

**INQUIRY INTO MEASUREMENT AND OUTCOME-BASED
FUNDING IN NEW SOUTH WALES SCHOOLS**

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Inquiry into the measurement and outcomes-based funding in New South Wales Schools

Submission

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INTRODUCTION

I am academic lecturer and researcher in Education, and I was a teacher for over 17 years, working in Primary, Secondary and for the last decade in academia. I have been employed in Public schools, as well as the Catholic and Independent systems. I am currently a member of the NESA Home Schooling Consultative Group. I am also the author of numerous articles and 10 text books.

Whilst undertaking research in supporting diverse learner needs in all education systems working with colleagues internationally, I have become increasingly disturbed by the widespread allegations of systemic abuse of children in our school systems and the inability/refusal of system managers and society to protect the most vulnerable children in our community. In particular, it appears NSW may have issues. Indeed, these issues have led to wider exploration of the systems and policies that impact upon the educational attainment of children within NSW, and wider Australia.

The positions presented in this submission are not representative of my employer, but personal.

Dr. David Roy

CONTEXT

Currently, education is in a transition in regard to issues of funding and success, with the two areas being connected through correlation and causation in the popular media, however the reality is somewhat more nuanced than this.

1. On June 23 1990, at Madison Park High School in Boston, Massachusetts Nelson Mandela stated 'Education is the most powerful weapon which you can use to change the world'.
2. Today in Australia, there are continual concerns about the decline of achievement for children in what we term education. [Basic reading, writing and numeracy skills levels](#) in Australia are not where we want them to be, and despite the policy changes, curriculum reviews and ever-increasing amounts of [money thrown at the issue](#), the decline continues apace. So what are the issues and are there any actual solutions, other than another [curriculum review](#)?
3. Too often the big issues become battles. In terms of content, should we be teaching hard skills or soft skills? That is to say should there be a focus more on traditional knowledge and facts such as science or Shakespeare or should be teaching empathy and creativity?
4. With reading, the wars continue between those that would promote '[whole word teaching](#)' and those [that see phonics](#) as the key to unlocking literacy. Such arguments follow through to assessment with more standardised assessments at younger ages; and those desiring to scrap [NAPLAN](#) and ATAR scores.
5. In addition, there are the arguments for teaching methods, separate to curriculum content. Should pedagogy be traditional teacher directed, or more progressive with the teacher as facilitator? How teaching is presented leads to discussion on behaviour management with the opposing camps being based in [zero tolerance versus promoting positive behaviour](#); and that is before we even deal with the issues such as [selective schools](#) or inclusion and the role of gifted and talented and support classes for disability.
6. However, none of this address the real issues of why achievement across the board is appearing to decline. All of the above is but 'rearranging deck chairs on the Titanic'. The fundamental problem lies in the system.
7. Changing methods and changing funding models or curriculum content will never be a solution if it ignores the wider systemic issue, what is the purpose of schooling and how to be support our children by meeting the three pillars of sustainability: economic, social and environmental. Whilst we may have flipped classrooms and project learning, fundamentally schools run with one teacher, 25 children in a room with desks and chairs. We need radical change.
8. Social poverty and inequity has to be addressed to support children's needs, but there are solutions that education can apply. Teachers need to be allowed to be life-long learners, so let's allow them time to do so. Half load teaching timetables, allowing the other 50% of time for learning and preparation. Shared classes, so there can be true collegiality. Increase wages, increase status of degrees and increased official hours (the best teachers spend significantly more hours doing their job than their contract states) so all of society can respect the profession.
9. Change the schooling ages. Why start formal education so early? Allow children to explore and play before formal learning. Allow students to choose a path other than academic, through a revitalised and funded TAFE system. Fund education fully from pre-school/child care through to undergraduate degrees. Recognise education as a social good, not an economic burden.
10. Allow children to move between age and stage, recognise subjects are not silos but use skills across multiple disciplines. Deliver soft skills through teaching hard knowledge. Google may have the content, but teachers need to guide students as to what is important and required. The two are not mutually exclusive. There is a place for all teaching methods. Direct Instruction and group skills both have their place.
11. Children are learning to be adults, so allow them to make mistakes, promote positive behaviour but also teach consequences. We learn with a carrot, but we need to know there is a metaphorical stick.

Celebrate collegiality, student self-regulation but create opportunity for students to have some control of their learning.

12. Finally, too many educational changes are made by bureaucrats. There are three expert groups that need to be listened to. Teaching/ school staff, academic researchers (whom are often experienced teachers) and finally the students themselves. We have rich resources and we should use them.
13. Whilst we can look at very different systems around the world and ask what we can learn from them. They tend to all have one thing in common. Children are introduced to a second language from an early age.
14. Thus, they understand how language works (important for reading and writing) and they understand how systems work (needed for numeracy) and they understand how other cultures work (needed for soft skills).
15. There may not be a causation between 2nd language acquisition and academic success, but there is a correlation.

MEASUREMENT

Of key importance in measurement is in finding accurate data to measure, indeed in knowing what to measure that will provide information that can then be enacted upon. As part of this process it will require a degree of transparency in relation to both public education as well as non-government schools.

1. NAPLAN is a clear measure of student attainment that is comparable across ages and staged of progression. A major issue with NAPLAN as a tool is that for unspecified reasons, the lag time between students sitting NAPLAN and receiving results is significant and some superfluous in that it does not reflect the growth potential since the students completed the tests.
2. The usage of the results as a comparison tool has led to reports of 'coaching' and inordinate focus on limited curriculum areas, which again removes meaning from the results.
3. NAPLAN is a potential useful tool but has severe limitations.
4. For measurement of student attainment, we need to look at the multiple factors, multiple growth areas both in curriculum and in soft skills.
5. We also need to decide the purpose and usage that will be applied to the decided, uniform measurements. They must be across all systems of schooling in NSW or they lack depth of critical analysis.
6. A variety of measurements need to be used, not just in standardised testing but in recognising teacher expertise in formative and summative assessment. Measurement of teaching quality should be implemented, such as the NSW Quality teaching framework, which despite its detractors (often the very individuals who need to apply it) has demonstrated achievement impacts, particularly on marginalised groups such as indigenous students.
7. Measurement of teacher ability/impact is also a complex and nuanced area. There are multiple factors that impact on learning progression, such as cultural capital of a student, social economic status, family ideology. These factors however can be isolated to a degree, through looking at school community longitudinal progression.
8. The work of Professor John Hattie in this area, published in 'Visible Learning' and multiple journal articles, is a key research study internationally. It demonstrated that after the removal of impact factors of family and community, the largest potential impact upon learning achievement/progression is the individual teacher. We need to embrace this idea as means to improve practice in a positive, collegial way.
9. Through looking at year groups and classes progression, it is possible to identify dips, or spikes in student growth and attainment. Over several years, if there is a pattern that correlates to the individual teacher who had responsibility for that particular grouping that is the spike or dip then there is a potential correlation/causation link.
10. I am not convinced that wage bonuses are a means to create collegiality in the education system, and indeed would be detrimental to long term school and student learning, as well as teacher job satisfaction. It would however be useful for measurement of teacher impact, to target those staff for promotion, if a promotion structure was created that did not take able teachers out of the classroom into management. Rather there should be a meaningful promotion system such as 'senior teacher' which had a mentoring role rather than a bureaucratic role.
11. Teachers struggling in their practice could also be identified for support in such practice or indeed in targeting the areas in which they did have strengths, to use those in the wider educational context.
12. Teacher wages need to be addressed. If we are to have the most committed, professional workforce, wages are a motivator to attract individuals to the profession, but training and working conditions may need to be changed in light of this.
13. To support student achievement there will need to be a reflection of Initial Teacher Education but given my role I believe I have a conflict of interest in making any comments in this area.

14. One area that does also need to be addressed in the role of cooperating teachers with initial teacher educators (student teachers) on placement. Coming from the UK as was surprised to discover that I was paid extra for such duties as a teacher, and a significant amount. In my previous jurisdiction it was an expected part of the role to mentor ITEs and there was no extra gratuity payment for doing so. It was seen as part of the professionalism of the role.

CONSEQUENCES

Outcomes based funding is therefore problematic in relation to these nuanced issues. In particular in relation to those from a disadvantaged background such as those termed as indigenous, low SES, ESL, refugee or disability. The label does not define any individual child but is useful in guiding policy and the implementation of education.

In particular students with a disability have multiple factors impacting upon them.

1. A fundamental rethink needs to happen with our Victorian schooling system if we are to have a 21st Century schooling for our 21st Century children. Staffing cutbacks, Piccoli's vision of 'mega' schools (which will only exacerbate sensory processing issues and inequity), and a limited focus on 'robotic worker skills' rather than knowledge acquisition skills are not the answer. There are outstanding teachers (and some outstanding teacher's aides) who need to be celebrated and supported and most importantly, along with the parents of children with disabilities - listened too.
2. Schools are deliberately disregarding disability standards through rejecting school places, denying the opportunity of access to activities and offering minimal, if any, support to children with disabilities.
3. And research shows that this is becoming more of a concern.
4. Early education expert Kathy Colgan's report on inclusion for Children and Young People with a Disability Australia, as well as the findings of two recent Senate inquiries released in November 2015 and January 2016, have all commented on the exclusion of children with a disability from education.
5. According to recent research from Gill Rutherford, a special needs education expert at the University of Otago *"Essentially we value the normal over the abnormal, thus our resources are aimed at normalising. The normalising approach of special education, therefore, is one that conceals the rights of students in and of themselves as human beings not regardless of difference but because of difference."*
6. In the UK, research shows that teacher assistants (TAs) are being used as substitute teachers for those kids with the greatest pedagogical needs and this leads to those children having diminished outcomes.
7. The New South Wales auditor-general's report published in May 2016 was a further reinforcement of how schools, and more importantly education systems, are failing children with a disability across Australia but specifically in NSW. Concern was raised that one in four of the 300 respondents said they had been told there was no place for their child at their local school. When children were given a place, the report found that teachers often refused or were reluctant to make adjustments, due to poor attitudes towards disability. The reasoning being that students with disability do not need an adjustment, despite individual student medical reports demonstrating otherwise.
8. In addition to these issues, there were accounts of bullying by staff, of support teachers not having appropriate training and qualifications, and school principals not being held accountable for ensuring adjustments were made for students.
9. The report recommended that the Department of Education should provide guidance on reasonable adjustments, encourage more teachers to complete both modules of the disability standards training and use school learning and support officers more effectively in the classroom.
10. Simple measures such as ensuring prospective teachers' understanding of support for students with disability and reviewing how schools support the behavioural needs of students with disability were also suggested. Such measures seem obvious.
11. This is not a simple funding issue. It is the cultural attitudes towards children with a disability that lead to exclusion. If we fail to recognise all children as learners and having capability, our low expectations will perpetuate attitudes of discrimination and failure.
12. A public education should be for all, not only those with acceptable criteria. It is a recognised human right.

13. In a comment made by a former NSW Education Minister about the need to spend more money on supporting disadvantaged students to keep them out of jail, he said *“Prisons are not filled with kids who went to \$30,000 private schools; they’re full of people with speech problems and autism, who had a pretty poor experience at school. This is an equity issue.”*
14. His blanket labeling of children with autism as criminals is unhelpful and highlights the attitudinal ignorance reported in the auditor-general’s report. But it also points to a wider problem within the education system.

STUDENTS WITH A DISABILITY

There have been steps to improve the provision of education for students with a disability in the public system through the Disability Strategy (2019), however there were some significant issues that need to be addressed.

1. All the political parties are correct in their respective policies of a need for increased funding and/or accountability both for education in general and specifically for children with a disability.
2. It is clear pre-service training needs to be re-looked at. A specialist course in 'Special Needs' Education just reinforces the concepts of 'other' for children with a disability. All children are diverse and should be supported based upon learning need rather than 'label' of 'special needs'. Thus all the pre-service training courses (on average 4 a Semester/8 a year/32 over a 4 year degree - including discipline knowledge) should have diverse learner pedagogies embedded throughout.
3. The funding issue as reported in the survey is maybe a slight misdirection. Schools need more funding, of that there is no question. However, there is multiple evidence that suggests that 'diverted' funding by principals to support students with recognised needs is not actually directed in a method that supports the student need, but rather removes the student need from distracting the other 'normal' learners. Funding teacher aides to support students is not the answer. One might consider that the children with the greatest pedagogical needs would be better supported by the staff with the deepest pedagogical training; rather than the all too common practice of the least trained staff being left to support those with the most complex needs.
4. Increased funding will provide materials and staffing to allow adjustments to allow children to access the curriculum and schools. Funding will support staff training in the means and methods to implement tailored support for all students; but schools and education authorities need to be held accountable for their funding to ensure it does support the students it is aimed for.
5. Two Senate committee reports published in the 2015 dealt substantially with the education of children with a disability. The conclusion is stark: Australia is the unlucky country if you are disabled and a child. The reports portray a Dickensian world where our schools are the poor house. We must take stock and look for positive solutions to the multiple issues being illuminated, without ignoring the current failings in our system.
6. Both reports note that children with a disability are being denied education. Schools are not providing them a curriculum or meaningful learning experience, and they are being separated from their peers without disabilities and labelled as intellectually incapable of learning. They are often being bullied and abused by students and staff, or being restrained and 'caged'.
7. To be sure, there are teachers and schools demonstrating outstanding, inclusive practice, where children with a disability are treated with respect, given a meaningful education and included within the mainstream 21st century classroom, which systems worldwide recognise as the path to the best pedagogical results for all students, with or without a disability. However, these instances appear to be a minority. As both recent reports state, Australia needs a National Consistent Collection of Data for students with a disability.
8. The January 2016 report *Access to real learning: the impact of policy, funding and culture on students with disability* showed a lack of consistency in application or support within and across states and territories in Australia for children with a disability. As chief executive of Children with A Disability Australia, Stephanie Gotlib, states, "To have any chance of accessing your basic education rights in Australia, students with disability must rely on fierce advocacy – usually by families – and the stars aligning."
9. The report rightly comments on the need for increased funding to be at least maintained, but goes further by commenting on the basic human right for all children to have access to an education, something that, despite legislation, is not happening.
10. There is a need for data. There is a need for increased support and training; however, the report did not deal with the fundamental issue – the cultural attitudes to children with a disability in Australia.

11. The other recent paper does address this. The November inquiry report states, “The committee is greatly concerned with what appear to be systemic problems within the education system that are leading to many of the inappropriate practices described in this section. Many of the systemic problems that lead to the use of restrictive practices reinforce an attitude that facilitates the mistreatment of children with disability, because they are viewed as different,” states the November inquiry report, titled: *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*.
12. Recommendations have been made that not only should pre-service teachers be fully trained but also education system leaders and principals. Training helps, but attitudes and labelling are the keys to a seismic shift to treating children with a disability as equal members of our society. One key fact that has been overlooked is that these are not ‘children with a disability’, they are just children. Like all children, they have educational needs. A good teacher and a good school will want to support and develop all children in their tutelage to help them achieve their highest potential. We must not view children as mere labels before they even enter the classroom; yet, it seems, that is what some schools and education systems are doing.
13. The most disturbing aspect of the two reports is the level of violence that children have suffered in schools, often at the hands of teachers, and even more often from teacher’s aides. In December 2015, 37 instances of violence against children with a disability were reported in NSW public schools. As horrific as those numbers are, those were just the cases deemed reportable.
14. A 2015 report published in the *British Educational Research Journal* analysing the experiences of children with special educational needs in mainstream primary schools between 1976 and 2012 found that those children who were segregated from class or received teacher’s aide support regressed in their learning. It seems to be common sense that those children with particular learning challenges (whether labelled with a disability or not) should be supported by the adult with pedagogical expertise – the teacher – not an unqualified teacher’s aide.
15. What can be done? The recommendation for a Royal Commission into the problems is compelling, but there is no requirement to enact any of the Senate inquiries’ recommendations. However, there is some hope. The two inquiries highlight issues and bring to the forefront the need for reform. All political sides have had responsibility for the failures and working together they can provide solutions.
16. Schools must be funded to support students, including continuing commitments to the Gonski recommendations. Also, pre-service teachers need extended training in supporting diverse learner needs. Some universities do offer full semester courses. However, if we continue to label these courses as special education, we are causing socially constructed divisions in learning, when the best pedagogy works for all learners and their diverse needs.
17. As both reports highlight, teachers do struggle with understanding how to support student behaviour. But locking up a child or placing them in a ‘time-out’ room similar to the kind of solitary confinement our most violent criminals receive is not a solution. If children have sensory issues, confining them only exacerbates the condition, along with being an affront to human rights. If a child using a wheelchair does not partake in gymnastics as part of their physical education lesson, we do not discipline them. Therefore if a child with an infantile emotional control, because of their disability, regresses into themselves and cannot complete a task – why is it acceptable to chastise or isolate them?
18. We need to rethink the structure of our schools for the 21st century, rather than relying on 19th century modes of learning delivery. Professor John Fischetti and Dr Scott Imig of the University of Newcastle, writing for *EduResearch Matters*, stated “Australia will need a lot more than fiddling at the edges of education policy if we are to have a successful future as a nation ... There are many impressive innovations occurring in Australia and around the world that we could be using more widely. These reform-based models are offering meaningful education experiences for students, often with little fanfare.”
19. We need to look at these models and apply them for all, including those children with a disability. Models such as The Big Picture School, Advancement via Individual Determination or the US Early

College model, offer opportunities for alternative methodologies. Neuroscience and project-based learning or indeed the international baccalaureate offer insights to alternative learning.

20. Funding is an issue, but it is not the only issue.
21. We need to offer all students access to an education that supports their learning, rather than highlighting their deficits. We need to apply the recommendations of both Senate inquiries. Students need to be able to access their local schools as a human right. Finally, systems need to stop protecting managers, principals, teachers and teacher's aides who abuse children with a disability. In many cases, they need to be charged and prosecuted. Only then will children with a disability get a fair go. Luck has nothing to do with education for the disabled. Deliberate choice by all of us as a community is what will make the difference.
22. We should treat all children as if they were our own.

NSW PARLIAMENTARY INQUIRY INTO THE EDUCATION OF CHILDREN WITH DISABILITIES

The purpose of the Inquiry was to make recommendations to build upon the positives for children and eliminate the some of the challenges faced for children with disabilities in the future. It came up with [38 recommendations](#) that can be summarised into 4 key areas: inclusion, funding, training, accountability and complaints.

1. The first recommendation is that all children should be included in mainstream education as a default. Further recommendations in the report however appear to contradict this default position through the recognition of segregated Special Schools and units
2. There is limited to no research that shows segregated settings have any long-term benefit. Also it should be said, Units and Special schools do not demonstrate Inclusion, it is integration at best and state sanctioned discrimination at worst. The [UN General Comment No. 4](#) 24.2 states '*only inclusive education can provide both quality education and social development for persons with disabilities, and a guarantee of universality and non-discrimination in the right to education on the rights to an education states*'.
3. We acknowledge that pragmatically to transfer all children into mainstream overnight would be a disaster for schools and children, however we argue a timeline and process for the closure of all these settings is required.
4. We also want to point out that children with specific needs cannot be moved into mainstream schooling without first changing attitudes in many mainstream school communities. Also it cannot be done without fully funding support, training and resources for the school staff, parents and children involved.
5. Ten of the 39 recommendations have a direct impact on funding issues. To implement the report recommendations, equitable and accountable funding needs to be in place.
6. The committee recognised that Gonski 2.0 will not meet the required needs of students, so funding needs to be found and directed as purposed for the education of children with disabilities in NSW schools.
7. Funding is needed for resources, infrastructure and staff release so teachers can be given meaningful, hands-on training, not just access to online units that can appear superficial.
8. To assist in this there is a recommendation that schools should appoint trained business managers, and that funding for children with disabilities be made public and accountable.
9. Training was seen as key to implementing changes, with 16 relevant recommendations. It is seen essential to change as a successful Inclusion policy. Staff and parents all felt additional training was required to support all learners, with attitudinal change key.
10. Children with a disability need to be seen as children first. Real, depth of professional development is recommended as a necessity.
11. 'Snake oil' training and teaching methods with no empirical research behind them should be challenged and removed from our schools. Staff must be given time to attend training and embed their enhanced skills. Health professionals, parents and schools should work in partnership to build on the expertise they all bring to the education of children with disabilities.
12. The Inquiry had the most to say about accountability and complaints processes in relation to the treatment of children with a disability, with 19 associated recommendations.
13. Too many reports from [NSW](#) and across [Australia](#) demonstrate that children with a disability are being denied even basic enrolment in their local public school when first applying; and even when eventually being offered a place; are marginalised, often denied access to the curriculum and wider school events.
14. The gravest of our concerns is the abuse of children with disability in schools. You would not have missed the [harrowing stories of abuse](#) that were revealed when the Inquiry released its report in

September. The reaction sparked a unanimous call in the media and from organisations involved with children with disabilities, for schools, school systems and those in authority to urgently take action.

15. Recommendation 17 called for the [NSW Ombudsman Inquiry into behaviour management in schools - August 2017](#) to be fully accepted and implemented. This calls for an outside committee to review complaints, and for protections against abuse and discrimination of children with a disability to be seen as a priority. There is harsh condemnation of the Department of Education's 'investigative' processes in relation to reportable conduct and the role that the *Employee Performance and Conduct* (EPAC) has played.
16. Real concerns remain over the Department investigating itself. Statistics must be published, staff supported, whistle-blowers protected and most importantly the most vulnerable children kept safe from abuse.
17. There were some under-developed areas that the report could have been stronger on. Children with a disability in some secondary settings will still be funded at Primary school level and this could be a breach of the Disability Discrimination Act 1992. The research on the role of SSPs (Schools with a Specific Purpose), with the diminished educational outcomes for children and the heightened danger of abuse potentials, could have been made more prominent. Segregated special settings should be closed to lead to full Inclusion. The flawed role of EPAC that was highlighted, but we believe that should have led to a recommendation of its disbandment with an independent Educational ICAC put in its place to safeguard all children and staff equitably.
18. Many parents claim to be left with no other option than to home school their child with disabilities. There is an annual increase in home schooling of around [12% a year](#) (public school enrolments only increased by [0.9%](#) in 2016). This has massive social, moral and economic implications for society. If children are denied an education, how can they become economic contributors to Australia in the future? If a family home schools (not through choice) they cannot work or contribute to the economy and their children receive no educational funding at all.
19. Overall what will have the greatest impact to the education of children with disabilities is leadership and attitudinal change in mainstream schools. Funding, training and processes will not be successful solutions until those in leadership at school and system levels place the emphasis on every child's ability to learn and feel safe, rather than protecting a flawed system. Of course, the leadership that matters most at the moment is that of NSW Education Minister Rob Stokes.
20. The Inquiry recommendations cannot heal or even investigate the allegations of abuse and discrimination of the past that initiated it. The current Education Minister can undertake actions to allow this, but as of yet has not, as neither have previous recent Education Ministers whom have been made well aware of the issues. It may well be the forthcoming Royal Commission will be the means for this to happen, which may well be detrimental to the reputation of NSW Education.

REPORTING AND ACCOUNTABILITY

This relates directly to teacher professionalism and transparency.

1. There is a dichotomy in the systemic running of NSW education and schools through the separation of responsibility. NSW has three basic school systems, Public, Catholic and Independent. However the issue lies within the separation of government oversight and the public system. Both are one and the same, the Department of Education. NSW Education Standards Authority (NESA), whilst monitoring all three systems has direct responsibility to deal specifically with misconduct issues in the Independent and Catholic systems. When recent abuse of student allegations were revealed in both public and independent schools by the ABC 7.30 Report, NESA immediately dealt with the Independent school, whilst the Department of Education was left to internally investigate itself.
2. Recent Senate Inquiries into institutional responses to misconduct, as well as the current Royal Commission has shown the dangers of systems that self regulate and the potential for systemic cover-up. Public schools investigate themselves and the concern is that too often they appear to find themselves at no fault.
3. If you contact any outside authority such as Family and Community Services or even indeed the police, you are informed that the Department of Education investigates itself, usually through the internal section of EPAC – Employee performance & conduct <http://www.dec.nsw.gov.au/about-us/how-we-operate/how-we-handle-complaints> .
4. It is EPAC that decides if a complaint should be reportable and thus investigated or only a matter for local area management inquiry. In effect this usually means a principal of a school investigates her or his own school. It is therefore of little surprise to find that often a principal will find little to no fault over how they run their own school. In August 2016 when the former Minister Adrian Piccoli released information on cases of reportable conduct, multiple families and teachers found their reports of serious abuse and assaults on children were not listed as reportable. If the internal investigative body, EPAC, does not find unexplained bleeding to faces and adult bruising of children reportable there is clearly a problem in accountability and potential systemic cover-up that needs to be challenged.
5. Recent media reports of the treatment of children in schools have alluded to concerns of this being the case within the NSW public school system. With the long desired change of Minister for Education, the time is now prescient to have a fundamental change in the monitoring and accountability of the public school system. There is a valid argument that the Minister for Education should have a separation from the public school Department of Education. Currently if you have an issue with the public school system, the highest authority to whom you can complain is the Minister and thus there will be no independent body until there is a separation between the Ministry for Education and the Department of Education. Too often I have had allegations of the previous Minister referring complaints back to the very people in the Department of Education to whom the complaint was about. Mr. Stokes, the new Minister for Education has an opportunity to break this cycle of internal collusion.
6. The benefits of such a separation would be to parents, staff and management. As well as the Ministry. Through removing the conflict of self interest, all parties involved in the complaints process could have a greater assurance of transparency and that the findings are valid. The current NSW Parliamentary Inquiry Into Students With A Disability Or Special Needs In New South Wales Schools, was initiated in part due to the concerns of many over the potential impartiality of investigate procedures for complaints in NSW.
7. Whilst some might argue the NSW Ombudsman already has such a role, the terms of reference for the Ombudsman is to ensure that procedures are undertaken correctly, not to look at any potential conflicts of interest or impartiality. In addition, through separating the Ministry for the Department of Education, it allows parliament to have a transparent oversight over all education in NSW, and offers some protection to the Minister from accusations of corruption and cover-up if ever there are found to be any.
8. Such separation of accountability and investigation is apparent in other systems across the world. The different education systems found through the UK are all subject to HM Inspectorate. This creates a confidence in the community that the system is robust and trustworthy. Public School uptake is significantly higher in those countries where public schools are independently monitored. Having a

similar body, separate to the body that sets the curriculum, allows for the protection of children and staff as well as ensuring that curriculum delivery is of a standard to be expected.

9. Currently in NSW all these areas are meshed so that those that set the curriculum, and those that review the quality of teaching are intertwined.
10. If there is no outside overview, there is the potential for a lack of perspicuity.
11. As a staff member of NSW Department of Education in EPAC once stated to me when I asked about the lack of transparency in their investigative procedures, 'Well they are transparent to us'.
12. Children, parents and staff have the right to open and fair protection. NSW Department of Education investigates itself, and appears to be accountable only internally, just like the Catholic Church. Until there is an independent body to investigate complaints of abuse, no child is safe.

ADDITIONAL CONCERNS CCTV

CCTV is also a potential funding issues and the ethical question that needs to be presented.

1. For the past 30 years, across Europe and also within Australia, Close Circuit Television (CCTV) has become an omnipresent aspect of our lives. Ostensibly it is there for safety, and also for prevention of activities that society deems unacceptable. That said however there are growing concerns over the 'surveillance' of populations and the way that such technology can be abused by authorities. That said, there is little doubt it has changed our lives but one of the few areas that have not been deeply addressed is the place of CCTV in our schools. With the forthcoming Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability there is a likelihood this will become a potential area to be explored.
2. Schools, staff and parents have concerns over any potential widening of usage of CCTV in schools. Leaders therefore need to be aware of its potentials and also the challenges it presents. In wider society, there is less concern. Whether we wish to admit it or not, our public life is constantly filmed. CCTV is used to monitor road congestion, not to mention speed cameras. When we step out into the streets and roads, we are being filmed. When we walk into any shops, or commercial areas, we are being filmed. If we go to the hospital, we are filmed. Many houses have security cameras protecting them. In our daily life, people are filming footage around us and containing us with their mobile phones. Police carry 'body cameras. Even when we use an ATM, we are being filmed.
3. Rarely do we question this or indeed have any concerns about the footage and how it may be used unless we look at other countries such as China or Saudi Arabia where such footage is added to the metadata of their overall monitoring of the population. Indeed, without such footage many crimes, or missing persons would not be dealt with as effectively. The recent case of an Australian woman being shot by police in the USA has argued for more CCTV/body camera usage.
4. The USA has shown the impact on CCTV can have. Children making false allegations against staff have been caught doing so through footage. Staff assaulting non-verbal children with a disability have been caught, where CCTV is the only evidence that could have revealed such repugnant behaviour. The aggression of some parents to staff in public areas has reduced, as has the number of instances of students bringing weapons into school, as CCTV has identified the weapons and the individual carrying them.
5. In the recent Oakden nursing Home inquiry in South Australia, which was investigating allegations of aged care abuse, CCTV being trailed to protect both residents from elder abuse (but also staff from false allegations) has led to at least five care homes installing CCTV in rooms, with resident consent. Indeed, the current Aged Care Royal Commission is exploring such options, given it was covert CCTV that highlighted the levels of abuse in Care Homes. It is somewhat ironic that we appear to use CCTV to protect clothing and food in our shops from theft, or to use as evidence of road danger through 'dashcams' than we do to protect the vulnerable. There are privacy concerns and how footage of residents being filmed in the privacy of their own rooms will be dealt with, but these are not unsurmountable; so why is there such resistance to CCTV in schools and are the concerns real?
6. CCTV is present in schools. In the UK, a 2014 report found that 90% of schools have CCTV installed. The majority of cameras are placed in playgrounds, entry ways and around the perimeters. This allows for the protection of the school property, and also to ensure safety of staff and prevent playground bullying. Within Australia, Doonside Technology High School in Sydney has noted a 70% drop in bullying since 57 cameras were installed. Other schools have noted a significant drop in vandalism and damage as well as a reduction in bullying. CCTV cameras have an impact. More disturbing though are when reports of hidden cameras are found such as in a classroom in Maitland in 2017, to ostensibly curb vandalism, though staff and pupils were unaware of its presence.
7. In addition to formal CCTV, students have access to mobile phones and can easily film events of a classroom. It was such filming that alarmed parents to significant abuse and bullying of their children with special needs in a NSW public school, and having such evidence led to those staff being removed.
8. Education Union leaders have spoken out against the expansion of use cameras in schools. One such using the analogy that people still speed despite speed cameras. Using such an argument misses the

point, in that such logic negates the need for any laws, for people still break the law despite their being laws. There is a truth that if people are aware of the CCTV, and they wish to undertake activities they would prefer not to be filmed; they move to an area not filmed. This will happen in any society but having CCTV may just limit the inappropriate actions of some, as the statistics for Australia and the UK have shown.

9. CCTV has many advantages for schools. Yes, it can protect property, and yes it can identify bullying in the playground, and ensure that people entering schools are more conscious of their actions and their behaviour. The larger issue is should CCTV be allowed into the classroom as well as the common areas of a school?
10. From a safety viewpoint, it is potentially a win-win for all involved. When there is an issue such of abuse of a student by another, abuse of a student by a teacher or indeed abuse of a teacher by a student; CCTV could provide the evidence required to move beyond a legal he-said-she-said conflict. In particular, as was highlighted in the NSW Inquiry into Disability and Education for children with a disability, CCTV cameras could well be an important tool for schools to ensure that children are safe. Children with a disability are 3x more likely to be abused, non-verbal children 10x more likely.
11. CCTV could also be used to enhance learning experiences. No teacher is able to be fully aware of what is happening in a classroom at any time. CCTV could assist the teacher in identifying lack of engagement, bullying, or even students not being included as fully as possible. As a behavioural management tool, it would allow staff to identify areas and behaviours that need support, and also be used to engage parents in supporting this process.
12. As a professional development tool, to allow the now mandated observation required, CCTV may allow for a more accurate reflective learning tool. Once CCTV is in place, individuals soon lose their self-consciousness of cameras being present, meaning a filmed class learning experience has the potential to more accurately reflect teaching, rather than an 'observer' being present which creates a false classroom dynamic.
13. There are of course major issues with all of this. Could the footage be misused? There is a concern that Principals would be monitoring the staff and using the footage as evidence of 'supposed' bad practice to remove teachers, whether justified or not, or indeed to restore some teacher freedom in how they individualise learning experiences. Other have concerns over the filming of minors, and that footage getting into the wrong hands. There are also concerns over filming potentially breaching protection orders, or footage being leaked to social media (as has happened in other public space CCTV footage).
14. What surprises is the lack of trust in education professionals in maintaining privacy. The most intimate details of children from their medical histories to the family circumstances, including financial background, legal orders, and abusive situations are able to be kept private. Why should CCTV footage be any different? Concerns over misuse by authorities to remove teachers, would, like all industrial dispute case, be able to be challenged in court. What CCTV could do is protect students and staff alike. In 2018 alone, in NSW public schools there were 657 Child protection complaints against staff relating to children with special needs or disability. CCTV could change this. Increasingly there are multiple reports of abuse of staff by parents and students. CCTV could support school staff and protect them.
15. We do not question CCTV in protecting \$5.00 t shirts that can be bought in stores, and we do not question the footage is kept safe. Children and adults are worth more. Schools are not private places, they are public. What have schools to hide behind closed doors? We know that school staff are professional and responsible with privacy, more so than 18-year-old store workers. Classrooms are already being filmed everyday through mobile technology. It might be time for schools to take control, protect staff and children, and use technology to enhance teaching practice.

SUMMARY

To improve outcomes, there is a need for accountability and transparency.

1. There needs to be equal treatment of all students, of access to funding that is for specific purpose.
2. Funded programs, initiatives to improve outcomes need to have an evidence base of impact.
3. There is a potential need for an independent education institute to evaluate what works and what doesn't in Australian schools. NSW could lead in this area.
4. Students and staff need to be able to feel safe. Again, EPAC comes into question. This is separate to how non-government schools monitor or are held to account through the intervention of the separate body NESA.
5. Local schools, local decisions has only but exacerbated these problems, in that whilst it appears to embowring to local communities, it does place great power in the hands of school executives and there are questions as to the training and suitability of Principals to implement such authority, as well as the workload issues.
6. Teacher professionalism is intrinsically linked to teacher work conditions, responsibilities and wage. There needs to be consideration as to raising the professional status of staff, and their wages; but this must be coupled with a review of work conditions, official and unofficial work hours and training.
7. The promotion structure does need to be re-evaluated. We promote the best teachers out of the classroom, where they are needed most. There needs to be both a teaching stream in promotion as well as a management one.
8. We need to support all schools. Government and non-government schools need to have the same accountability measures and working conditions, as well as equal access to resources; and transparency of data made public.
9. Currently the Minister for Education is directly linked to the public system with some oversight of non-government schools.
10. There needs to be a separation of the Ministry of Education from the Department of Education so that the Minister is responsible for all schools, government and non-government.

Until this happens, there will never be the optics of full trust of accountability, transparency or equal treatment in our education system