

POSITION PAPER

Australian Education Union - ACT Branch Violence in Schools

Introduction:

Recent incidents in ACT schools have revealed a need for a restatement of the Union's guidelines and advice on how to deal with violence in schools.

Violence may range from verbal abuse, to threatening behaviour which affects your psychological well being, to actual physical assault causing injury. A teacher may be subjected to violence in the workplace from students, colleagues or parents. The redress of some forms of violence, e.g. sexual harassment, involve specific procedures which need to be followed. This paper focuses solely on physical violence perpetrated by students in preschools, primary schools, high schools, and colleges in the ACT. For advice regarding redress of other forms of violence in the workplace, contact the AEU office.

Rights of Teachers and Students:

Rights to a safe workplace are enshrined in the Occupational Health and Safety Act 1994. Under the Act, employers have a duty to "provide and maintain a working environment...that is safe for the employer's employees and without risk to their health; and that provides adequate facilities for their welfare at work."

The AEU-ACT Policy *Violence in Schools* defines a safe workplace as having:

1. A whole workplace commitment to respectful behaviours and social justice.
2. An accessible working policy on effective school behaviour management where students' and teachers' rights and responsibilities are clearly stated.
3. An active critical incident policy and guidelines.

The AEU definition is useful to explore in more detail as it gives pointers for the prevention of violence in schools. (For further discussion of the Act and AEU Policy see *Violence in Schools*, an article by Bill Book in *The ACT Teacher* June 2003.)

Prevention of Violence:

Respectful relationships

The AEU Policy refers to a whole of workplace commitment to respectful behaviours and social justice. Teachers have a right to respect, and so do their students. Teachers and students need to have respectful relationships and communication modeled for them: a school which models the principles of social justice and fairness in its classrooms and staffrooms makes a powerful bid for the respect of its student and parent community.

Policies, Procedures and Codes of Conduct

Another tool for the prevention of physical violence is having a well-articulated school policy regarding expected behaviours from students and staff, where the rights and responsibilities of all parties are clearly stated. This should be accompanied by a set of procedures for dealing with behaviour management cases. Students, parents and staff all need to have a role in the development of these policies and procedures.

The Department is responsible for developing, in consultation with schools, an overarching framework for schools' policies and procedures in this area. This is the only way to achieve a code which is commonly understood and consistently applied across the school system.

If there is a need for a code of conduct for students, there is also a need for a code of conduct for all staff and parents in a school. This code should specify the agreed values and behaviours which govern the interactions between staff and between staff and students/parents. These codes of conduct should be developed in close consultation with

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parent and student representative groups. The Health and Safety Representative and the AEU sub branch at the school should be formally consulted in signing off on these codes, policies and procedures in recognition of the particular role of Unions in the OH&S legislation.

Copies of the school's Student Management and Welfare Policy/Codes of Conduct for students and staff/Critical Incident Policy and procedures need to be given to all staff, students and parents. These documents should be regularly workshopped at staff meetings, Board/P&C meetings, SRC, pastoral care groups, etc, and revised regularly, at least in line with the School Development Review process. There also needs to be opportunities for explicit teaching of appropriate behaviours within a school's curriculum or pastoral care structures.

The role of Curriculum and Pedagogy

Teaching and learning is a partnership between student and teacher to which both parties must contribute for success. Some students will behave badly despite the best efforts of their teachers. As teachers we cannot be expected to redress at school all of the other peer and societal influences a student is subject to. However, we do accept that as teachers we are committed to offering each student something of value to his/her life. There are some proactive steps which teachers can take to try to minimise the likelihood of conflict in schools.

The critical importance of respectful relationships with students has already been mentioned. The value of relevant curricula and engaging pedagogy in minimising behavioural problems in class must also be acknowledged. Boredom and frustration with lack of success in the classroom can lead to withdrawal and sometimes to aggression. Involving students in the development of curriculum may also assist with student cooperation.

Teachers may be able, through these techniques, to avoid some of the petty violence in schools. However, more significant incidents of physical violence in classrooms and playgrounds are unlikely to be prevented by the best curriculum or the best teaching practice alone. The causes of this violence are likely to be more complex, more profound and perhaps quite unconnected with the schooling experience.

Individual Learning and Behavioural Management Plans

Some students will need an Individual Learning Plan to support their progress through the school. When reviewed regularly, an ILP can be an effective tool to focus on a student's learning and behaviour. A school would be unwise to allow a student with special behaviour needs to continue in the school without having an individualised plan for his/her learning, which is adhered to by all teachers of the student.

The ILP should sit within a broader individual plan for managing the student's behaviour within the school. This plan should make clear the agreed objectives for improved behaviour, strategies to achieve these objectives, contact and counselling to be provided, processes for monitoring and review of the student's behaviour, and support strategies for the student, teachers and parents. The level of physical restraint to be used with the student should be described and agreed with the parents as part of any Plan.

Resourcing the student's needs

Both the ILP and the individual behavioural management plan should be developed within the context of an analysis of all of the needs of a particular student: educational, social, health, etc. A student with behavioural difficulties may have a range of needs, some of which can only be provided by agencies outside the school. Where a student is known to other agencies, the Department should facilitate a round table of all agencies having contact with the student and his/her family in order to assist in case management of the student's diverse needs. It's only through identifying and prioritising all the needs of the student that appropriate resources can be allocated.

Schools have a responsibility where possible to use their funds under School Based Management to provide for the special needs of the student. However, the Department has overarching responsibility for supplementation of resources to effectively integrate students with behavioural difficulties into schools. This may involve the use of a Special Teacher's

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Assistant (STA) in the classroom and/or playground. The AEU will pursue issues surrounding the employment and use of STA's with the Department.

Defusing Potentially Violent Situations:

Training of staff

It is evident that some teachers have a natural or learned capacity to defuse situations which could lead to violence, and others do not. The community does not expect teachers to be perfect, but it could reasonably expect us to learn and use techniques to avoid and defuse violent situations in schools. Too few teachers in our system have had the opportunity to complete the PART training. The AEU believes that all teachers should be required to learn and practice these techniques.

The AEU understands that the Department is currently devising training modules dealing with the issue of violence in schools. The ACT Public Service OH&S Policy No: P-15 states that all staff require regular and updated training in “the ability to identify potentially violent situations and people; interpersonal and communication skills to allow them to diffuse and prevent a potentially threatening situation;...the selection of mature and competent staff who can take responsibility for more complicated interactions; and, understanding that stressed, overworked or ill employees may need to be rotated or relieved more frequently to reduce the potential for negative interactions.”

The AEU believes that the Department has a responsibility to deliver, and all members have a responsibility to access, this sort of training as part of our ongoing professional development. Schools where violence has occurred should have priority access to such training.

Avoiding confrontation

It is a teacher's responsibility under duty of care to seek to avoid violent confrontation if possible. This may sometimes require the teacher to draw back from confronting a student head on, and allow the student time to cool off or to leave the scene. It is not appropriate for teachers to take it upon themselves to “sort out” a student/s where the teacher has not witnessed the incident and the school has appointed student welfare personnel with this specific responsibility. Such behaviour will only serve to escalate the conflict and lead, almost inevitably, to violence.

Intervention and Restraint

It is also acknowledged that teachers may on occasion need to intervene to prevent or curtail a violent incident, e.g. where the student is attacking another person, or where they are in danger of self-abuse. The Department's Student Management and Welfare Policy (2000) states:

Restraining a student whose behaviour is dangerous to self or others may be required by school staff using a reasonable amount of force. A reasonable amount of force is just enough force for effective protection of self and others, and no more than is absolutely necessary.

Despite this stated Policy, the AEU understands that the Department's current position does not allow for the use of restraint, particularly by teachers untrained in PART, in schools. We believe this to be an impractical and unworkable blanket position. There are times when some physical restraint of the student is the only realistic option available to teachers concerned about the safety of other students/staff. There is also a need for guidelines as to what constitutes a reasonable amount of force.

Students with Special Needs

It is acknowledged that students with special education needs are not always in a position to choose their behaviours. Teachers of these students have long accepted that their work involves a heightened risk of assault from students, and continue to choose to work in those settings. These teachers have a critical need for PART training.

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However, irrespective of the setting, all teachers have a basic right to protection in the workplace and cannot be expected to accept physical violence from their students. A recent NSW Industrial Relations Commission case has made it clear that their education department owes teachers in special education settings a duty of care in relation to adequate staffing, emergency communication equipment, and prior information about violent students.

Dealing with Violent Incidents:

Communication

Teachers need to be familiar with the procedures to follow in the event of a violent incident, and supervisors need to ensure that school policy and procedures are followed with obvious consistency in all cases.

Incidents can escalate simply because of poor communication within a school, or poor communication between the school and the home. Teachers are urged to pool their knowledge about a student seen as being potentially violent. Through discussion at staff meetings of incidents involving challenging students, possible prevention strategies may be identified. Teachers have a right to information regarding students with a history of violence prior to their enrolment in a school.

What to do if Violence Occurs:

1. Report all incidents involving physical violence. The AEU understands that there has been pressure placed on members in some schools not to report violent incidents for fear the school will develop a "bad name". It will also reflect badly on a school if it becomes known as a school where aggression, bad behaviour and violence are tolerated and ignored. We urge members, for their own protection, to disregard this pressure and to report all incidents to the Department using the Accident and Incident Report form.
2. Employees have a right to contact police in the event of a violent incident.
3. See a medical officer and advise that the visit may be the subject of a Comcare claim.
4. Submit a Comcare claim if necessary.
5. Seek counselling if necessary, from the EAP or from a School Counsellor colleague. Response times for accessing Counselling services needs to be shortened, so that members can have immediate support after experiencing a serious violent incident. It is not appropriate to be asked to wait several days, for example.
6. A student who has been the perpetrator of physical violence should be suspended from school for a period of time commensurate with the offence. (See DEYFS Policy *Suspension and Exclusion Procedures of Students in ACT Public Schools Mandatory Procedures*.) School principals can suspend a student for a maximum of 5 consecutive days. The Department can agree to longer suspensions.
7. The parent/guardian of the student must be informed of the action to suspend.
8. Where an in-school suspension is used, the school should provide relevant educational activity for the student.
9. Depending on the history of the student, it may be appropriate to contact Student Support Services in the Department for assistance in managing the student's situation. Itinerant behaviour management consultants are available through the Service. Members are urged to familiarise themselves with Student Support Services' *Protocols for Student Management Support* for advice on how and when to access Departmental support. It is vital that this support to schools is provided very quickly.
10. It may also be appropriate to ask the Department to conduct a Risk Assessment of the situation in regard to the student's continued presence in the school.
11. If further advice is required, the Health and Safety Representative in the school can at any time contact WorkCover and ask for an inspector to visit the school to review the processes that have been followed.
12. The student who has perpetrated the violence should not return to class without a formal re-entry process with the parent/guardian present. It may be necessary to develop an ILP and an individual behaviour management plan with parents, students and teachers, outlining the learning and behaviour expected. A written record of the agreed outcomes of this meeting must be provided to all parties.

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13. Schools have a right to insist on training for their staff, and, if relevant, training such as anger management for the students, before the student is returned to school.

Record keeping

It cannot be stressed too highly the importance of schools maintaining accurate records pertaining to students involved in violent incidents. These records should clearly show the history of the provision the school has made for the student's special needs, details of any incidents the student has been involved in, the actions taken in accordance with the school's policy and procedures, etc. The Health and Safety Representative should be informed of and keep a record of all violent incidents in a school.

WorkCover advice

The AEU has had advice from the Office of ACT WorkCover that the following conditions should apply as a pre-requisite for re-entry of a student suspended for physically violent behaviour:

- *That those who are expected to be involved with the child (which could be the whole school staff) would all be consulted about the viability of the proposed strategy, including the safety processes for teachers and other students.*
- *In the induction phase no teacher who has been assaulted, and does not want to be involved with managing the student as part of the induction, should be part of the induction.*
- *It is expected that when the induction is complete people would have formed the view that the student is going to comply (or not) and if it is proposed s/he be returned to normal classrooms, that the safety strategy meets the needs of the teacher to manage the situation - eg having a teacher's aide present with the student.*

Solutions for more difficult cases

As a last resort the OH&S Act provides for the use of a Provisional Improvement Notice (PIN) as a mechanism for highlighting the severity of an unsafe workplace situation. PINs cannot be served on individuals (e.g. a student) but can be served on a place (e.g. a classroom used by a particular teacher) or on an allegedly unsafe system (e.g. the behaviour management system within the Department). The Health and Safety Representative can serve a PIN on the employer, with the backing of the Designated Work Group. This action should only be contemplated where there is a genuine concern for the safety of students and staff, in consultation with the AEU office, and where other attempts to rectify the situation have failed.

In circumstances where the student cannot be readmitted to the school an appropriately staffed alternative education program or setting needs to be provided for the student. These settings need to follow proven, researched strategies based on clear ideology. Staff need to be carefully chosen and fully trained for these settings, and have access to specialist support from counsellors, psychiatrists, etc.

Until the student is enrolled in another school or alternative setting, a decision must be made by the Department as to who has responsibility for the student's education. Schools accepting the return of a student from an alternative setting have a right to expect some evidence that the student's behaviour has shown some improvement during his/her absence from the school. It is inappropriate to return to a mainstream setting a student who has been ejected from an alternative setting due to disruptive behaviour there.

Role of the AEU Sub-Branch

The AEU supports the right of its members, through their Sub-Branches, to invoke the provisions of the Act in order to ensure a safe place of work and study for themselves and their students. Sub-Branches have an important role to play in discussion of students and violent incidents, reporting and recording of incidents, support and assistance to colleagues, information and awareness raising, ensuring the election of a Health and Safety Representative and endorsement of the procedures and policies within the school. We urge members to contact the AEU Office on 62727900 for assistance earlier rather than later in cases of extreme behaviour, for advice regarding the operation of the Act.