

NSW GOVERNMENT RESPONSE

to the

REPORT OF THE

**LEGISLATIVE COUNCIL GENERAL PURPOSE
STANDING COMMITTEE NO 2**

**INQUIRY INTO BULLYING OF CHILDREN AND
YOUNG PEOPLE**

MAY 2010

RECOMMENDATION 1:

That the Minister for Education and Training require the Department of Education and Training and all registered training organisations to annually collect data on the level of bullying among apprentices and trainees, and that this data be collated by the Department, with appropriate protections for the privacy of individuals, institutes, colleges and registered training organisations. Further, the Department should be required to take action in relation to any problems that are identified in the data.

RESPONSE: Partially Supported.

The Department of Education and Training including TAFE NSW supports the development of effective approaches to addressing bullying of children and young people.

It is noted that limited evidence on the bullying of apprentices and trainees was presented to the Committee and that as a consequence the Committee could “only make limited comment on this issue”.

The Department also notes the Committee’s acknowledgment of “the inherent barriers to centralised data collection on the level of school bullying in New South Wales”. There is no universally agreed definition of bullying and a clear distinction needs to be made between bullying and peer violence. The term ‘bullying’ is often used incorrectly to describe any type of conflict between individuals. In his February 2010 report *Enhancing Responses to Bullying in Queensland Schools*, Dr Ken Rigby stated that a differentiation needs to be made “between ‘bullying’ and other forms of undesirable interpersonal behaviour, such as random acts of aggression, conflicts between individuals of equal strength or power and the non-malicious exclusion of individuals”. There are also “methodological concerns surrounding the collection of consistent and comparable data.” In addition, there are inherent difficulties in taking action in relation to problems that are identified in data while maintaining protection for the privacy of individuals, institutes, colleges and registered training organisations.

Apprentices and trainees are the responsibility of TAFE NSW and State Training Services. WorkCover has a role in preventing workplace bullying.

Dealing with allegations of bullying involving TAFE NSW students

TAFE NSW’s *Student Discipline Policy – TAFE NSW and the Student Discipline Mandatory Procedures* set out a process for dealing with the conduct of a student who impairs the reasonable freedom of any person to pursue his or her studies, research, work or activities by bullying including writing or sending harassing SMS messages.

The *Violent Behaviour, Identification of History and Management Policy – TAFE NSW* and related guidelines, ensure TAFE NSW has in place systems and procedures for the identification and management of students who behave in a manner, or who have a history of behaviour, which may pose a current risk to the health, safety and wellbeing of any person within TAFE NSW.

TAFE NSW encourages students who are apprentices and trainees to report bullying in the workplace. Where such reports are made, TAFE NSW provides support for the students and encourages them to report the incidents to their employer, the group training organisation, or to one of the Department's State Training Services Centres.

Welfare Support of TAFE NSW students who are bullied

TAFE NSW has apprenticeship /traineeship coordinators, counsellors and educational managers who assist students with concerns about bullying. TAFE NSW will explore the option of these officers collecting data on the number of students approaching them about bullying and providing an annual report.

Dealing with allegations of bullying by TAFE NSW staff

The standards of behaviour required of all Department of Education and Training staff are outlined in the *Code of Conduct Policy*. The *Code of Conduct Policy* specifically requires all staff to promote "dignity and respect by avoiding behaviour which is, or might reasonably be perceived as, harassing, bullying or intimidating."

State Training Services

Not all NSW apprentices and trainees enrol in TAFE NSW. State Training Services regulate apprenticeship and traineeship employment and training. The Commissioner for Vocational Training has ultimate responsibility for this activity under the *Apprenticeship and Traineeship Act*. Most support for apprentices and trainees is provided by regional training advisers, operating under delegation of the Commissioner. State Training Services also administers the Vocational Training Tribunal and Vocational Training Appeals Panel to resolve disputes between apprentices, trainees and their employers.

State Training Services training advisers currently respond to any allegations of harassment and bullying. The services and expertise of officers from WorkCover and the Office of Industrial Relations are enlisted where appropriate.

State Training Services refer specifically to prevention of bullying in its duty of care brochure, distributed widely by departmental staff and Australian Apprenticeship Centres to employers of young apprentices and trainees. Information about the services available to apprentices and trainees through State Training Services regional offices is supplied through Australian Apprenticeship Centres and employers.

State Training Services will:

- improve information and advice regarding bullying to apprentices and trainees and their employers
- implement changes to the Integrated Vocational Education and Training System to electronically survey apprentices and trainees under 18 years of age regarding a range of training issues including instances of bullying

- review its website and publications to include references to prevention and reporting of bullying.

Role of WorkCover

Preventing work place bullying is a priority for WorkCover and a number of resources have been developed to address this issue including a fact sheet, guide and a brochure on *Preventing and Dealing with Workplace Bullying*. In March this year, WorkCover launched an e-learning tool, *Hazard a Guess* aimed at young workers and school students. *Hazard a Guess* is an interactive tool to assist young people, employers and educators with occupational health and safety training and induction, including information in regard to workplace bullying.

RECOMMENDATION 2:

That the Minister for Education and Training introduce a community-wide Anti-bullying Week, which focuses on all schools and TAFE NSW institutes, that highlights safe and friendly schools and raises awareness of the effect of bullying behaviours, and that this week should have a positive and friendly name that is chosen through consultation with children and young people. Further, that the Minister allocate adequate resources for the development and distribution of materials in all schools, TAFE NSW institutes and the community.

RESPONSE: Partially Supported.

At a recent meeting of the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA), Australia's Education Ministers agreed to support an annual community awareness campaign on bullying, which should meet the objectives of the recommendation.

The Minister for Education and Training will write to the Commonwealth Minister for Education to suggest that consideration be given to refocusing the role of the *Safe and Supportive School Communities: Finding Workable Solutions for Countering Bullying, Harassment and Violence in Schools Project* (SSSC), to include the coordination of such a national campaign.

The *Safe and Supportive School Communities: Finding Workable Solutions for Countering Bullying, Harassment and Violence in Schools Project* was initiated in February 1999 by the then Conference of Education System Chief Executive Officers, now the Australian Education, Early Childhood Development and Youth Affairs Senior Officials Committee, in response to an identified need across all education jurisdictions to share information that would contribute to the creation of safe schools free from bullying, harassment and violence.

It is currently managed by the Queensland Department of Education and Training on behalf of these jurisdictions and jointly funded according to the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA), previously MCEETYA, project formula. It is a collaboration between Commonwealth, State and Territory Government systems, and Catholic and independent education authorities for the benefit of all Australian communities. The associated *Bullying. No way!* website was launched in 2002.

The project provides a unique networking and collaborative platform for jurisdictions to share policies, programs and practices which help create safe and supportive schools.

The *Bullying No Way!* website is recognised nationally and internationally as a rich resource for schools and their communities to help address issues of bullying, violence and harassment. The information and links provided by the site promote every jurisdiction, and the website is providing an opportunity to assist school communities in identifying the commonalities between a range of national and local initiatives

The *Bullying No Way!* Website provides school communities with access to:

- a range of up-to-date examples of best practice and workable solutions that equitably represent the achievements of Australia's diverse school communities in identifying and addressing issues of bullying, harassment and violence
- information and examples of integrated approaches that connect current national initiatives including the National Safe Schools Framework, Mind Matters and Values Education through identifying commonalities and providing examples of how schools are integrating their work in these areas
- current research and resources including fact sheet compilations and online activities that support students, classrooms and whole school communities in areas where such material is scarce.

RECOMMENDATION 3:

That the Minister for Education and Training formally approach the Australian Press Council regarding the implementation of media guidelines on reporting instances of bullying of children and young people.

RESPONSE: Partially supported.

At a recent meeting of the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA), Australia's Education Ministers agreed to support an annual community awareness campaign on bullying.

The Minister will raise the issue of media reporting of bullying through MCEECDYA in line with the commitment to community awareness on this issue.

RECOMMENDATION 4:

That the Minister for Education and Training ensure that the NSW Department of Education and Training work with the NSW Commission for Children and Young People, to seek annual feedback from children and young people on Anti-bullying initiatives that are implemented in their schools. This consultation process should include use of the online environment to maximise the engagement of children and young people.

RESPONSE: Supported.

The Commission for Children and Young People and the Department of Education and Training welcome the opportunity to work together to implement this recommendation. The Commission will provide advice to the Department on the development of participatory models of consultation for children and young people that are inclusive of those whose voices may not otherwise be heard. This will include the use of on-line facilities. The Commission is currently seeking feedback from its Young People's Reference Group about age-appropriate mechanisms to gather feedback from children and young people on Anti-bullying programs implemented in their schools.

The Department will ensure that Catholic Education Commission NSW and The Association of Independent Schools NSW are invited to participate in this process.

RECOMMENDATION 5:

That the Minister for Education and Training require all NSW public schools to publish their Anti-bullying policies on their school website, and introduce legislation to require all non government schools to do the same.

RESPONSE: Partially Supported.

The NSW Government supports the proposal that schools' Anti-bullying policies are made publicly available.

However, not all schools in NSW have an active website and not all parents have access to the internet. Accordingly, while each school's Anti-bullying policies should be publically available, and publication on a website is one way of achieving this outcome, additional avenues for providing this information will be explored. The Department of Education and Training will review the *Anti-bullying Plan for Schools* to require all government schools to have their Anti-bullying policies publically available.

The *Education Act 1990* does not need to be amended to require non-government schools to make their Anti-bullying policies publically available. Section 47 of the *Education Act 1990* sets out the registration requirements for non-government schools. As the Legislative Council report acknowledges these requirements currently include *a safe and supportive environment is provided for students by means that include school policies and procedures that make provision for the welfare of students (s47(g)(i) and school policies relating to the discipline of students attending school (s47(h))*.

The regulatory and accountability requirements for registration and accreditation are detailed in the *Registered and Accredited Individual Non-government Schools (NSW) Manual* and the *Registration Systems and Member Non-government Schools (NSW) Manual*. These manuals are available on the Board of Studies NSW website. The manuals also indicate the evidence of compliance that schools must maintain during any period of registration. The requirement regarding disclosure of a school's policies is identified in the educational and financial reporting section of the manuals.

A registered non-government school must have policies and procedures that ensure its participation in annual reporting to publically disclose the educational and financial performance measures and policies of the school. Each registered non-government school's annual report must include a summary of policies for student welfare, discipline and complaints and grievances, with information on changes made to these policies during the reporting year, and on how to access or obtain the full text of these policies.

The Department will work with the Board of Studies NSW, Catholic Education Commission NSW and The Association of Independent Schools NSW, to explore avenues to ensure that the Anti-bullying policies of non-government schools are publically available.

RECOMMENDATION 6:

That the Minister for Education and Training develop a protocol for schools to report on their policies on bullying prevention and response, and their effectiveness, and to require schools to submit annual reports on bullying in accordance with the protocol. This should include incidents of cyberbullying and bullying that occurs off school premises, if these incidents impact on the school community. Reporting should commence in the 2011 school year.

RESPONSE: Partially Supported.

The Department of Education and Training notes the Committee's acknowledgement of "the inherent barriers to centralised data collection on the level of school bullying in New South Wales". There is no universally agreed definition of bullying and there are "methodological concerns surrounding the collection of consistent and comparable data."

The Department will consult with the Primary Principals' Association and the Secondary Principals' Council to develop a protocol for schools to report on their policies on bullying prevention and response, and their effectiveness. This would include cyberbullying and bullying that occurs off school premises that have an impact on the school community. This protocol will be developed in time to enable schools to report on the 2011 school year.

RECOMMENDATION 7:

That the Minister for Education and Training implement a system of random audits of schools' Anti-bullying policies and reports.

RESPONSE: Partially Supported.

The relevant school education director regularly reviews the Anti-bullying plan of each of the schools for which they are responsible.

The proposal to implement random audits of schools' Anti-bullying policies and reports will also be considered in the current review of the Audit Directorate's three year strategic audit plan that will cover 2010/11, 2011/12 and 2012/13.

RECOMMENDATION 8:

That the Minister for Education and Training implement a system of sample surveys of schools to assess the incidence, type and impact of bullying, and the effectiveness of Anti-bullying policies.

RESPONSE: Partially supported.

The Department of Education and Training notes the Committee's comment acknowledging "the inherent barriers to centralised data collection on the level of school bullying in New South Wales". There is no universally agreed definition of bullying and there are "methodological concerns surrounding the collection of consistent and comparable data."

However, the Department will review existing survey tools to inform the development and implementation of a system of sample surveys to support schools to identify changes in the prevalence of bullying and to review the effectiveness of Anti-bullying policies.

The Department's school development policy recognises that an effective school is one that is constantly striving to enhance educational provision through a process of self-evaluation, reporting and development within the resources available to it. The development of appropriate survey tools will allow schools to self-evaluate regarding the effectiveness of their Anti-bullying policy and procedures. Support is available from staff in the department's regional offices to assist schools in the evaluation process.

Under the school development policy, where the school, in consultation with senior officers with responsibility for supporting the school, identifies an area for development beyond the school's resources three forms of support are available. A school may identify student welfare, and specifically bullying, as an area for development. The three forms of support are:

- Education Support Teams that work with the school to recognise and develop a program or a number of programs operating in the school
- School Program Review that may occur when a program or a number of programs operating in the school have shown the need for improvement
- Management Reviews that occur when there is substantial evidence of significant dysfunction in the operation of the school.

RECOMMENDATION 9:

That the NSW Department of Education and Training ensure that parents of students in public schools are provided with regular updates on the progress of their complaints about bullying, and that parents are made aware of the avenues for escalation if a school does not adequately address their concerns. Further, that non government schools introduce equivalent mechanisms.

RESPONSE: Supported.

The Department of Education and Training's *Anti-bullying Plan for Schools* requires that students, parents, caregivers and teachers be provided with clear procedures to report bullying. The Department will review the *Anti-bullying Plan for Schools* to include a requirement that parents are given regular updates on the progress of their complaints. Reported incidents of bullying are managed according to the school's Anti-bullying plan. It is important that parents know and understand the approach that is taken to bullying in a school and, in particular, appreciate the importance of non-punitive measures in addressing some of the underlying causes of bullying between students. Providing this information to the school community may assist parents in understanding the action that is taken in response to their complaints. It will also be necessary to have regard to any legal obligations including those under privacy legislation when providing information to parents.

Complaints about the way a bullying incident has been managed at the school level should be dealt with according to the Department's *Complaints Handling Policy* and associated *Complaints Handling Guidelines*. Under this policy, and associated guidelines, recipients of complaints are required to provide realistic timeframes for dealing with the matter. Most complaints are resolved quickly. More serious or complex complaints require investigation and can take a longer time to resolve. Recipients of complaints are required to inform the complainant of the progress of their complaint at regular intervals until the matter is resolved.

The Department will issue a memorandum to all principals and senior officers to reinforce the use of the *Complaints Handling Policy* in dealing with complaints about the way a bullying incident has been managed. This memorandum will also reinforce the necessity to provide information about the progress of the complaint, the time frame for the management of the complaint, and on avenues for escalation.

A registered non-government school must have in place policies and procedures in relation to complaints and grievances, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents. This requirement is identified in the safe and supportive environment section of the registration manuals (Registered and Accredited Individual Non-government Schools (NSW) Manual and the Registration Systems and member Non-government Schools (NSW) Manual) of the Board of Studies NSW.

All registered non-government schools are required to have a complaints procedure in place. If a complaint concerns a non-government school, the school is required, where possible and appropriate, to provide an opportunity to resolve the issue.

Complaints can be made to the Board of Studies NSW at any time provided there is clear evidence that options for pursuing the complaint at the school have been pursued without resolution or that there is a compelling reason that this would not be appropriate. An individual or organisation may contact the office of the Board of Studies NSW for advice on how to raise an issue or proceed with a complaint.

RECOMMENDATION 10:

That the Minister for Education and Training require the NSW Department of Education and Training to investigate the feasibility of allowing schools access to a child or young person's history of either being the victim or instigator of bullying at any previous school that the child or young person may have attended.

RESPONSE: Supported.

Schools are able to obtain information about a child or young person's history of bullying behaviour from other schools and certain government agencies as a consequence of a recent amendment to Part 5A of the *Education Act 1990*.

Further avenues of information are available about children who have bullied others or have been bullied under Part 16A of *Children and Young Persons (Care and Protection) Act 1998*.

In addition, the Department is investigating methods to improve the ability of schools to obtain and make appropriate use of information about a student who has been a victim of bullying.

RECOMMENDATION 11:

That the NSW Attorney General examine the adequacy of the existing legal framework for bullying related offences, and identify any legislative changes that could enhance the legal protection provided to victims of bullying and cyberbullying.

RESPONSE:

The NSW Department of Justice and Attorney General and the NSW Department of Education and Training have reviewed the existing legal framework for bullying-related offences and advised the Attorney General of the following:

The New South Wales Government approach to bullying and cyber-bullying is based on research indicating that prevention and non-punitive early intervention measures have been most effective in addressing bullying behaviours. However, the Government recognises that legal protection for victims may be necessary for serious or repeated instances of bullying or cyberbullying. However, this recommendation is not supported because existing criminal law adequately provides for offences that may be classified as 'bullying' behaviours.

The Legislative Council's report contains comment drawn from the Department of Justice and Attorney General's submission to the Inquiry, which was that "face-to-face bullying behaviour could fall within the definition of existing criminal offences such as assault, or stalking or intimidation with intent to cause fear or physical or mental harm". Such bullying behaviour could include serious acts of violence or harassment.

In 2002, the *Crimes Act 1900 (NSW)* was amended to insert section 60E, which provides for assaults occurring on school grounds. Serious cases of bullying may fall into this category. Penalties for these offences range from five to seven years imprisonment. Cyberbullying could be covered by the existing State legislation relating to the offences of stalking and intimidation, including approaches made through electronic means.

In NSW the following legal protections are also currently applicable:

- The *Anti-Discrimination Act 1977* prohibits discrimination on the grounds of race, sex, transgender status, marital status, disability, carer responsibilities, homosexuality and age. Further, the Act outlaws racial, transgender, HIV/AIDS and homosexual vilification and sexual harassment.
- In the workplace, the *Occupational Health and Safety Act 2000* specifies that an employer or manager has a legal duty to protect the health, safety and welfare of their employees and others in the workplace.

In NSW a number of early intervention and prevention approaches are in place. Educational institutions and workplaces also use both restorative justice and alternative dispute resolution as a means of dealing with bullying.

WorkCover has guides that outline employer and employee responsibilities in respect to bullying and provide samples of 'no bullying' policies, checklists of control

measures and contacts for further information and assistance for both employers and employees (*Preventing and Dealing with Workplace Bullying; Workplace Safety Essentials - Workplace Bullying*).

The Department of Education and Training has a number of policies related to the prevention and management of bullying. *The Student Discipline in Government Schools Policy* provides a framework for school discipline policies. The *Core Rules for Students in New South Wales Government Schools* states that “*behaviour that infringes on the safety of others, such as harassment, bullying and illegal or anti-social behaviour of any kind, will not be tolerated.*” The *Anti-bullying Plan for Schools* sets out the requirements for identifying, reporting and dealing with bullying behaviours. The Department has also implemented a number of prevention, resilience and restorative justice programs, as detailed in the NSW Government Submission.

Community Justice Centres, in partnership with the Department and local schools, have developed a peer mediation program for resolving conflicts between students. The NSW Law Society runs a schools conflict resolution and mediation competition program, which encourages young people to talk through their problems rather than engage in fighting or bullying.

The Department of Justice and Attorney General’s Crime Prevention Division, the Department of Education and Training, NSW Police Force, ACON, Family Planning NSW, and the Federation of Parents and Citizens’ Association of NSW, are represented on the anti-homophobia interagency, which aims to address homophobia and gender diversity in educational settings and focuses on issues of bullying and harassment. The interagency works on strategies to combat these issues in a range of ways including hosting conferences and round-tables that target teachers, pre-service teachers, school counsellors and welfare workers, social workers and youth workers. Its work aligns with the priority areas of the NSW Government’s Strategic Framework 2007-2012 *Working Together: Preventing violence against gay, lesbian, bisexual and transgender young people*, which includes focusing on sites of hostility and violence, particularly educational and workplace environments, and developing prevention strategies with reference to early intervention.

In relation to cyberbullying, it is also noted that the Australian Federal Police, Microsoft Australia and the Australian Communications and Media Authority have developed the ThinkUKnow Australia website (www.thinkuknow.org.au/site). This is an internet safety program that delivers interactive training to parents, carers and teachers through primary and secondary schools in the ACT, NSW and Victoria using a network of accredited trainers.

At the recent meeting of the Standing Committee of Attorneys-General, Ministers discussed the work being done by a number of different bodies throughout Australia to combat the growth of cyber crime. Ministers decided that the creation of a National Cyber Crime Working Group would facilitate a co-ordinated response to this important issue. Ministers also explored advances in technology that can benefit the law and justice sector and increase the efficiency of courts and other legal processes.

RECOMMENDATION 12:

That the Minister for Police consider the employment of additional officers to work in the School Liaison Police program, taking into account the findings of the evaluation by Charles Sturt University.

RESPONSE: Partially Supported.

The NSW Police Force will assess the need for an increase in School Liaison Police numbers in light of current available resources, budgets and competing policing obligations and priorities.

RECOMMENDATION 13:

That the Minister for Police ensure that all School Liaison Police are provided with consistent training and guidelines to ensure that the best possible support and advice is provided to school students who are experiencing bullying or cyberbullying, and their families.

RESPONSE: Supported.

The NSW Police Force provides School Liaison Police with training on bullying and cyberbullying via its five day Youth Liaison Officers Training Course which is compulsory for School Liaison Police and Youth Liaison Officers, and its two day compulsory School Liaison Police Induction Course focusing on classroom Crime Prevention Workshops (CPWs). School Liaison Police deliver 19 CPW Modules to high school students, of which Module 10 deals with *Harassment and Assault* and Module 18 deals with Cybercrime.

Each NSW government school is required to have an Anti-bullying policy, and bullying matters are initially dealt with internally by schools. Where a bullying incident involves a criminal offence it becomes the responsibility of the NSW Police Force. In these cases, the NSW Police Force follows existing investigative guidelines. Under normal circumstances, School Liaison Police do not conduct these investigations. They are referred to Local Area Command police who follow standard investigative procedures.

RECOMMENDATION 14:

That the NSW Department of Education and Training require all NSW public and non government schools to have information on their school websites that outlines the potential legal ramifications of bullying, and provides contact information for the School Liaison Police and support services such as Kids Helpline.

RESPONSE: Partially Supported.

The NSW Government supports the principle contained in this recommendation.

A number of complexities arise when attempting to make a statement about the legal ramifications for children and young people of bullying behaviour. Any detailed statement of this kind would need to be heavily qualified. Otherwise, such a statement could lead to perverse or unintended outcomes. For example, taking a too detailed approach to the potential legal issues associated with bullying on a website could have the unintended effect of discouraging reporting of bullying by victims and bystanders.

However, the Department of Education and Training will work with the Commission for Children and Young People to consult with children and young people about the development of an Anti-bullying message that would be widely publicised. This message would be aimed at alerting children and young people to the potential consequences of bullying behaviour, in particular the damage it can do to its victims, and encouraging the reporting of bullying. The Department will ensure that Catholic Education Commission NSW and The Association of Independent Schools NSW are invited to participate in this process.

Not all schools in NSW have an active website and not all parents have access to the internet. Inclusion of the message and the contact information on a school's website is one way of publicising this information.

For government schools, the *Anti-bullying Plan for Schools* will be reviewed to include a requirement for contact information for School Liaison Police and for other support services.

The Department will work with the Board of Studies NSW, Catholic Education Commission NSW and The Association of Independent Schools NSW, to explore avenues to ensure that non government schools make the message and the contact information widely available to their school communities.

RECOMMENDATION 15:

That the Minister for Education and Training ensure that, as part of the Review of the National Safe Schools Framework, the Reference Group consider the introduction of a program that would provide schools with guidance on the research base and cost effectiveness of programs to address bullying, similar to the Blueprints for Violence Prevention Program operating in the United States of America.

RESPONSE: Partially Supported.

The Reference Group for the National Safe Schools framework has time limited, specific terms of reference to revise the current National Safe Schools Framework. The work of the group will be completed in the near future. As such it is not possible for this group to take on this role.

However, the Minister will explore other avenues for providing schools with guidance on the research base and cost effectiveness of programs to address bullying, including whether the role of the *Safe and Supportive School Communities: Finding workable solutions for countering bullying, harassment and violence in schools project* (described in detail in the response to Recommendation 2) could include this function.

RECOMMENDATION 16:

That the Minister for Education and Training require the NSW Institute of Teachers to review the current competencies for NSW teachers to ensure that bullying is covered, and to include bullying in the mandatory professional development programs for practising teachers.

RESPONSE: Partially Supported.

The NSW Institute of Teachers was established under the *Institute of Teachers Act 2004* as an independent statutory authority responsible for overseeing a system of accreditation for teachers in NSW schools. The Institute does not provide professional development for teachers but sets standards and accredits providers. Underpinning the legislation are the NSW Professional Teaching Standards.

The NSW Professional Teaching Standards are broad descriptors of teacher competencies and as such there is not an explicit reference to bullying. However, anti-bullying strategies are implicit through the seven elements that make up these standards. For example, Element 5 “Teachers create and maintain safe and challenging learning environments through the use of classroom management skills” contains five aspects which are:

- Create an environment of respect and rapport
- Establish a climate where learning is valued and students’ ideas are respected
- Manage classroom activities smoothly and efficiently
- Manage student behaviour and promote student responsibility for learning
- Assure the safety of students

A set of National Professional Standards for Teachers is currently being developed under the Teacher Quality National Partnership Agreement. All Education Ministers have agreed to support a common set of national teaching standards. Once agreed, the national standards will be adopted by the NSW Institute of Teachers.

RECOMMENDATION 17:

That the Minister for Education and Training take immediate action to support the recruitment of additional school counsellors. Further, that the Minister consider adopting the model proposed by Public Schools Principals Forum, which would involve the recruitment of university graduates with social-work qualifications to undertake those functions of school counsellors that are not related to clinical assessment.

RESPONSE: Partially Supported.

The Department of Education and Training has introduced a number of strategies to increase the pool of school counsellors, including sponsorship to complete psychology qualifications, retraining teachers, retraining in psychology and employing qualified personnel to gain teaching experience.

The Department will review the counselling services available to schools. This review will include a consideration of the range of possible models for such service delivery.

RECOMMENDATION 18:

That the NSW Government provide recurrent financial support to the Kids Helpline service.

RESPONSE: Not supported.

Kids Helpline is a national service based in Queensland which provides telephone and internet-based counselling services to children and young people on a range of issues. According to statistics provided on the Kids Helpline website, bullying is one of the top 10 issues that it deals with, However, it only accounts for around 4% of calls nationally. The bulk of the calls are related to family relationship, behavioural management and other relationship issues.

In the circumstances, there does not appear to be strong justification for this proposal.

RECOMMENDATION 19:

That the Minister for Education and Training develop guidelines for schools on their responsibility to address cyberbullying, particularly that which occurs out of school hours.

RESPONSE: Supported.

The *Student Discipline in Government Schools Policy* makes plain “*the school discipline policy may apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students*”.

The *Suspension and Expulsion of School Students – Procedures* provides that behaviour that may warrant suspension includes “*hostile behaviour directed towards students, members of staff or other persons including verbal abuse and abuse transmitted electronically such as by email or SMS text message*”.

However, the Department accepts that greater guidance is desirable and will reinforce the existing policy position via a memorandum directed to all departmental officers specifically referring to the extracts from the *Student Discipline in Government Schools* policy and the *Suspension and Expulsion of School Students – Procedures* as cited above. The memorandum will serve to remind principals that events occurring outside of the school premises and outside of school hours may warrant disciplinary action against the student perpetrators and may suggest the need for extra support for the student victim, the perpetrators and any bystanders.

RECOMMENDATION 20:

That the Minister for Education and Training ensure that the Commonwealth Minister for Education provides schools with support and professional development on cyberbullying as an integral component of the implementation of the National Secondary Schools Computer Fund.

RESPONSE: Supported.

While it is not possible for a State Minister to ensure that a Commonwealth Minister takes any particular action, the NSW Government supports the principle set out in the recommendation.

Although it is not a requirement of the Commonwealth Government's Digital Education Revolution, Digital Education Revolution NSW has already planned to focus on digital safety and digital citizenship. Digital Education Revolution NSW will develop materials to support the learning of students and teachers in a number of areas including:

- *Digital safety*, which includes keeping safe online, understanding and dealing with cyberbullying, privacy and password security
- *Digital citizenship* which will address ethical and responsible use of technology including actions that constitutes cyberbullying.

RECOMMENDATION 21:

That the Minister for Education and Training ensure that the Consultative Working Group on Cyber-Safety develops a voluntary cooperative agreement to ensure that local Internet service providers conform to international best practice in regards to user protection from cyberbullying.

RESPONSE: Supported.

While it is not possible for a State Minister to ensure that a Commonwealth Minister takes any particular action, the NSW Government supports the principle set out in the recommendation.

The Commonwealth Department of Broadband, Communications and the Digital Economy is working with the Internet Industry Association to develop an internet service provider (ISP) voluntary Cyber Security Code of Practice. The code will provide a consistent approach for Australian ISPs to help inform, educate and protect their clients in relation to cyber security issues. The Department of Broadband, Communications and the Digital Economy indicates that the ISP voluntary Code of Practice is expected to be in place by mid-2010.

The Minister for Education and Training will write to the Commonwealth Minister for Broadband, Communications and the Digital Economy requesting that user protection from cyberbullying is emphasised in the development of the ISP voluntary Code of Practice.

RECOMMENDATION 22:

That the Minister for Education and Training ensure that schools implement a proactive prevention and protection approach to addressing bullying by embedding Anti-bullying education in all aspects of learning as part of a broad focus on student well being.

RESPONSE: Supported.

The Department of Education and Training recognises the value of a proactive prevention and protection approach to addressing bullying.

Students in NSW government schools currently learn strategies to keep themselves safe, including Anti-bullying strategies, as part of the mandatory Personal Development, Health and Physical Education learning area. Personal Development Health and Physical Education is mandatory for students from Kindergarten to Year 10. The Department will continue to develop resources to support the teaching of this content.

The Department will explore the use of the current framework in place - Connected Outcomes Groups – for developing cross curriculum resources to support embedding of Anti-bullying approaches across learning areas.

The implementation of a National Curriculum will have an impact on the development of curriculum materials to support Anti-bullying. The first phase of implementation is set for 2011. However, specific details of the process to be followed in NSW has not been confirmed. Any resource development will need to account for these curriculum changes.

On confirmation of the Australian Curriculum content and the implementation process in NSW, the Department will develop new, and update existing, resources for schools to support them in developing whole school, comprehensive, sustained, pro-active prevention and protection approaches to bullying, including cyberbullying. These resources would support teachers to include Anti-bullying messages into each curriculum area and in every year.

RECOMMENDATION 23:

That the Minister for Education and Training ensure that the NSW Department of Education and Training collaborates closely with the research community, both in New South Wales and across Australia.

RESPONSE: Supported.

The Department of Education and Training recognises the value of close collaboration with the research community. The Department works closely with the research community on a number of initiatives. The Cyberbullying Forum hosted by the Department towards the end of 2009 also recommended close collaboration with the research community. The Department will investigate different models of partnerships with research groups, both local and nationally, to develop an appropriate model to suit NSW including any relevant legal obligations of NSW government schools. This collaboration with the research community will be sought to inform pre and post service teacher training, share research into bullying, build the evidence base for Anti-bullying programs and inform and support state and national initiatives such as the recommended community wide Anti-bullying Week.

RECOMMENDATION 24:

That the Minister for Education and Training work towards greater co-ordination and cooperation between all levels of government, school systems, schools and the research community in efforts to address bullying, including that the:

- Reference Group to the Review of the National Safe Schools Framework consider the means to achieve greater co-ordination among bullying initiatives used in schools; and
- Consultative Working Group on Cyber-Safety consider the means to achieve greater co-ordination among cyberbullying initiatives.

RESPONSE: Supported.

The Reference Group for the National Safe Schools framework has time limited, specific terms of reference to revise the current National Safe Schools Framework. The work of the group will be completed in the near future.

The Department of Education and Training is committed to working in partnership with schools, community organisations and business to achieve a coherent and evidence-based approach to address bullying. The Department already works closely with the *Safe and Supportive School Communities: Finding workable solutions for countering bullying, harassment and violence in schools project*, which is a project managed by Education Queensland on behalf of Australia's government and non-government education authorities.

This project was originally established in 1999 in response to an identified need across all education jurisdictions to share information that would contribute to the creation of safe schools free from bullying, harassment and violence. It currently manages the *Bullying No Way!* website, and provides a forum for collaboration on efforts to address bullying.

The project provides a unique networking and collaborative platform for jurisdictions to share policies, programs and practices which help create safe and supportive schools.

The Minister will also write to the Consultative Working Group on Cyber-Safety about the means to achieve greater co-ordination among cyberbullying initiatives.

RECOMMENDATION 25:

That the Minister for Education and Training request that the Commonwealth Minister for Education consider the merits of permanently establishing the Reference Group to the Review of the National Safe Schools Framework to oversee the ongoing co-ordination of future efforts to address bullying.

RESPONSE: Not supported.

The Safe and Supportive School Communities: Finding workable solutions for countering bullying, harassment and violence in schools project already oversees the co-ordination of efforts to address bullying.

The Reference Group for the National Safe Schools framework had time limited, specific terms of reference to revise the current National Safe Schools Framework. The work of the group will be completed in the near future.