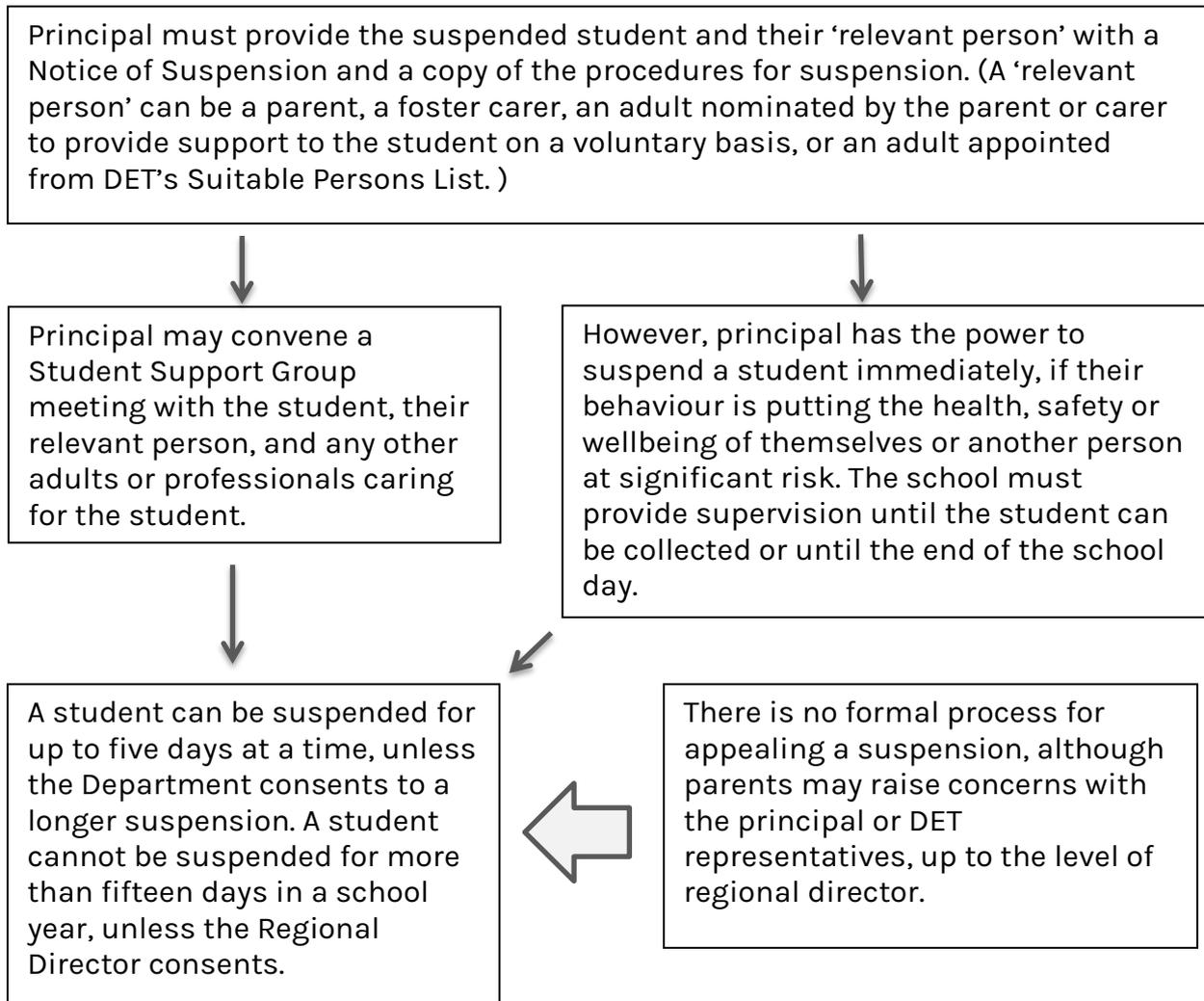
If the student is in out-of-home care, the Out-of-Home Care Education Commitment states principals should convene a Student Support Group meeting if suspension is being considered.

If the student has a disability, the principal must ensure ‘reasonable adjustments’ have been made to help the student manage behaviours which are a manifestation of their disability. It is strongly recommended the school hold a Student Support Group Meeting.

If the student is Aboriginal or Torres Strait Islander, DET advises principals that it’s best practice to engage a Koorie Engagement Support Officer to support the school and the family. It is strongly recommended the school hold a Student Support Group Meeting.

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## What happens when a school is considering suspending a student? (cont'd)



For more information, see endnotes.<sup>19</sup>

In March 2014, Ministerial Order 625 ('Procedure for Suspensions and Expulsions') extended the authority of principals to exclude students from school. This reflected a policy emphasis on school autonomy during that period.

In September and October 2014, the then-Minister for Education, the Hon. Martin Dixon, listed amongst his government's achievements the fact that they had given principals greater powers to suspend and expel students, 'for the safety of their schools'. This was mentioned in the context of his government's investments in anti-bullying programs, but no mention was made of how many students were excluded for bullying-related offences, or how many excluded students might have been bullied themselves.<sup>20</sup>

## What happens when a school is considering expelling a student?

A student is exhibiting any of the behaviours listed on page 12, and these behaviours are of such a magnitude that expulsion is 'the only available mechanism based on [the student's] need to receive an education, compared to the need to maintain the health, safety and wellbeing of other students and staff at the school, and to maintain the effectiveness of the school's educational programs.'

If a student is at risk of being expelled, the principal must notify their parents or 'relevant person', or the Regional Director of DET if they are living in out-of-home care.

Before expulsion, the principal must organise a Behaviour Review Conference, where the student and their parents or 'relevant person' may speak about why they should not be expelled. At this Conference, the principal must explain the reasons for an imminent expulsion, provide a Procedure for Expulsion booklet, give the student the opportunity to respond, and discuss further education, training or employment options if the student is expelled. The principal should ensure the Behaviour Review Conference is 'conducted as informally as possible'.

The student and their parent or 'relevant person' must be notified of the principal's decision within 48 hours.

If the student and/or their parents do not attend the Behavioural Review Conference, it can still go ahead in their absence, and the principal can still decide to expel the student.

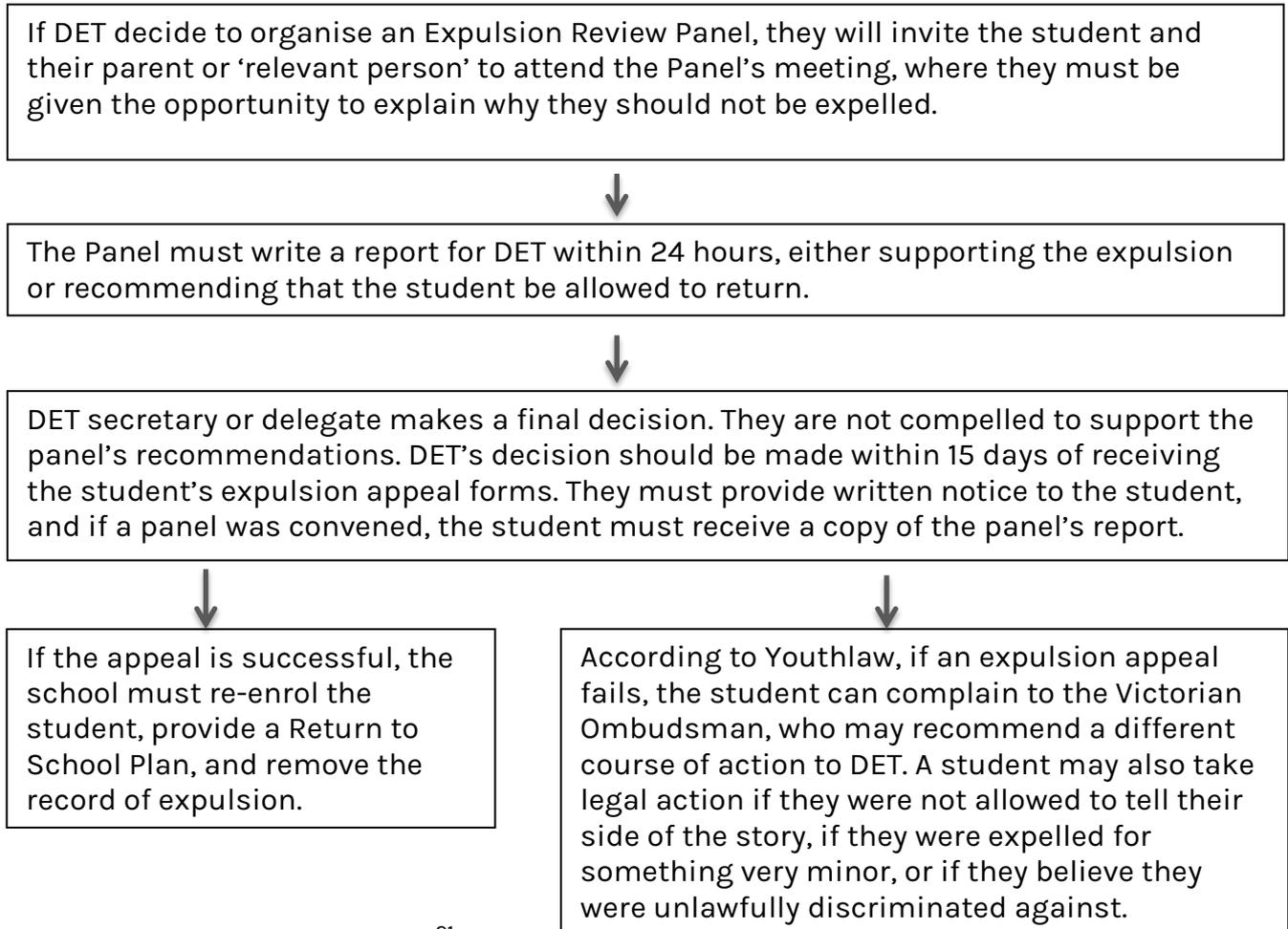
If the student is expelled and is of compulsory school age, the principal and regional DET office must ensure they enrol at another school or RTO as soon as 'practicable'. If there is a delay in transition, the school must provide the student with meaningful work to complete until they move into a new educational setting.

If the student is expelled and wishes to challenge the expulsion, they must submit an Expulsion Appeal Form to the principal within 10 days of the notice of expulsion. Students may challenge an expulsion on grounds that the reasons were unfair, the principal did not follow correct procedures, the school could have managed the student's behaviour in a different way, or there were other circumstances which made the suspension unfair.

Principal must forward the student's appeal form to DET, who may organise an Expulsion Review Panel (comprised of DET representatives). DET are not required to arrange such a panel. Nor are they required to meet with the student or their parent/guardian.

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## What happens when a school is considering expelling a student? (cont'd)



For more details, see endnote.<sup>21</sup>

Under these formal structures, DET is not generally required to have any involvement in cases of suspension, and their *required* involvement in expulsion cases is minimal. While it is not our wish to create additional layers of bureaucracy, we are concerned that the external, expert support provided to schools and students appears insufficient to meet the need in what are often complex and difficult cases.

### How common are suspensions and expulsions in Victoria?

Up-to-date, comprehensive data on suspensions and expulsions is not readily available at present. While DET collect suspension data via their school census, we have been informed this data is not released publically. Principals record and report student expulsions, but this information does not appear publically either.<sup>22</sup>

In particular, it is hard to demonstrate the impact on vulnerable cohorts of students. For example, in April 2013, the Hon. Jenny Mikakos, the then-Shadow Minister for Youth, tabled a question in parliament: Of all the students suspended or expelled in 2012, how many had a recognised disability, and how many were receiving funding through the Program for Students with a Disability? The answer provided was that the education department did not keep separate data on suspensions or expulsions of students with disabilities. In their *Held Back* report, the Victorian Equal Opportunity and Human Rights Commission raised the same concern, commenting that without accurate data they could not assess how common school exclusion was.<sup>23</sup>

YACVic contends that in order for targeted, effective work to be done to address school exclusion, the relevant education and community stakeholders must have access to up-to-date, accurate data. Various partnership groups have demonstrated how quality research, data collection and data sharing about school disengagement can be handled productively and sensitively at a local level, and their findings could inform future Victorian Government approaches. (See examples given under ‘What are the effective alternatives to exclusion? – High quality data and research’.)

We hope that the 2016 Disengaged Students Register will collate data about school exclusions and use this data to inform policy-making and program development.

In the mean time, the following data sets give some indication of the scope of the issue.

In 2016, citing figures from the Department of Education and Training, the *Herald Sun* reported that 172 students had been expelled from Victorian secondary schools in 2015, a rise from 144 in 2014 and 156 in 2013. They added that suspensions from secondary schools had also risen somewhat from 11,009 in 2014 to 11,282 in 2015. However, this still represented a notable drop since 2013 when 11,985 suspensions were reported.<sup>24</sup> In a previous report, the newspaper asserted that the age group most likely to be excluded from school were Years 8 and 9 students, and boys were three to four times more likely than girls to be suspended or expelled.<sup>25</sup>

The Victorian Government’s *On Track* report (2015) surveyed approximately a fifth of young people who left school during the previous year without a Year 12 qualification –

3,512 young people in all. 87 of these young people (2.5% of the sample group surveyed) reported that they had left because they were expelled, were asked to leave, or 'got into trouble'. This figure was lower than the expulsion rates listed in previous *On Track* reports – 2.9% in 2014, 2.7% in 2013, 4% in 2012, and 3.6% in 2011. While recording methods have changed somewhat, it appears the figures for expulsion were higher still back in 2010 and 2009.<sup>26</sup> This could suggest a gradual downward trajectory in students being excluded from their schools.

However, the *On Track* survey, while substantial, does not capture data for every Victorian student; only a minority of early school leavers are reached.<sup>27</sup> It is questionable whether such a generalised survey, which relies upon the contact details of young people from 6 months earlier, has the capacity to reach the most severely disadvantaged and transient young people – who tend to be more vulnerable than average to exclusion from school. Nor does the survey have the capacity to interview young people who left school before Year 10 – a smaller but more vulnerable cohort. Given the survey's reliance on young people's voluntary self-reporting, we should also consider the possibility of under-reporting of school exclusion due to stigma or uncertainty in the young person's mind about their precise pathway out of school. As we will discuss, for some young people the distinction between being 'kicked out' and 'encouraged to look elsewhere' can be unclear.

The 2009 Victorian Adolescent Health and Wellbeing Survey found that 8% of secondary students aged 12-17 self-reported that they had been suspended in the past 12 months. Broadly speaking, suspension rates in the most disadvantaged parts of Victoria were double the rates in the least disadvantaged areas, and suspension rates for boys were double that for girls.<sup>28</sup>

Again, while this survey was very extensive, it did not capture data for every Victorian student. Nor did it have capacity to involve young people who were no longer engaged with school, or whose literacy problems might have hindered them from filling out a survey. Self-reporting also raises the possibility that some young people may under-report, due to stigma, forgetfulness or confusion about whether they were formally suspended or not.

Nor does there appear to be a centralised collection, analysis and availability of data concerning the numbers and demographics of students who are placed on reduced attendance arrangements. This was an issue raised in the *Held Back* report by the Victorian Equal Opportunity and Human Rights Commission concerning the experiences of students with disabilities, but it is relevant to other students too. This issue was raised a number of times during our sector consultations.

### **Have suspensions and expulsions changed since Ministerial Order No.625?**

Ministerial Order No.625 (2014) expanded the powers of principals to suspend and expel students from schools, in line with a policy of school autonomy.

Without access to accurate data on suspensions and expulsions, it is difficult to evaluate any effects of Ministerial Order No. 625. The *Herald Sun* figures suggest a slight rise; the *On Track* figures suggest a slight drop, but neither data set is really sufficient here.

Similarly, the feedback we have received from the youth and education sectors about Ministerial Order No.625 has been mixed. Many stakeholders felt the shortage of reliable data made it hard for them to respond accurately. Some felt that 625 had given a certain encouragement to principals who were eager to take a tougher stand on disciplinary matters. Other stakeholders stated that schools in their communities took diverse approaches to inclusion and exclusion, and that 625 was not the greatest factor influencing them.

While YACVic continue to encourage a review of the impacts of Ministerial Order No. 625, we urge that this question be addressed in the context of the related issues listed below.

### **What other recent changes have affected school inclusion/exclusion?**

The stakeholders we spoke to in the education and youth sectors cited several changes in recent years, which they felt had increased the exclusion of students or made it harder for schools to keep students engaged. These included the following:

- **Loss of DET/school capacity**

Prior to 2015, DET experienced significant loss of staffing and capacity, and were guided by a philosophy of school autonomy. These factors meant that DET have often appeared to the youth and education sectors to be disengaged from the issue of school exclusion, especially if a student has not been formally expelled. Responsibilities around school exclusion have come to rest almost entirely with principals, and the support and guidance available to principals has diminished. A number of our stakeholders expressed deep concern at the shortage of expert, nurturing support for school staff who are struggling to deal with complex or distressing issues in the lives of their students. Some schools are grappling with burnout, stress or vicarious trauma among their teachers and wellbeing staff.

- **Rising demands on schools**

Schools report experiencing growing demand to support students with high and diverse needs. As one stakeholder said to us *'To be fair to low socio economic public schools, they carry the majority of kids who struggle ... and it places a lot of pressure on teachers' ability to teach other kids. I have some empathy for schools who are under resourced and can be juggling kids with very difficult behaviours.'*

While new investments in equity funding have been very welcome, these have not reached all the students who need them. Our stakeholders identified gaps in targeted resourcing to support students affected by trauma and mental illness, students with learning difficulties who do not meet the criteria for the Program for Students with Disabilities, and students who are asylum seekers. For example, one rural flexible learning provider remarked that every student in their program was living with some degree of trauma, but that they only had a counsellor onsite two days a week. Some stakeholders also raised concerns about how best to deal with students who are drug-affected, reflecting that drug-related incidents often attract heavy penalties in schools, due to schools not having meaningful connections to evidence-based drug education or expert guidance on how to manage the problem.

### - **Persistent, low-level tensions within schools**

Despite all the issues raised above, it may be that the greatest problem is not the relatively small number of students who exhibit seriously challenging behaviours, but rather the pressure on teachers to deal with persistent, widespread ‘minor’ issues.

The Behaviour at School Study, funded by the Australia Research Council and based at the University of South Australia, surveyed 1,380 South Australian teachers in 2012 (approximately half of them based in secondary schools). The report found that 53% of teachers reported feeling stressed by students’ behaviour, and that rates of stress were much higher amongst teachers who worked in educationally disadvantaged communities. However, aggressive and anti-social student behaviours were actually relatively rare. Instead, teachers reported a daily struggle with low-level disruptive and disengaged behaviours, such as ‘being late for class’, ‘talking out of turn’ and ‘deliberately disrupting the flow of a lesson’. The behaviours which teachers found most difficult to manage included ‘avoiding doing schoolwork,’ ‘refusing to follow instructions,’ ‘persistently infringing school standards,’ and ‘being unruly while waiting outside classrooms or the canteen or gym.’<sup>29</sup>

Many of these behaviours presumably did not warrant formal exclusion from the school. However, these tensions form the backdrop against which teachers must then cope with more serious incidents.

When asked what approaches they thought would improve student behaviour, 87% of the teachers who were surveyed called for smaller classes. 86% wanted more opportunities for teachers to help each other with student behaviour problems, and 81% called for more staff training and development in how to manage student behaviour.<sup>30</sup>

The issues raised in this study should make us reflect that the current approach to education leaves considerable room for improvement – to strengthen relationships between students and teachers, reduce teacher stress, and engage students more actively in decision-making about their own education.

### - **Exclusion of primary school students**

The exclusion of students from primary schools appears to be a rising concern, and is indicative of severe wellbeing problems or inadequately supported disabilities. As a youth peak, YACVic is limited in our ability to provide expert advocacy on this topic, but we recognise that it is a growing problem, and that students who have been repeatedly excluded from primary school are likely to experience serious problems when (and if) they arrive in the more demanding and impersonal environment of secondary school. These same students are also likely to become high-needs clients of youth and community services.

### - **Academic pressures and competition**

A growing culture of competitive academic schooling has provided less incentive for schools to support the engagement of students who appear to be at risk of achieving lower than average academic results. At our Melbourne forum, participants commented on this issue a number of times. One table of participants remarked *'The majority of teachers care deeply about their students but their KPIs are based around NAPLAN/results.'* At the same forum, one teacher reported that their school was being called upon to support large numbers of disadvantaged students whom the more 'aspirational' neighbouring schools were unable or unwilling to educate. Meanwhile, one parent asked why her child's school could justify hosting an accelerated learning program but not supporting students with mental health problems.

### - **Official guidelines versus realities on the ground**

Many of our stakeholders raised strong concerns that the safeguards which are supposed to protect the school engagement of the most vulnerable cohorts of young people are not always implemented correctly, or at all. Some schools do not seem to understand the policies and procedures regarding students in care, Aboriginal students or students with a disability, or do not feel confident or supported to implement these.

### - **Internal school cultures**

Our consultations also found that the internal culture of a school is at least as significant as departmental regulations. Some schools place a strong emphasis on positive relationship-building, engaging vulnerable families, linking into flexible learning options, and/or taking a restorative justice approach to repair and strengthen relationships between students and staff where there has been conflict or disengagement. Meanwhile, some other schools show relatively little interest in such approaches and may give their teachers very considerable freedom to exclude students from class, with little monitoring or attention to relationship-building or behavioural change. This can be exacerbated in schools where the wellbeing staff are not adequately resourced or qualified to address students' needs.

### **What about other forms of exclusion?**

Any effective intervention to reduce school exclusion must go beyond formal suspensions and expulsions and address the other means through which students are excluded from their schools.

A number of stakeholders from the education and youth sectors have reflected to us that formal expulsions are only the tip of the iceberg. While some students go through a standardised, official process of being expelled from school, there are others who are encouraged or urged to leave. Anecdotally, it appears the numbers of students in this latter category are much higher than those who are officially expelled. However, without data it is hard to properly address the issue.

Official figures on expulsions do not encompass all students who believe they have been 'kicked out' or 'can't go back' to their original school. These students may have been suspended and not supported to return. They may have had conversations with school staff who encouraged them to transfer elsewhere. Their parents may have been called to the school and informed by the principal that their child cannot stay there and would be better off leaving immediately 'to avoid having an expulsion on your record'. These students have not been formally expelled, but the students and their families may well experience these processes as being 'kicked out of school'. Some may even

believe (incorrectly) that they have been expelled, while others feel uncertain about whether an expulsion took place or not.

In series of interviews conducted in 2015 in the Central Highlands region with 16 young people who had experienced severe school disengagement, the researchers (working on behalf of the Child and Youth Area Partnership) found that 'I was kicked out of school' was a common perception. Despite DET's regulations concerning expulsions, none of these young people recalled any formal investigation process or behaviour review conference. Correctly or incorrectly, the young people simply believed they had been told to leave. Most of these young people were already experiencing multiple forms of disadvantage – poverty, out-of-home care, family violence, mental illness – and the majority of them had already moved houses and schools several times. As such they were used to feeling stigmatised, transient and unwanted.<sup>31</sup>

We suspect these informal exclusions constitute a bigger problem than formal expulsion. The issue warrants greater research and intervention.

A related issue is that of schools agreeing to reduced hours of school attendance for students who are exhibiting disengaged or disruptive behaviours. (For example, the student might spend a period of time attending school only in the mornings.) We accept that a school may adopt this approach in an effort to keep some engagement with a student who is struggling to stay involved in school at all. We also recognise some flexible approaches may produce good results in the short term – for example if the student spends the rest of the day in a supervised, skill-building or therapeutic setting. Some schools are proactive in providing alternative arrangements which help the student to build skills and reinforce to them that they are still part of the school community. However, we have heard of a number of students on reduced hours who are simply left to their own devices for the rest of the day, sometimes without adult supervision. This arrangement seems not dissimilar to suspension, even when the student involved may have done nothing wrong. (For example, we have heard of cases of reduced school hours for students who have been victims of bullying).

Another issue which tends not to be the subject of much external regulation is in-school suspensions, 'sanctions' and 're-locations'. These processes exclude students

from class while keeping them within the grounds and supervision of the school. In-school exclusions do not appear to be governed by DET policies, and thus vary considerably in type, frequency and intention.

Some schools try to use in-school exclusions to promote greater reflection and restore relationships. Staff from one school described to us how their students who are 'relocated' from class are sent to another room to reflect and write about what happened and how it could have been handled better. Afterwards they attend an amicable follow-up meeting with the teacher involved, with an emphasis on ensuring they can both start afresh in their next class. In order for models like this to work, teachers and students need expert support, preferably from a wellbeing team member with therapeutic and / or youth work expertise.

However, in some other schools, in-school exclusions are used simply as a way of removing 'difficult' students from a classroom, to provide temporary respite for the teacher and/or other students. We are told that in some schools teachers have considerable personal discretion here. Some students may be sent out of a particular class repeatedly and spend the rest of the period doing nothing of educational value, with little or no emphasis on resolving the underlying problems.

Meanwhile, some schools may simply refuse to take a certain student in the first place. Others may exit a student into an alternative setting with an understanding that the student can return when their circumstances have stabilised, only to later refuse to take them back. We have no access to accurate data on these topics, and indeed the data may not exist. Anecdotally, we are told these issues particularly affect students with disabilities and mental illness. Some schools may assert that they have no places for these students, or they may communicate to the family messages like 'we don't think we can offer your child much' or 'we don't have the capacity to support them'. This may reflect very real resourcing shortages in schools – but it also implies a disturbing erosion of understanding of public education as the basic right of every child.

### **Where does school exclusion fit within a human rights framework?**

The UN Convention on the Rights of the Child (anyone aged under 18) recognises children's right to education. Article 28 specifies that state parties should:

- Take measures to encourage regular attendance at schools and the reduction of drop-out rates
- Make primary education compulsory and available free to all
- Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need
- Make higher education accessible to all on the basis of capacity by every appropriate means
- Make educational and vocational information and guidance available and accessible to all children.

Article 23 also asserts that state parties recognise that children with disabilities ‘should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.’ To this end, children with disabilities are recognised as having a right to assistance designed to ensure (amongst other things) that the child has effective access to, and receives, education, training and ‘preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development’.<sup>32</sup>

If a student is excluded from a Victorian school and has no realistic access to other adequate educational pathways, this could be seen as contravening the above articles. However, the frameworks around school exclusion in Victoria do not appear to make reference to the Convention. Rather, according to DET, Ministerial Order 625 must be interpreted and applied under Victoria's Charter of Human Rights and Responsibilities and implemented in a manner consistent with the Charter.<sup>33</sup>

However, the Victorian Charter focuses primarily on civil and political rights, and makes no mention of education at all. The Charter merely states ‘Every child [anyone under 18] has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.’<sup>34</sup> While school exclusion is usually contrary to a child's ‘best interests’, and while higher rates of

exclusion amongst disadvantaged groups would be suggestive of substantive inequality, we argue the above provision is so vague as to provide little protection.

Philosophically, it might also be valuable to approach a student's engagement in school in terms of natural justice. A natural justice approach ensures that people facing a 'charge' are fully informed about the case against them, given the right to a meaningful hearing, and are guaranteed that decisions will be made only on a sound evidence base and by people who do not have a personal interest in the outcome.<sup>35</sup>

In theory, DET regulations give certain guarantees about students' access to Behaviour Review Conferences and DET reviews in cases of expulsion. However, the fact that DET is not obliged to review an expulsion and the fact that a student can be expelled without much further discussion if they do not attend the Behavioural Review Conference or mount an appeal within ten days, suggests that these models may not provide significant protection. Moreover, there are very few formal protections in place in relation to suspensions and informal exclusions, and the research and anecdotal evidence indicates that many excluded students do not fully understand why they've been removed from school. This suggests that the principles of natural justice are not being well observed here.

### **Existing knowledge about school exclusion: what does the research tell us?**

#### **- Exclusion from school increases students' vulnerability**

While a causal relationship is not firmly established, there is a strong correlation between a student's history of suspension and their failure to complete Year 12. Several recent studies have demonstrated this, for example work undertaken through the Longitudinal Survey of Australian Youth.<sup>36</sup>

In addition, a number of recent studies – notably a 2009 survey of 4,000 Australian and American students – assert that suspension increases a young person's likelihood of engaging in risk-taking activities. Being suspended often means a student spends more time away from adult supervision, bored and disengaged from positive school influences.<sup>37</sup> One 2010 study conducted through the Centre for Adolescent Health,

Murdoch Children's Institute, found that school suspension was the third biggest risk factor increasing a student's likelihood of engaging in anti-social behaviour and violence.<sup>38</sup>

High rates of student exclusion may also point to wider problems within a school. Sheryl Hemphill et al (2009, 2010) have pointed to findings that the likelihood of suspension is affected not only by the behaviour of individual students, but also by school-wide factors. A student appears more likely to be suspended if their school has a high suspension rate overall, and / or a lack of clear, consistent school governance. Suspensions also appear more common in schools where teachers believe that students are unable to use initiative or agency to resolve problems.<sup>39</sup>

- **Exclusion from school does not usually 'fix' a student's behaviour**

In 2014 Daniel Quin and Sheryl Hemphill surveyed 74 young Victorians from five different schools who had experienced suspension. They found that:

- 73% of students responded that being suspended had *not* helped to resolve the problem that caused the suspension.
- Almost a third of the students did not know why they had been suspended, or felt unsure about the reason. [Note: this does not necessarily mean none of their teachers tried to explain it to them, but evidently any explanations that were offered were not understood.]
- When asked whom they spent their suspension time with, the most common response (from 38% of students) was 'alone'.
- When asked what they did on the day of their suspension, only 23% of students said they did school work. The most commonly listed activities were 'stay at home', 'watch TV, play XBOX,' 'use internet'. About a third described hanging out in the local area, city or mall.
- A majority of students (59%) reported that their teachers did not help them to catch up on missed work following a suspension. 49% said that the level of assistance from teachers stayed the same following their suspension; 43% felt it had decreased.<sup>40</sup>

The writers concluded:

‘Removal of a student displaying problem behaviours from the classroom may provide temporary relief to the school community but suspended students report minimal benefits from suspension. Suspension removes the potential pro-social normative influences of school and provides an opportunity to establish antisocial peer networks. Suspended students appear to perceive a stigma upon their return to school, further diminishing an already tenuous school relationship.’<sup>41</sup>

Comparable findings emerged from a series of in-depth interviews with ten NSW students aged 12-14 who had recently been suspended from school (UnitingCare Parramatta, 2012). This report found that not all students understood their school’s suspension policy or process and or knew why they had been suspended. (Again, we should not assume no teacher tried to explain it to them, but evidently any explanations that were offered were not well understood.) Most of the students did not believe that suspension had led them to address their behaviour – many described it as a slack day off. Where students did report positive changes following a suspension, it was when the suspension had triggered positive new interventions from school wellbeing staff or family members. The students interviewed for this study tended to report poor rapport with their teachers and a belief that they were not listened to. Most of them argued that punishments would work better if they were directly linked to the consequences of their behaviour and involved doing work and staying in school.<sup>42</sup>

Similar concerns were raised by a 2009 doctoral thesis (University of Melbourne) which included detailed interviews with 18 young people who had been suspended from school. The students’ experiences were very diverse, and some felt their suspension had had a positive impact on their behaviour. However, most students reported being surprised by their suspension and many indicated they did not see the point of it, feeling they were just being quarantined. Moreover, some students – notably those already experiencing disadvantage – reported that being suspended worsened their disengagement from school and encouraged them to leave altogether.<sup>43</sup>

Similarly, in a set of interviews in 2012 with young Victorians who had experienced educational disengagement, YACVic and VicSRC found that while some of the young

people who had been suspended or expelled agreed that their exclusion from school had been fair, others believed they had been unduly targeted due to having a 'bad reputation' or a difficult relationship with a teacher. Young people with caring responsibilities, financial hardship or chaotic home lives were frustrated to find themselves facing suspension for minor infractions like lateness or wearing the wrong clothes. In general, the young people reported being most upset or resentful about a suspension when they felt they had not been listened to, or where the school's approach to discipline appeared inconsistent or disproportionate to the offence.<sup>44</sup>

- **Disadvantaged students are more vulnerable to school exclusion**

The research indicates a strong correlation between a student's likelihood of being excluded from school and their vulnerability in other areas of life.

- **Students in out-of-home care**

Around Australia, young people in out-of-home care face high rates of disadvantage and school disengagement. For example, a recent report by the Guardian of Children and Young People in South Australia found that school exclusion rates of children in care were four to five times higher than the general student population.<sup>45</sup>

For this reason, Victoria's Out-of-Home Care Commitment stresses the importance of maintaining students' connections to education and their school community. The Education Commitment undertakes that schools will be supported to understand and address the attendance, behavioural and emotional issues of young people in care. It specifies that Student Support Groups should be convened before a student in care is suspended or expelled, that the Regional Director be engaged if an expulsion is considered, and that every effort must be made to ensure that a young person excluded from school remain connected to their school and their studies. A student in out-of-home care should only be excluded 'when all other measures have been implemented without success, or where an immediate suspension is the only appropriate course of action given the student's behaviour'.<sup>46</sup>

Similarly, the core standards listed in the National Standards for Out-of-Home Care specify that 'children and young people in care access and participate in education and

early childhood services to maximise their educational outcomes,' and that 'Children and young people up to at least 18 years are supported to be engaged in appropriate education, training and/or employment.'<sup>47</sup>

However, in spite of these good intentions, young people in care continue to be excluded from school at disproportionately high rates.<sup>48</sup> Sometimes this is for challenging behaviours, many of which are trauma related. While good resources exist to assist schools to develop trauma-informed practice for students in care, in reality it is clear that many schools are unable or reluctant to do so. Moreover, many young people in care struggle to access basic things like appropriate school uniforms and transport to school, which leads to some of them being suspended or excluded from class for minor infractions. In addition, many young people in care have had a disrupted education, missing school due to placement changes, court attendance, untreated health problems, caring responsibilities and a history of transient housing with their families. As a result of long absences from school, these students may struggle to follow class content or develop ordinary study skills. This further reduces their self-esteem and increases their risk of disruptive behaviour, truancy, suspension and being asked to leave.

If the upcoming LOOKOUT centres are to make a meaningful difference to the education outcomes of young people in care, it is vital that they focus on reducing formal and informal exclusions from school of this highly vulnerable cohort of young people.

- **Students with disabilities**

Students with disabilities can be especially vulnerable to school exclusion. In their 2013 report *Held Back*, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) hesitated to claim that students with disabilities were more likely than their peers to be suspended or expelled, because DET and the Catholic and independent school sectors did not appear to collect this data. However, on the basis of their survey of 883 educators, 617 parents or carers and 60 students, VEOHRC raised a number of concerns.

Approximately 15% of the parents with children in mainstream state schools who answered VEOHRC's survey reported that their child had been suspended and 4%

reported that their child had been expelled. Where exclusion did occur, it often seemed to be a repeated problem in the lives of the students concerned. Two thirds of the parents who reported that their child had been suspended said it had happened twice or more. The educators who spoke to VEOHRC typically reported that students with disabilities would only be excluded for extreme behaviour. However, the parents consulted (while acknowledging that their children exhibited behaviours of concern) often worried that their children's schools were unable or unwilling to provide an appropriate learning environment. Parents also drew attention to issues of 'informal' exclusion. This ranged from schools which would not enrol a student with a disability, to schools which sent students with disabilities out of class or back home without recording an official suspension.

Comments from parents<sup>‡</sup> included:

- 'My son has Asperger's and was severely disadvantaged during secondary school, with many suspensions through things he had no control over. ... My son did not complete his secondary school education, which now extremely disadvantages him.'
- 'My child's school would forget to medicate him, and when he displayed autistic behaviours would punish him by suspension. I would take him to school at 9am and regularly a teacher would drop him home by 9.30am. Sometimes they would tell my child they were taking him home to collect his bike.'
- 'My child was not suspended as such but was placed in a day-long time out, this was before her formal autism assessment was done, and it was due to the fact that she had been disruptive to the class.'
- 'My son was suspended due to behaviour, outburst, verbal and physical aggression. He was rarely supported in the appropriate ways, there was no real assistance or strategies offered and he would have meltdowns and then be sent out of the class or sent home. The school could see some of the triggers but did nothing to prevent them, stating they had no funding or resources.'
- 'He has been sent home numerous times without suspension, when he has had a full blown meltdown.'

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<sup>‡</sup> We have quoted at length from the parent testimonies here not only because the issues they raise are important, but also because they illustrate the multiple different forms 'exclusion' can take, many of which are informal.

- 'After being in situations that increased my son's anxiety and after several bullying incidents, my son's 'fight or flight' reaction changed from 'flight' (e.g. hiding in the car park or climbing the fence) to 'fight' (mainly swearing) and lost trust in teachers and therapists leading to exclusion from classes.'
- 'My son has been expelled twice from schools. After that, I spent 16 weeks at home with him every day trying to get him into another school - any other school. It took 177 phone calls to get him into a special school, on limited hours.'
- 'Due to the staff's lack of expertise, the focus was on my son's behaviours and not the cause.'
- 'He has been asked to leave every school he has attended.'
- 'My child was suspended over 20 times in primary school. I was being called to the office almost on a daily basis for minor behaviour through to complete shut downs ... Since attending ... secondary school, my child has never been suspended and is having a vastly different experience. This I believe is due to the understanding and education the secondary school has in educating children with a disability ... My child has moved forward in both his academic levels and his social interactions.'<sup>49</sup>

These stories are especially important given the link established by VEOHRC between a breakdown in a student's school engagement and the relinquishment of children and young people with disabilities into state care.<sup>50</sup>

Similarly, a 2014 research report for the NSW Law and Justice Foundation and the Centre for Children and Young People found that students with cognitive disabilities faced high rates of bullying and were often poorly supported. Some were removed from classrooms or asked to stay away from school for their own safety; others responded to bullying or ostracism with violent behaviours of their own and consequently faced suspension. Some students with cognitive disabilities were excluded from school for disruptive behaviours which could be seen as a response to classroom environments which were inappropriate for their needs. Especially vulnerable were students with learning difficulties which were undiagnosed or which did not receive support funding. These students were at high risk of truancy, disruptive behaviours and exclusion.<sup>51</sup>

In our conversations with stakeholders from the education and youth sectors, we found many concerns were raised about how best to teach students who had learning difficulties but who attracted no disability support funding.

We recognise the undertakings made by the Victorian Government in their response to the Review of the Program for Students with Disabilities (PSD). These include:

- \$17 million extra funding to better support the needs of students with learning difficulties such as dyslexia or with autism who are not eligible under the PSD.
- \$3 million extra funding to provide support for students transitioning to Year 7 who are no longer eligible for funding.
- Requiring all initial teacher education programs to include learning activities about teaching students with disabilities in order to be accredited by the Victorian Institute of Teaching, and requiring all registered teachers to have undertaken relevant professional development in the last two years.
- A new Outstanding Inclusive Education Award category as part of the Government's annual Victorian Education Excellence Awards.
- Feasibility study into creating a Victorian Inclusive Education Institute to strengthen workforce capability through professional learning opportunities, research, technology and collaborations.<sup>52</sup>

Many of these undertakings are very welcome. However, we suggest achieving a truly inclusive Education State should also involve tracking and reducing the rates at which students with disabilities are excluded from schools, and ensuring regular, expert supports are in place for school staff to prevent this from happening.

#### ▪ **Aboriginal and Torres Strait Islander students**

Around Australia, it appears common for Aboriginal and Torres Strait Islander students to be over-represented in suspensions and expulsions. This can be related to intergenerational poverty, poor health and/or school disengagement; it may also reflect discrimination within the school and failure to engage Aboriginal families or understand their own approach to learning.<sup>53</sup> Victoria's Commissioner for Aboriginal Children and Young People has raised serious concerns about suspensions and

expulsions, notably amongst the large numbers of Aboriginal children and young people in out-of-home care.<sup>54</sup>

- **Students who begin disengaging in primary school**

Samia Michail's literature review about school exclusions cites evidence that the 'middle years' (the point of transition from primary to secondary school) are a key point at which the risk of school disengagement and suspension increases for some children.<sup>55</sup> This echoes comments from a number of YACVic's members: that students at the highest risk of exclusion from secondary school often displayed problems of non-attendance, disruptive or traumatised behaviour and low achievement back in primary school.

At present there is no consistent, mandatory, well-funded model for transitions between primary and secondary school, a problem identified by the Victorian Auditor-General's Office.<sup>56</sup>

- **Boys who face multiple disadvantages**

There is a strong gendered dimension to school exclusion. Australian research conducted in the 2000s found that boys were more likely to be suspended than girls,<sup>57</sup> and this was backed by the findings of the recent 'Under 16' research projects led by the LLENs in Melbourne's north, where the vast majority of the students identified as suspended or expelled were boys.<sup>58</sup> This phenomenon is suggestive of many factors, including higher rates of some cognitive disabilities amongst boys (which schools may struggle to support adequately), and a shortage of learning environments which are welcoming and responsive to the needs and interests of boys from economically disadvantaged, culturally diverse and Aboriginal communities. We also suggest that the exclusion of boys from school for violent or threatening behaviours is symptomatic of a wider social failure to prevent and address male violence early on in life.

- **Young people involved in the justice system**

Young people involved in the justice system are very vulnerable to school disengagement and exclusion. A 'snapshot survey' in September 2014 of 165 young

Victorians in remand and sentenced detention found that 58% had been suspended or expelled from school.<sup>59</sup>

Between September 2014 and June 2015, Victoria's Education Justice Initiative (EJI) worked directly with 103 young people who appeared in the criminal division of the Melbourne Children's Court, seeking to re-engage them with education. The EJI found that 100% of these young people expressed willingness to engage with education, but 84% of them had not attended a single day of school in the month prior to meeting with EJI staff, and 38% had not attended school for six months or more. 46% of EJI clients were not enrolled in any education setting when EJI began working with them.<sup>60</sup>

Some EJI clients had been formally excluded from their schools, others had disengaged, and some had been urged to leave so that they would not 'have an expulsion on their record'. Ironically, because these students were not expelled, their schools were not obliged to transition them elsewhere. Some young people stated that they had been expelled or 'kicked out' but there was no official record of this.

One Legal Aid Lawyer told EJI *'If a young person is out there offending, it's often because there's not a lot happening during the day for them. ... They get suspended from school and then there's nothing keeping them supported, and so then things just spiral and get worse and worse.'*

Meanwhile, a Senior Case Manager (Youth Justice) commented *'For a lot of parents, once a child has been suspended or expelled from school, the parents just don't know what to do and schools are not very helpful, I've found. Some schools will pass on a name or a number of another school and say, "here, ring them"', and then that'll be it. And sometimes, getting past the reception at a school to talk to the right person is really difficult.'*<sup>61</sup>

- **Young people from refugee and asylum-seeker backgrounds**

A number of participants in our consultations raised concerns about the exclusion of young people from refugee or asylum-seeker backgrounds. Concerns included young people being informally urged to leave school before Year 12 by staff who assume they cannot pass, and young people being encouraged to exit into English-language programs which may offer few future pathways. Participants acknowledged that this

occurs in the context of schools which may not have the expertise to deal with trauma issues – and which are often located in areas of high disadvantage – and parents who may not understand the Australian education system and their child’s legal rights.

- **Same sex attracted and sex/gender diverse students**

YACVic has welcomed the Victorian Government’s strong support for Safe Schools Coalition Victoria – a vital area for reform. Large-scale surveys of same-sex attracted and sex/gender diverse young people conducted in 2010 and 2014 established that schools were the most common places where young people experienced bullying and discrimination on grounds of sexuality or gender identity. Discrimination was shown to have a significant effect on the education of these young people, with around 10% of them changing schools to avoid discrimination and approximately 8% dropping out of school altogether. These studies focused on school engagement rather than suspension or expulsion specifically, so it is hard to gauge how relevant formal exclusion is here. However, several young people described being encouraged to leave their schools (especially religious schools) and many described a broader sense of being unwelcome.

Comments from young people included:

- *‘Due to my mother’s homophobia I was sent to a strict Catholic boarding school where I was forced to scrub floors and walls on my hands and knees and pray multiple times a day. I am not religious and it was an extremely homophobic environment. Within a month I was on anti-depressant and expelled after attempting suicide because “Suicide is a sin and so it was not acceptable to take part in the school”.’*
- *‘At my Christian High School I was approached by a parent of a schoolmate who informed me that I was “Bringing an unwholesome agenda into the school” followed by various statements about satan, sin etc etc. I spoke with the principal of the school, and eventually left the school as I felt as though I was being deliberately but subtly rejected’.*
- *‘teachers make your life hell so you leave because they can’t expel you.’<sup>62</sup>*

- **Young carers**

Approximately 6% of young Australians are young carers, and they are at higher than average risk of school disengagement. Barriers to education for young carers can include absence, lateness, tiredness, difficulty joining in extracurricular activities, restricted peer networks, poor attainment, non-completion of homework, anxiety and behavioural problems. Due to inadequate data collection, stigma around mental illness and disability, and the fact that young people often do not identify themselves as carers, their caring responsibilities are not always recognised by schools. This would seem to elevate the risk of being excluded for behaviours related to their caring role.<sup>63</sup>

- **Students living with economic, social and geographical disadvantage**

There appears to be a broad alignment between school exclusion and economic and social disadvantage. For example, in a 2010 survey of over 8,000 Australian students in Years 6 and 8 in Victoria, Queensland and Western Australia, Sheryl Hemphill et al found that even when factors such as ‘poor family management’, ‘academic failure’ and ‘interaction with antisocial peers’ were controlled for, suspensions were still disproportionately common in lower SES communities. The average rate of school suspension ranged from 2.9% in the highest SES areas to 8.7% in the lowest. This appeared to relate to the greater stresses placed on school staff and families in disadvantaged communities, where principals may respond with ‘get tough’ policies in the name of maintaining control.<sup>64</sup>

The relationship between school exclusion and disadvantage is a complex one. In her literature review into school exclusion, Samia Michail gathered evidence that school exclusions were related to disadvantage but were also affected by factors like school size, culture, location, leadership and parental engagement.<sup>65</sup>

Victoria’s *On Track* data for 2015 shows that the rate at which young people self-report being expelled or asked to leave their schools varies considerably around the state. As discussed earlier, we must treat the *On Track* findings about expulsion with caution. However, the *On Track* data is suggestive of the following:

- Expulsion rates are disproportionately high in interface LGAs. In 7 out of 10 interface LGAs, the rate of expulsion was higher than the state average, most strikingly in Mitchell, Whittlesea and Cardinia.<sup>§</sup>
- Regional cities show considerable variety, but half of them – Ballarat, Geelong, Shepparton, Warrnambool and Wangaratta – showed a rate of expulsions higher than the state average.
- Expulsions appear to be much rarer in rural shires than in other parts of Victoria; approximately 83% of rural shires recorded no expulsions in the previous year. However, two rural shires – Northern Grampians and Hindmarsh shire – reported expulsion rates more than double the state average. (These should be treated cautiously, though, given the small numbers of students involved.)
- The inner and middle suburbs of Melbourne showed great variety. Most of these LGAs recorded no expulsions or a lower than average expulsion rate. However, there were several areas – including Moreland, Kingston and Stonnington – which recorded expulsion rates much higher than the state average.<sup>66</sup>

The above findings suggest that the risk of being expelled from school is higher in communities which are experiencing rapid growth and change, and where there are unusually large and rising numbers of young people.

The above figures also suggest that the risk of expulsion is greater in areas with higher levels of poverty, although the relationship between these two factors is not a simple one. Some LGAs which recorded higher than average rates of expulsion through *On Track* also have high local rates of socio-economic disadvantage, as defined by the Australian Bureau of Statistics' Socio-Economic Indexes for Area (SEIFA, 2011). These LGAs included Dandenong, Shepparton, Brimbank, Northern Grampians, Hindmarsh and Moira. And a number of LGAs which showed higher than average expulsion rates and which were *not* ranked as especially disadvantaged according to the SEIFA index are nonetheless known to contain communities with high levels of poverty. These LGAs include Geelong, Whittlesea, Mornington Peninsula, Frankston and Melton.

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<sup>§</sup> Note: we have used the definition of interface councils given by the Victorian Government in their 2015 Interface Growth Fund: Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges (<http://www.vic.gov.au/news/interface-growth-fund.html>)

However, not all communities with high levels of disadvantage show high rates of school exclusion, and some LGAs with higher than average expulsion rates (according to *On Track*) are communities where the average income levels are generally quite high, such as Stonnington and Kingston.<sup>67</sup>

It should also be noted that rural communities often struggle with scant local resources, and yet many of them show unusually low rates of student exclusion. (Here, it is important to differentiate smaller rural towns from large regional centres, where exclusion rates can be high.) During our consultations, several stakeholders told us that rural schools tend to be especially committed to keeping all their students engaged, having a strong sense of community obligation and an awareness that the loss of even a small number of students can weaken a rural school's presence and viability.

At the same time, for those students who are exited from rural schools, finding alternative options within a manageable distance can be very difficult. The director of one rural flexible learning setting described how their staff must cover hundreds of kilometres to link their students to appropriate supports when they are unable to continue in the local secondary school.

### **What are the effective alternatives to exclusion?**

The Victorian Government has made many welcome commitments to strengthening student engagement. However, a regular message we received from stakeholders during the course of this consultation was that there is no lack of excellent training, tools, policies and guidelines about student engagement out there. What is missing in many school communities is the targeted resourcing and appropriate support and management to understand and implement them.

To improve student engagement and reduce exclusions, there must be a sufficient combination of education and wellbeing staff on the ground, expert individualised guidance for schools, well supported partnerships with outside agencies – and, where appropriate, reporting requirements to demonstrate that resources are indeed being used to strengthen student engagement. (Examples might include showing improved

student attendance, not merely enrolment, or showing a decrease in the number of students on reduced hours of attendance.)

- **Overall approaches: multi-tiered, collaborative, restorative**

The literature on school exclusions identifies effective approaches which should be used to inform the operations of mainstream and specialist schools, as well as supportive programs like Navigator. We outline the research findings here, but encourage policy makers and practitioners to engage with the original research.

In her recent literature review of 56 journal articles about suspension and expulsion, Samia Michail identifies common features of programs which have demonstrated success in reducing challenging behaviour by students. These include:

- A multi-tiered response, including primary prevention work with all students in the school, secondary interventions with students at risk of exclusion for behavioural issues, and tertiary interventions with students who have been excluded, to keep them engaged with learning and avoid future exclusions.
- Collaborative responses which engage student, their family and their community to develop strategies to improve the student's behaviour. Whole-of-school approaches may be needed (particularly in the field of prevention), but a student facing disengagement may also benefit from the help of support staff who are able to cross several domains where necessary (e.g. schools, youth justice, mental health) to provide the student with consistent, wrap-around support.
- Fostering and rebuilding strong relationships between the student and supportive adults within or connected to the school, such as teachers, counsellors, mentors and mental health workers. For example, some interventions require students who have been suspended to meet several times a week with a teacher following their return to school, with a focus on catching up on missed work and renewing their connection to the school. Expert support staff may be needed to facilitate this.
- A restorative justice approach to discipline, which emphasises preventing conflict and harm and re-establishing and strengthening positive relationships where harm has occurred.

Michail's research also points to the value of engaging students in meaningful decision-making to enhance their education, address their problems, take responsibility for their actions and lead positive change within their school community.<sup>68</sup>

Other research has produced similar findings. For example, Quin and Hemphill (2014) found that the need for suspension appeared to diminish in schools where there were strong expectations of family involvement in school, high expectations of what students could achieve, and effective and engaging teaching and behavioural management strategies.<sup>69</sup>

Meanwhile, the resource produced by the Centre for Adolescent Health, Murdoch Children's Research Institute, recommends that any suspensions should involve close monitoring and re-integration of the student, purposeful and personalised activities for them to complete while suspended, restorative practices to bring together the people affected by the student's behaviour to develop shared solutions, and interventions which enhance the student's social, interpersonal and anger management skills and link them to health and wellbeing supports.<sup>70</sup>

- **Expert, flexible brokerage between students, families, schools and services**

There is great value in having a supportive initiative which is connected to schools but independent from them, which can identify school-aged young people who are not attending school, clarify with them and their families what they want for the future, explain the options to them, and work closely with schools, flexible learning settings and VET providers (as well as relevant services and departments) to make this happen.

We trust the Navigator program will perform this role in the communities where it operates, and that LOOKOUT will provide comparable assistance to young people in out-of-home care. However, not all communities have a Navigator pilot and not all young people are eligible for LOOKOUT (and Navigator and LOOKOUT are both so new that their role is still taking shape anyhow). We submit it is vital that relevant, equivalent support is available to young people who need it regardless of where they live.

Here, we suggest it is useful to reflect on the lessons of the Education Justice Initiative (EJI), which supports seriously disengaged and disadvantaged young people to return to education. A 2015 evaluation of the program found that the educational enrolment of young clients increased over the period of EJI support from 51% to 75%, and that attendance increased from 9% to 54%.<sup>71</sup>

While EJI works with a specific cohort of young people, we suggest that many of the roles played successfully by EJI could be adopted by some other supportive initiative (with adjustments to fit local circumstances), to help other marginalised young people to re-engage with education. These roles include:

- Identification of relevant young people via active outreach and referral.
- Liaison with young people and their support services about their education history, school experiences, willingness to engage in education, and preferences for education or training in the future.
- Liaison with education providers, beginning with the young person's most recent or local neighbourhood school (or alternative setting if appropriate). In most cases EJI has had to contact more than one education provider in order to secure a successful outcome, and this process can be very time-consuming.
- Liaison with relevant departmental staff.

Schools and other stakeholders identified EJI as useful and effective due to:

- The workers' specialist knowledge and access to DET (enabling them to clarify young people's educational and enrolment details, which are often unknown at first), and their skill in navigating the human services and justice systems.
- Provision of clear, individualised information for young people and families about their education and training options.
- Dedicated advocacy and practical assistance for young people keen to re-engage.
- Direct support for schools to understand and fulfil their obligations (if they are the young person's neighbourhood school) and enrol young people with complex life circumstances.
- A communication style which is accessible, helpful, culturally sensitive and persistent, and which affirms schools for the good work they do.<sup>72</sup>

We have also been impressed by targeted initiatives supported by the School Focused Youth Service, to re-engage young people in school through specialist partnership work. One example is the Education Engagement Partnership (EEP), the School Focused Youth Service Initiative provided by Launch Housing program Homeless Children's Specialist Support Service – Educational Assessments, delivered in Port Phillip as part of the SFYS for Stonnington/Port Phillip/Glen Eira. This intervention links students who have experienced homelessness and / or family violence with specialist educational support, in recognition of the fact that these students have often attended many schools and have a high risk of disengagement and exclusion. As such, the regular school wellbeing staff may struggle to work with the student in a timely, adequate manner.

In response, this specialist program works proactively and directly to engage families who are clients of homelessness support services (rather than waiting for the schools to engage them). Where families are willing, sessions are arranged with a psychologist to assess the student's cognitive, educational and social/behavioural needs. The findings and recommendations of these sessions are then discussed with the student's carers, teachers and school welfare coordinators, who are then supported to put the recommendations into practice.

The initiative has shown good initial success in strengthening students' school engagement and confidence. It has also been especially effective in facilitating better communication and collaboration between parents/carers and school staff – previously, the dynamic and understanding between these two groups was often poor. Specific interventions like this can be very important in forging networks between students, families, school staff and psychologists, combating the isolation and marginalisation of many students who have been homeless or experienced family violence. The focus on working with the student in the context of their family was also found to be significant and effective.<sup>73</sup>

- **Support for schools to develop therapeutic classroom practice**

In many cases where a student's disengagement or behavioural problems are serious enough to provoke exclusion, these behaviours are being informed by trauma, chronic stress, mental illness, or problems with self-control or emotional regulation.

To address these issues, schools must have adequate access to properly qualified wellbeing staff, counsellors and psychologists. This can be supported by partnerships with community or health agencies. These partnerships may depend on brokerage by the School Focused Youth Service and local government youth development units.

During our consultations, a number of participants called for other targeted resourcing to reduce students' stress-related or traumatised behaviours. Suggestions included:

- Working with students and their families to redesign classroom spaces to be calmer and reduce feelings of anxiety.
- Providing a staffed space where students experiencing anxiety can retreat to during lunchtime.
- Smaller class sizes.
- Youth workers in schools, to assist students and teachers.
- Working with teacher training universities to ensure that new teachers are well supported to respond to issues including student trauma, diversity and discrimination. One suggestion we received was that universities might offer a dual degree for trainee teachers wishing to support students who have experienced trauma, and that these teachers could then be employed via conditions which recognise their greater expertise.
- Strengthening relationships between secondary students and teachers via 'home room' or 'teacher team' models, where students have a single teacher who takes them for several subjects each year, or a core group of teachers they work with over several years. This is intended to ease the transition from primary school, where students typically have one teacher per year who knows them well. Students with learning difficulties or troubled home lives often find the move into the more impersonal environment of secondary school hard to manage.
- Greater support for teachers to take part in supportive groups, workshops and wellbeing days to promote self-care, connectedness and confidence. Some participants at our consultations praised the 'Teachers Are Gold' model.<sup>74</sup>

In the mean time, classroom practice and day-to-day behavioural management issues are also relevant. While we do not suggest that teachers should be required to act as

health practitioners, we maintain that better support for school staff to understand and respond to issues of trauma and mental health would help to produce more positive, productive and connected classrooms.

One increasingly popular approach is the Berry Street Education Model, which provides schools with training, curriculum and strategies to engage the most challenging students, via cognitive and behavioural change. School leaders and teachers are offered a suite of structured professional development, consultation and mentoring programs, ranging from a one-hour overview lecture to an intensive four-day training course for teachers, school leaders and allied education professionals. Comprehensive training can be developed to meet the needs of a specific school community and delivered on site at the school to the staff there, backed up with resources, tools and additional mentoring to support the implementation of the model. In the Berry Street School, where the model was developed, students went on to average 1.8 years of learning in one academic year.

Participants learn classroom and whole-school strategies focused on five domains:

- Body – Building school-wide rhythms and body-regulation through a focus on physical and emotional regulation of the stress response, de-escalation in school and classroom contexts, and mindfulness opportunities throughout the school day.
- Relationship – Increasing relational capacities in staff and students through attachment and attunement principles with specific relationship strategies with difficult to engage young people.
- Stamina – Creating a strong culture of independence for academic tasks by nurturing resilience, emotional intelligence and a growth mindset.
- Engagement – Employing engagement strategies that build willingness in struggling students.
- Character – Harnessing a values and a character strengths approach to enable successful student self-knowledge which leads to empowered future pathways.

A related model of trauma-informed practice is outlined in the Calmer Classrooms model, developed by Berry Street Victoria for the Child Safety Commissioner. This guide supports teachers and other school staff to understand traumatised children and

develop relationship-based skills to help them. The guide explains the impact of abuse and neglect on children's development, including their cognitive, language, motor and socialisation skills and their ability to regulate their emotions and behaviours.

The guide empowers teachers to create connections with students who have experienced trauma, with approaches including:

- Setting regular routines and reducing the student's anxiety at points of change – for example, they may need assistance moving between classes.
- Using natural consequences which relate directly and logically to unacceptable behaviour.
- Recognising that warnings and 'last chances' often don't work with students who have grown up in chaotic, frightening households; other strategies are needed.
- Using 'time in' rather than 'time out' – for example, requiring a disruptive student to finish their work beside the teacher rather than sending them out of the room. (For traumatised students, 'time out' may replicate their experience of being marginalised and unwanted.)
- Praising positive choices by the student and enabling them to make decisions.
- Where a student is given to aggressive outbursts, have a detailed action plan worked out ahead of time. The student and their parents or carers should be involved in creating this plan. The plan should prioritise the safety of everyone involved; in a dangerous incident the student should be moved to a place they regard as safe and be supported by adults they know and trust. When the student has calmed down, they should be supported to discuss what happened, give their version of events and hear how other people experienced it. Consequences should be proportional and natural to the behaviour – e.g. paying to have broken items repaired or helping to fix them.
- Supporting teachers to manage their own emotions and leave a highly challenging situation in the hands of another appropriate adult when necessary.
- Understanding and responding to the circumstances of Aboriginal students. It is important to ensure Aboriginal cultures and histories have a meaningful, respected place in the curriculum, that students and teachers can access the help of Aboriginal liaison and support staff, and that schools can build strong relationships with families who may find schools alien, intimidating places.

Calmer Classrooms is highly regarded by many in the education and youth sectors, but there has not been universal uptake, and many school staff have not heard of it. As with all forms of professional development, schools must have the resourcing, time and relevant partnerships in place to access and implement these learnings.

Similarly, youth mental health interventions such as MindMatters, Youth Mental Health First Aid, and Teen Mental Health First Aid provide strong guidelines for schools to build the mental health literacy of staff and students and empower school communities to intervene early when a young person is showing signs of a mental health problem. YACVic has recommended that the Victorian Government work with Mental Health First Aid Australia, the School Focused Youth Service and principals towards an eventual goal of making Teen Mental Health First Aid training available to all Victorian secondary students, and making Youth Mental Health First Aid training available to staff and parents at all Victorian secondary schools.

**- Fostering meaningful student engagement and student voice**

Another message which was repeated by stakeholders at our consultations was the need to engage students actively and meaningfully in their education. YACVic welcomed the inclusion of ‘Empowering students and building school pride’ as one of the evidence-based initiatives in the Education State Framework for Improving Student Outcomes. It is important that this philosophy informs how schools work not only with their highest achieving students, but also with those who are struggling to engage.

Participants in our consultations offered a range of suggestions for how active student engagement might be better promoted. In particular, they spoke of the value of supporting schools to work collaboratively with students to foster independence, responsibility and respectful classroom dynamics. One example is the Teach the Teacher program, developed by VicSRC: a student-written and student-led professional learning program for teachers. Through a Student Representative Council or other student-run organisation, students design and oversee the entire program, which is tailored to fit the needs of different schools. The program supports the growth of stronger student-teacher relationships and explores improvements in teaching and learning processes. Teach the Teacher provides a space for students, teachers and

principals to connect, explore and share ideas in a constructive and judgement free environment. It has had a very positive response from schools which have taken part.<sup>75</sup>

Stakeholders we consulted also emphasised the value of empowering students to make active decisions about their own education. One example discussed at our Melbourne forum was the approach of Templestowe College, which focuses on empowering students to choose their own subjects, help design the curriculum, ‘master’ subjects (rather than merely passing them), work in groups according to interests and proficiency rather than narrow age cohorts, and explore traditional, alternative and entrepreneurial pathways.

More broadly, our stakeholders stressed the importance of ensuring that school experiences are directly relevant to a student’s wider life. Some forum participants spoke of the importance of early and positive exposure to career pathways and VCAL. Others described schools which encouraged their students to identify a ‘passion to work on’ and tailor their learning towards this, and schools which have a policy of employing students in paid jobs within the school community wherever this is possible and appropriate - e.g. tutoring, waiting tables, cleaning etc. Several participants also praised flexible learning models like ‘Hands On Learning’ and ‘Handbrake Turn’, which counter school disengagement through a mix of practical real-world skills (e.g. in building or automotive) along with confidence and social skills.

A full database of flexible and alternative learning programs is available through the [Dusseldorp Forum](#).

#### - **Engaging families in the school**

One model which was praised by a number of our stakeholders is that adopted by Doveton College, which co-locates health and family support services with the school. This integrated community model enables easy and non-stigmatising access on-site to services including early childhood support, adult education, parent groups, playgroups, maternal and child health services and volunteering opportunities. This approach is designed to foster better coordination between services and schools, improve family-neighbourhood connections, strengthen the health of students and their families, and improve parents’ engagement in their children’s education.

- **High quality data and research**

During our consultations, many stakeholders called for better supported, targeted data-sharing between DET, schools and services. Examples of good data collection and use offered by our stakeholders included:

- Child and Youth Area Partnerships – some stakeholders praised the Mallee Area Partnership especially for securing quality data concerning student enrolments versus attendance, strengthening partnerships between schools and community providers, and addressing concerns about information-sharing and privacy.
- The Middle Years Development Index – piloted in Whittlesea, Frankston and South Australia, this collects detailed data about the health, wellbeing and development of children aged 8-12, to inform school transition planning and funding of community-based programs.
- The ‘Under 16’ reports – produced by a network of Youth Connections and LLEN providers in Melbourne’s north in 2012, supported by local government, NMIT and youth services and working with local schools and DET. These reports placed suspension and expulsion in the context of wider student disengagement, providing numbers of young people under 16 expelled from state secondary schools in 2011 (16 in Hume, 19 in Whittlesea, 8 in Darebin, 7 in Moreland, and 6 in Banyule/Nillumbik). From the total population of young people under 16 enrolled in secondary schools, expelled students represented approximately 1% of their peer group in Hume, and less elsewhere. (Much larger numbers had disengaged through other means.) A gender and cultural breakdown of expelled students was also provided.<sup>76</sup>

## Young people supported to re-engage with school after an exclusion –

Case studies from the final report of the Education Justice Initiative (EJI) by Associate Professor Kitty te Riele and Karen Rosauer (The Victoria Institute)\*\*

### Lucas's story<sup>††</sup>

Young people can be excluded from school in a range of ways, with warnings and suspension sometimes having the effect of discouraging a child to attend. This was the experience for Lucas, who says he was suspended: ‘heaps of times when I was in Year 7, 8 and Year 9’. He reports that eventually he simply stopped going to school, during Year 10, when it ‘got too much’.

Learning difficulties may be both a reason for a young person to stop attending school, and a reason for them to behave in ways that lead to the school imposing various forms of exclusion ... Lucas explained:

*‘I’ve been to X College from Year 7 to Year 10 but I couldn’t complete it because I had difficulty in learning, I guess. When it came to exams to sit at, I really didn’t study or take notice of it and then I failed Year 10. And then Mum wanted me to go back to do it and that same year I stuffed up even more. ... I don’t think I really done good at Primary School as well.’*

While he said he had some ideas about what he wanted to do, it was difficult for him to ‘take it further’ without external support. The EJI assisted him move his ideas to reality and get into a short course in building and construction.

Lucas [...] reported feeling really buoyed by having experienced learning that he enjoyed, perhaps for the first time.<sup>77</sup>

### Kelly's story

Kelly was a 14 year old girl who was referred to the EJI in June 2015 by her legal representative. Kelly was repeating Year 8 due to poor attendance in the previous year, but had been disengaged and not attending school for most of term 1 and 2. Kelly reported that family issues were impacting on her ability to return to school. A referral had previously been made for Kelly to attend St Joseph’s Flexible Learning Centre as an alternative option, but Kelly preferred to remain at her original high school. She was concerned, however, that she was not allowed to return there.

The EJI contacted the school and were able to arrange a meeting between the school, family and support workers within 2 weeks. At the meeting discussions took place regarding Kelly’s previous attendance and behavioural issues as well as what the school would expect if Kelly was to return. A plan was put in place to support Kelly’s return to school the following Monday. The EJI had continued contact with both Kelly and the school to support her transition back into school.<sup>78</sup>

\*\* See the full report by Associate Professor Kitty te Riele and Karen Rosauer (Victoria University, the Victoria Institute) [here](#). In the original report, some of these stories were told via multiple anecdotes throughout the text; for clarity and succinctness we have gathered them together in one place here, although we have not changed the wording.

†† All the names of the young people here are pseudonyms.

### Oliver's story

Oliver says that he was asked to leave during Year 9, and received a Year 9 pass (i.e. it was recorded that he officially passed the year), even though he had not completed the year. He says that the school told him they did not want him to have an expulsion on his record. Once he left that school, he ended up just staying at home for the rest of the year.

Oliver explains: 'I didn't get into trouble much, but when I did, it was my own stubbornness'. He says he got into arguments with the school principal over matters of fairness ... After several arguments with the principal and a history of non-attendance, Oliver was expelled from that school.

Oliver's mother argues that a combination of factors linked to a lack of supports and networks in Australia (not her birth country), being a single mother, and racism directed at her as an African woman, impeded her ability to support her son when he was initially having difficulties, and was then excluded from school.

From a student perspective, Oliver says his 'best school' was the one he had attended the longest (from Grade 5 to Year 9) out of the 5 schools he had attended so far.

*'It was good with the teachers. I was getting As and Bs. The teachers liked me and they explained things well. ... It was a good place to actually go during the day and actually do something constructive with my time. And stay out of trouble. And I had friends there.'*

Oliver ... had some ideas about where he wanted to head, but after nearly two years not attending school and facing several barriers, he and his mother were at a loss. The EJI liaised with him first to access a flexible learning program for one term, before working to gain entry into the course he really wanted to do at his local TAFE college the following term.

His mother Charlotte commented:

*'It was a big deal, getting himself to school, one hour on public transport, after not going for two years. He went most days. The program had a positive impact on him and a big change even at home. He could see himself doing something.'*

Oliver's mother Charlotte [is] adamant that these outcomes ... would not have occurred without the support of the EJI. Charlotte explains that 'previously I was just given phone numbers to call'. She recalls that because she was looking to enrol Oliver in a non-local government school, in every phone call she made, she was 'asked to recount my life story. It was really painful. Eventually I said no, I've had enough'.... [In contrast] 'The EJI person came to the school interview and to X TAFE, and had contact afterwards to see how it was going. It was a very big help for me.'

For Oliver during his time at a flexible learning centre he experienced being motivated to go to school and enjoying feeling productive. At the time of the interview he only needed to submit some final documentation in order to complete his enrolment for the next term in a TAFE course.<sup>79</sup>

### Mia's story

[T]he young people [EJI clients] are transient and may move between family members. This contributes to their difficulties in school, as Mia, an EJI client, explains: 'Just all over the place, a lot of dramas and all that. Going back and forth from parent to parent'.

Young people were also at the receiving end of conflict with peers. Mia reports being bullied in Year 7 by a Year 10 girls, and felt that the school 'just did nothing about it'.

[Some young EJI clients] expressed a general dislike for mainstream schools ... Mia describes her previous school: 'it just wasn't where I was. I should have belonged. You know what I mean? It just wasn't for me'.

Mia's father Thomas ... wanted to enrol his child in the local school ... however, he became frustrated because he was not having any success. His experience is disconcerting, given Thomas had evidence both from the DET and from personal experience that 'X College' was Mia's local school.

*'I personally spoke to the principal at X College and they were just giving me all this waffle. She's not in the zone, and this and that. They didn't care whether she was in school or not, and for me that was disturbing because I knew that that was the closest school to our residence.'*

[Interviewer: So you'd already been trying to get her in?]

*'I was. For two weeks, and they just kept going back and forth. I actually even rang up the Education Board [the DET]. I can't quite remember the lady's name, but I have written it down, and not even she was able to help ... She was the one who informed me that X College was 1.6 kilometres, Y was 1.8, the other school was 2.2, so I already had a ballpark figure that it was guaranteed what they call the closest ... The ironic thing is that my two boys actually went to X College as well, so that's where I was a little bit more dumbfounded, because I thought, well, they were residing here as well. How could now all of a sudden, we weren't the right residential area?!'*

In contrast, Thomas recounts that when Mia and he agreed for the EJI to act on their behalf, there was no 'jargon' and Mia was enrolled at her local school (X College) very quickly: 'two or three days later, bang. "This is where I'm at and this is what I'm doing" and then before you knew it, in one week, she was getting her uniform'.

Mia's father Thomas was ... pleased after the EJI had enabled his daughter to enrol in the local high school: 'I'm proud of her in that way that she's going to school every day'. Mia's own reflections reinforce that the result has been genuine engagement and learning:

*'Sports, art, apparently I'm doing very good in. Apparently I've got a lot of talent for art, according to my art teacher which is awesome. She's my favourite teacher. What else? I like my maths, I'm catching up on it slowly. Because I've missed out on a lot of schooling especially when I went to Z school, I only did four weeks of schooling for the whole year, to be quite honest. ... I was one of those kids that's, "Nah, I don't care about school" and stuff. But then when I came to this school, this is actually the only proper work that I've done in my whole life, to be quite honest. ... When I get along with a teacher and she's like "Come on Mia, do your work", I'll do it. I'm "Yeah Miss, I'm doing it". And I'll do it and I feel proud of myself that I'm doing it.'*<sup>80</sup>

### **Marko's story**

Marko was referred to EJI in November 2014 by the Youth Justice Court Advice Service following his Court appearance. Marco was a Year 9 student but had not been in school for over three months. Before leaving school he has been suspended several times for fighting with other students. Marco explained that his school told him that if he got another suspension he would be expelled, so he stopped going. Since then, Marco had started a trial at The Island, but left after a few days because it was too far from where he lived.

Marko was unsure about what he wanted to do but thought he would like a hands on program that could lead to a career in carpentry. Over the six weeks following Marko's first meeting with EJI, an EJI staff member met with him several times both at Court and in the Parkville Youth Justice Centre where he was remanded following a breach of his bail conditions. They discussed a range of options for Marko to return to education.

Marko did not want to go to his local school because he knew some young people there who he felt would be bad influences on him. His preferred school was in a neighbouring suburb, however this school refused his enrolment as he did not live in their catchment area.

EJI set up a meeting for Marko at a technical high school where he could undertake VCAL and a carpentry course. Marko attended the meeting in December 2014 and expressed interest in attending, but had to be put on a waitlist for the 2015 intake as the program was already full. Marko was subsequently remanded on further charges early in 2015 and appeared at Court several times in the first quarter of the year, where he expressed that he had changed his mind about school and did not want to study at the moment. EJI maintained contact with him during this period, encouraging him to think about school and providing information on other options, including TAFE courses.

A turning point occurred in April, when the Magistrate in Marko's court case told him she wanted to see him engaging in education or training before she would finalise his sentence. Marko again discussed options with EJI, and decided he would like to do VCAL at TAFE. EJI facilitated an enrolment for the mid year intake, and negotiated a scholarship through TAFE to reduce the course fees. Marko attended the enrolment interview, and completed a literacy and numeracy assessment to help the TAFE know his learning level.

Prior to starting the course, Marko was remanded again for three weeks, but was bailed in time to start the course in July 2015.<sup>81</sup>

## Recommendations

### **1. Commit to reducing and eventually eradicating the exclusion of students from education**

To transform Victoria into the Education State, it is important that policy development and program planning are guided by recognition of the following:

- Education is a fundamental right of every child up to the age of 18.
- School exclusion is a key risk factor for student disengagement.
- Chronic school disengagement and serious disruptive behaviours are often signs of poorly supported learning difficulties or disability, poor mental health, trauma or caring responsibilities. As such, purely punitive approaches to discipline are unlikely to have the desired effect. Therapeutic and academic support interventions are also needed, and must be adequately resourced, targeted and managed.
- A young person facing exclusion from school is entitled to natural justice, including a clear understanding of the accusations they are facing and the processes involved and a meaningful, well-supported opportunity to respond.

Building the Education State should include a commitment to preventing and reducing school exclusion via approaches which have a strong evidence base and which are guided by evaluation of previous relevant initiatives. See especially the literature discussed on pp.40-41.

These commitments should inform the work of the Navigator program and the School Focused Youth Service, as well as both mainstream and specialist schools.

Reducing the number and severity of school exclusions (formal and informal) should also be an explicit responsibility and outcome of the LOOKOUT support centres for young people in out-of-home care, the recently reviewed Program for Students with Disabilities, and the upcoming Koorie education strategy.

The role of other inclusion programs such as Safe Schools Coalition Victoria in reducing student exclusions should also be further explored and enhanced.

## **2. Review and improve DET policies and procedures concerning student exclusion**

We welcome the Victorian Government's decision to review DET's Student Engagement and Inclusion Guidance, specifically as it relates to suspension and expulsion.

We urge that this review should involve consultation with stakeholders including schools, School Focused Youth Service providers, Local Learning and Employment Networks, Parents Victoria, the Commissioner for Children and Young People, the Centre for Excellence in Child and Family Welfare, VicSRC, Koorie Education Support Officers, and (where operational and relevant) providers of Navigator, LOOKOUT and Child and Youth Area Partnerships.

We recommend that the review include consideration of the following issues:

- The impact of suspensions and expulsions on student engagement. For example, how many expelled students are supported into a new educational or training setting, and how many are still engaged there six months later?
- The effectiveness, transparency and fairness of DET policies and practices concerning suspension and expulsion, including review and appeal procedures.
- How rates of school exclusion vary around the state, and whether there are 'hot spots' which may need additional support.
- Whether the guidelines designed to protect the education of students in out-of-home care, Aboriginal and Torres Strait Islander students, and students with a disability, are adequately understood and implemented by schools and DET.
- Whether current data collection methods allow for breakdown of excluded students according to Aboriginal or Torres Strait Islander status, disability status and out-of-home care status, and what methods may be needed to capture these issues in the future, in light of the vulnerability of these students.
- Whether current data collection methods capture students placed on reduced attendance, and what approaches may be needed to measure and address this issue in the future. Here, we refer the reader to the detailed work done by VEOHRC in their *Held Back* report concerning students with disabilities. This report provided in-depth recommendations about how data on reduced attendance should be recorded, measured, shared and disclosed, as well as the importance of

any reduced attendance arrangement being legal, time limited and accompanied by robust return-to-school planning.<sup>82</sup>

- How best to capture the numbers of early school leavers who disengage from education after being 'asked to leave' their school, including under threat of expulsion.
- How best to identify and recognise schools which show a strong record in enrolling and re-engaging students who have been excluded from other schools.

### **3. Collate, analyse and make available the relevant data**

Make publically available the numbers of students excluded from Victorian secondary and primary schools each year. Ideally, this process of data collection and sharing should include:

- Suspension and expulsion figures going back several years (for example until at least 2011), to allow for identification of any significant changes.
- Numbers of students placed on reduced attendance, and for how long.
- Breakdown of the numbers of excluded students who are living in out-of-home care, who have a disability, or who are Aboriginal or Torres Strait Islander. (A breakdown according to refugee and young carer status would also be ideal.)
- Regional breakdown of exclusion figures, with appropriate steps taken to de-identify schools and students before public release of data.
- Breakdown and comparison of exclusion figures (and proportion of exclusions per 1,000 students) between the mainstream and specialist school sectors.
- Data on the numbers of students who are informally excluded – for example early school leavers who cease to attend school following a threat of expulsion. While this is an elusive topic to research, the Disengaged Students Register and *On Track* survey may provide opportunities to better capture and analyse such data.
- How many Expulsion Appeals are lodged each year, how many of these appeals result in an Expulsion Review Panel being convened, and how many expulsions are subsequently upheld or rejected.
- Data concerning the education, training and employment pathways for students excluded from Victorian schools six months after an exclusion.

- Measurement tools to monitor the health, wellbeing and development of children aged 8-12, learning from the successes of the Middle Years Development Instrument. The findings should be used to inform school transition planning, and the funding of community-based programs for this age group.

We also urge that further steps be taken to capture, analyse and appropriately share data concerning student *attendance*, not merely enrolment. We are told that many excluded students are still formally enrolled but are, in practical terms, disengaged.

When approaching this work, the Victorian Government should be guided by the findings of local partnership groups which have already undertaken data collection and analysis on school exclusion at a local level. Here, the expertise of LLENs, SFYS and some Child and Youth Area Partnerships will be important.

#### ***4. Provide expert guidance and brokerage for students facing exclusion***

Ensure students facing school exclusion (formal or informal) can access specialist support to re-engage with education, wherever they live. This support should be provided by a body which is connected to schools but independent from them.

This body should identify (via referral and outreach) young people of compulsory school age who are not attending school, clarify their enrolment status, work with them and their families to identify what education, training and employment options the young person wants for the future, provide expert advice on the options available to them, and work closely with schools, flexible learning providers, VET providers and relevant services and departments to facilitate a positive outcome.

In some communities, this role is being played by the Navigator program. However, in other parts of Victoria such advocacy is undertaken piecemeal by various youth and education providers, some of which do not have sufficient capacity or expertise – or the work may not be undertaken at all.

Such work should be guided by the evaluation findings of comparable programs which have delivered good results for specific communities, such as the Education Justice Initiative, the Education Engagement Partnership, and Youth Connections.

### **5. Build schools' capacity to support students experiencing trauma and mental health problems**

Ensure all students can access adequate support when necessary from properly qualified wellbeing staff, psychologists, counsellors and youth workers.

Provide adequate, ongoing, state-wide support for schools to develop trauma informed practice and build literacy and first aid skills in relation to youth mental health. Reputable models include the Berry Street Education Model, Calmer Classrooms (Berry Street Victoria for the Child Safety Commissioner), MindMatters, Youth Mental Health First Aid, and Teen Mental Health First Aid.

- Note: it is not enough to 'offer' PD for school staff. Schools must have adequate staffing, resources, time, supportive partnerships and, in some cases, formal requirements to ensure this professional support is accessed and utilised properly.

Work with teacher training universities to ensure that new teachers are adequately supported to work with students experiencing trauma and mental health problems (see discussion p.44).

Support schools to work collaboratively with students, families and outside services to develop innovative classroom designs and practices which reduce anxiety and foster positive relationship-building. Successful work in creating inclusive learning should be recognised and celebrated publically as an asset to the schools concerned.

### **6. Strengthen meaningful student engagement and student voice**

Work with schools, flexible learning providers, research institutes and VicSRC to develop, implement, evaluate and promote approaches which engage all students meaningfully in their own education. These approaches should include:

- Models which support students and teachers to work together to foster school cultures based on mutual respect, communication and understanding, and active student decision-making. One example is the Teach the Teacher model developed by VicSRC.
- Support for schools to work closely with students, VET providers and research institutes to develop effective approaches to fostering greater student decision-making about their curriculum, learning styles, classroom cultures and future pathways.
- Initiatives to help secondary students develop career aspirations and work-ready skills and access work placements and mentoring. There should be a focus on supporting students who lack extensive social and employment networks, and who face inequalities in relation to income, culture, geography or disability.
- Adequate funding and support for schools to provide students with a range of high quality VET in Schools and VCAL options, without passing costs onto families experiencing disadvantage.
- Models which develop schools as ‘community hubs’, co-locating them with health and family support services and social, learning and volunteering opportunities for family members, to strengthen community cohesion and parents’ and carers’ engagement in their children’s schooling.

### ***7. Adequately fund successful flexible learning models, including within mainstream schools***

YACVic maintains that the mainstream education system has fundamental responsibilities towards all school-aged young people. We would not support any approach that uses flexible learning and VET settings as ‘dumping grounds’ for students whom a mainstream school has refused to educate.

However, we also recognise that some young people will want to take a vocational pathway which their local secondary school does not offer. Furthermore, positive changes to school cultures do not happen overnight, and some young people will find their mainstream school so inappropriate to their needs that an alternative setting is crucial to keeping them engaged with education here and now.

If every disengaged student returned to a mainstream school tomorrow, a Student Resource Package would have to be made available to support their learning. Therefore it seems reasonable to ensure that some equivalent funding package is available to support re-engagement either into a mainstream school or an alternative or community-based vocational setting.

We note the work of Associate Professor Kitty Riele in identifying the characteristics of successful flexible learning programs, and her development of the Framework of Quality Flexible Learning Programs (FQLP). Where flexible learning settings are developed (inside or outside of schools), it is important that they operate within such a strong quality assurance framework, and are evaluated for their effectiveness in improving a student's educational engagement and attainment.<sup>83</sup>

### **8. Support appropriate transitions, not exclusions**

Strong partnerships must be supported between primary and secondary schools and the state, Catholic, independent and VET sectors to properly manage student transitions.

In particular, a mandatory, consistent model of transition planning between primary and secondary schools is needed, with adequate support for schools to understand their obligations, including around appropriate disclosures of information.

Where all parties come to a genuine and meaningful agreement that a secondary student would thrive better in a different environment, the focus should be on well planned and supported transitions. The student and their family should be actively engaged in decision-making, along with appropriate community based services and expert not-for-profit advocates where necessary. (See Recommendation 4.) In some cases, it may be appropriate for wellbeing staff from the student's previous school to maintain a connection with them throughout, to provide transitional support and to track and assess their pathways beyond the original school.

We would be delighted to discuss these issues further with you. Please contact YACVic's policy manager, Dr Jessie Mitchell, on [policy@yacvic.org.au](mailto:policy@yacvic.org.au) or 9267 3722.

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