

Responses to Questions on Notice taken during the hearing

Exchange on Pages 63 and 64

The NSW Ombudsman's Reportable Conduct Scheme requires all schools to investigate allegations which on face value meet the threshold of Reportable Conduct. Reportable Conduct as defined by Part 3(a) of the Ombudsman's Act (NSW) may include sexual offences or sexual misconduct, assault, ill treatment, neglect or psychological harm towards children.

AISNSW provides advice and support to member schools when they seek assistance in relation to their obligations when an allegation of reportable conduct is received. The Board of the school is actually the member of AISNSW. The AISNSW supports the school (through liaison with the Principal) to meet its legislative obligations in relation to child protection and other areas of compliance.

The support provided by AISNSW includes guiding schools through the investigative process including appropriate notification to the Ombudsman, Family and Community Services, and Police as necessary. This support is provided regardless of whether the school engages an AISNSW investigator, chooses another investigative service, or conducts the investigation in house.

The AISNSW holds a Master Commercial and Private Investigators Licence (CAPI) and a number of team members hold Operator's licences. AISNSW investigators may be engaged by the school to conduct an impartial investigation so that the school can meet its legislative obligation to report. The investigators are not representing the Principal as such. Schools may choose to use investigative services other than AISNSW.

The investigator's role is to conduct the investigative process independently of the school which involves interviews with witnesses, alleged victims and the person subject of the allegation. The investigator reviews and fully analyses all information gathered during the investigative process and provides a final investigation report with recommendations for consideration of the Head of Agency.

In relation to reportable conduct the Principal is the Head of Agency in the school. In the event that an allegation of reportable conduct is received about the Principal, the AISNSW advises that the Chair of the Board should become the Head of Agency. The Head of Agency is responsible for making a decision as to the final findings of any investigation report. The Head of Agency is also responsible for reporting the outcome of the investigation, and a copy of the investigation report to the NSW Ombudsman at the conclusion of the matter. The Head of Agency must also notify the Office of the Children's Guardian when a sustained finding of 'sexual offence and sexual misconduct' or 'serious physical assault' is made.

The impartiality of the AISNSW investigator is maintained by virtue of the fact that the investigator merely conducts the investigation and makes a recommendation. As stated above, the Head of Agency determines the outcome of the investigation, not the investigator. Further, the NSW Ombudsman oversees all investigations and reviews their findings.

The Chair: On that one—obviously what we are asking for are detailed answers in relation to future initiatives and things that can be achieved—could I ask that both groups take that on notice and come back to us with a detailed response? (Page 65)

The AISNSW refers the committee to our Submission of January 2017, which touched on issues of equitable access to resources for students with disability and developments since the General Purpose Standing Committee No. 2 inquiry of 2010.

In addition we would acknowledge the April 2017 *Education* fact sheet from the Australian Human Rights Commission, which sets out those things that support equitable access to educational opportunities which work:

- Providing all learning materials in accessible formats
- Comprehensive teacher training on inclusive education
- Leadership from School Principals to establish and promote an inclusive school culture
- Subsidies and concessions to facilitate further education for people with disability
- Support based on individual needs rather than diagnosis
- Effective family and community engagement with schools
- Flexible and universal curriculum design
- Advocacy to assist parents and carers to enrol students with disability in inclusive education settings

The AISNSW supports schools to embed these practices. As a peak body, the AISNSW also has a role in working collaboratively with Governments, school sectors, schools, teacher accreditation authorities and universities to facilitate these practices.

Supplementary questions for the Association of Independent Schools of NSW

1. How many schools that are part of the Association of Independent Schools of NSW run, participate in or support the provision of the Arrowsmith Program?

Independent schools are responsible for the range of programs and curriculum they offer, aligned to the NSW Syllabuses and other requirements of the NSW Education Standards Authority.

The AISNSW is a peak body rather than a system, and does not undertake comprehensive data collections on the programs and curriculum offered by independent schools.

2. How many students in schools that are part of the Association of Independent Schools of NSW participate in the Arrowsmith Program?

The AISNSW is a peak body rather than a system, and does not undertake comprehensive data collections on the programs and curriculum offered by independent schools, or the number of students participating in these programs and curriculum.

3. What steps have been taken by the Association of Independent Schools of NSW to assess the effectiveness of the Arrowsmith Program?

The AISNSW has not undertaken any formal steps to assess the effectiveness of the Arrowsmith Program.

4. What advice has been provided by the Association of Independent Schools of NSW to schools regarding the Arrowsmith Program?

There are many interventions available for students with disability or special needs.

The AISNSW encourages schools to look at the evidence base underpinning these interventions to assess whether they are appropriate for their students.

The AISNSW provides schools with empirical research regarding what are known to be effective, evidence-based approaches to teaching and learning for students with disabilities and special needs.

Schools are advised and supported in the implementation of evidence-based instructional practices that are scientifically proven to be effective.

For example, in terms of literacy, schools would be referred to findings from the three large, worldwide Inquiries into the teaching of literacy; America's National Reading Panel (2000), Australia's Inquiry into the Teaching of Literacy (2005) and the UK Rose Review (2006). All three Inquiries came to the same conclusions regarding not only what to teach in terms of early reading concepts but how best to structure and sequence this learning in an explicit and systematic way.